DEBATES

OF

THE SENATE

OF THE

DOMINION OF CANADA

1918

OFFICIAL REPORT

Editor: ALBERT HORTON Reporters: D. J. HALPIN, H. H. EMERSON Reserve Reporter: THOS. BENGOUGH

FIRST SESSION-THIRTEENTH PARLIAMENT-8 GEORGE V. -



OTTAWA J. DE LABROQUERIE TACHÉ, PRINTER TO THE KING'S MOST EXCELLENT MAJESTY 1918

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ACCORDING TO SENORITY

MAY 23, 1918

SENATORS.	DESIGNATION.	POST OFFICE ADDRESS.
The Honourable		
LAWRENCE GEOFFREY POWER, P.C	Sr. M. Halifax	Halifax, N.S.
JOSEPH BOLDUC (Speaker)	Lauzon	St. Victor de Tring, Que.
PASCAL POIRIER	Acadie	Shediac, N.B.
SIR JAMES ALEXANDER LOUGHEED, K.C.M.G. P.C.	Calgary	Calgary, Alta.
Peter McLaren	Perth	Perth, Ont.
HIPPOLYTE MONTPLAISIR	Shawinigan	Three Rivers, Que.
Philippe Landry	Stadacona	Candiac, Que.
Alfred A. Thibaudeau	De la Vallière	Montreal, Que.
George Gerald King	Queens	Chipman, N.B.
RAOUL DANDURAND, P.C	De Lorimier	Montreal, Que.
Јони Чео	East Prince	Port Hill, P.E.I.
Peter McSweeney	Northumberland	Moncton, N.B.
Joseph P. B. Casgrain	De Lanaudière	Montreal, Que.
COBERT WATSON	Portage la Prairie	Portage la Prairie, Man.
Joseph Shehyn	Laurentides	Quebec, Que.
George McHugh	Victoria, O	Lindsay, Ont.
Joseph Godbout	La Salle	Beauceville, West, Que.

THE HONOURABLE JOSEPH BOLDUC, SPEAKER.

iii

SENATORS.	DESIGNATION.	POST OFFICE ADDRESS.
	3	
The Honourable		
Frederick P. Thompson	Fredericton	Fredericton, N.B
FREDERICK L. BÉIQUE	De Salaberry	Montreal, Que.
Joseph H. Legris	Repentigny	Louiseville, Que.
Jules Tessier	De la Durantaye	Quebec, Que.
William C. Edwards	Rideau	Ottawa, Ont.
JAMES DOMVILLE, LtCol	Rothesay	Rothesay, N.B
L. O. DAVID	Mille Iles	Montreal, Que
Henry J. Cloran	Victoria	Montreal, Que.
WILLIAM MITUHELL.	Wellington	Drummondville, Que.
HEWITT BOSTOCK	Kamloops	M nte Creck, B.C.
PHILIPPE A. CHOQUETTE	Granville	Quebec, Que.
JAMES H. Ross	Regina	Moosejaw, Sask.
L. George De Veber	Lethbridge	Lethbridge, Alta.
JAMES M. DOUGLAS	Tantallon	Tantallon, Sask.
Peter Talbot	Lacombe	Lacombe, Alta.
Robert Beith	Bowmanville	Bowmanville, Ont.
George C. Dessaulles	Rougemont	St. Hyacinthe, Que.
NAPOLEON A. BELCOURT, P.C	Ottawa	Ottawa, Ont.
VALENTINE RATZ	North Middlesex	New Hamburg, Ont.
ARTHUR BOYER	Rigaud	Montreal, Que.
Benjamin Prince	Saskatchewan	Battleford, Sask.
Edward Matthew Farrell	Liverpool	Liverpool, N.S.
WILLIAM ROCHE	Halifax	Halifax, N.S.
Louis Lavergne	Kennebec	Arthabaska, Que.
Amédée E. Forget	Banff	Banff, Alta.
OSEPH M. WILSON	Sorel	Montreal, Que.
Benjamin C. Prowse	Charlottetown	Charlottetown, P.E.I
RUFUS HENRY POPE	Bedford	Cookshire, Que.
George Taylor	Leeds	Gananoque, Ont.
	St. John	St. John, N.B.
George Gordon	Nipissing	North Bay, Ont.
	Amherst	
	Middleton.	Amherst, N.S.
Edward L. Girroir	Antigonish	Middleton, N.S.
VILLIAM DENNIS.	Halifax	Antigonish, N.3.

iv

SENATORS.	DESIGNATION	POST OFFICE ADDRESS.
The Honourable	· · · · · · · · · · · · · · · · · · ·	•
PATRICE C. MURPHY	Tignish	Tignish, P.E.I.
Ernest D. Smith	Wentworth	Winona, Ont.
ALEXANDER MCCALL	Simcoe	Simcoe, Ont.
JAMES MASON (Brigadier General)	Toronto	Toronto, Ont.
JAMES J. DONNELLY	South Bruce.	Pinkerton, Out.
WILLIAM H. THORNE	St. John	St. John, N.B.
John Milne	Hamilton	Hamilton, Ont.
Charles Philippe Beaubien	Montarville	Montreal, Que.
JOHN MCLEAN	Souris	Souris, P.E.I.
JOHN STEWART MCLENNAN	Sydney	
WILLIAM HENRY SHARPE	Manitou	Sydney, N. S. Manitou, Man.
FREDERIC NICHOLLS	Toronto	
HENRY W. RICHARDSON.	Kingston	Toronto, Ont.
		Kingston, Ont.
Gideon D. Robertson, P.C.	Welland	Welland, Ont.
George Lynch-Staunton.	Hamilton	Hamilton, Ont.
Adam B. Crosby	Halifax	Halifax, N.S.
CHARLES E. TANNER	Pictou	Pictou, N.S.
THOMAS JEAN BOURQUE	Richibucto	Richibucto, N.B
HENRY W. LAIRD	Regina	Regina, Sask.
LYTTON WILMOT SHATFORD	Vancouver	Vancouver, B.C.
Albert E. Planta	Nanaimo	Nanaimo, B.C.
GEORGE W. FOWLER	Kings and Albert	Sussex, N.B.
RICHARD BLAIN	Peel	Brampton, Ont.
JOHN HENRY FISHER	Brant	Paris, Ont.
LENDRUM MCMEANS	Winnipeg	Winnipeg, Man.
DAVID OVIDE L'ESPÉRANCE	Gulf	Quebec.
George Green Foster	Alma	Montreal, Que.
RICHARD SMEATON WHITE	Inkerman	Montreal, Que.
Angus Claude Macdonell	Toronto South	Toronto, Ont.
RODERICE HAROLD CLIVE PRINGLE	Cobourg	Ottawa, Ont.
Amé Bénard	St. Boniface	Winnipeg.
George Henry Barnard	Victoria	Victoria, B.C.
Wellington B. Willoughby	Moosejaw	Moosejaw, Sask.
JAMES DAVIS TAYLOR	New Westminster	New Westminster, B.C.
FREDERICK L. SCHAFFNER	Boissevain	Boissevain, Man.
WILLIAM H. BENNETT	Simcoe, E	Midland, Ont.

v

SENATORS.	DESIGNATION.	POST OFFICE ADDRESS.
The Honourable		
GEORGE HENRY BRADBURY	Selkirk	Selkirk, Man.
Edward Michener	Red Deer	Red Deer, Alta.
WILLIAM JAMES HARMER	Edmonton	Edmonton, Alta.
IRVING R. TODD	Milltown	Milltown, N. B.
John Webster	Brockville	Brockville, Ont.
Robert A. MULHOLLAND	Port Hope	Port Hope, Ont.

vi

ALPHABETICAL LIST

MAY 23, 1918

SENATORS.	DESIGNATION.	POST OFFICE ADDRESS.
The Honourable	-	
BARNARD, G. H	Victoria	Victoria, B.C.
BEAUBIEN, C. P	Montarville	Montreal, Que.
Bélque, F. L	De Salaberry	Montreal, Que.
BEITH, R	Bowmanville	Bowmanville, Ont.
Belcourt, N. A., P.C	Ottawa	Ottawa, Ont.
Bénard, A	St. Boniface	Winnipeg, Man.
Bennett, W. H.	Simcoe, E	Midland, Ont.
Blain, R	Peel	Brampton, Ont.
Bolduc, J. (Speaker)	Lauzon	St. Victor de Tring, Que.
Возтоск, Н	Kamloops	Monte Creek, B.C.
Bourque, T. J	Richibucto	Richibucto, N.B.
Boyer, A	Rigaud	Montreal, Que.
BRADBURY, G. H	Se.kirk	Selkirk, Man.
CASGRAIN, J. P. B	De Lanaudière	Montreal, Que.
Choquette, P. A	Granville	Quebec, Que.
CLORAN, H. J.	Victoria	Montreal, Que.
Скозву, А. В	Halifax	Halifax, N.S.
Curry, N	Amherst	Amherst, N.S.
DANDURAND, R., P.C	De Lorimier	Montreal, Que.
Daniel, J. W	St. John	St. John, N.B.
DAVID, L. O	Mille Iles	Montreal, Que.
Dennis, W	Halifax	Halifax, N.S.
Dessaulles, G. C	Rougemont	St. Hyacinthe, Que.
DE VEPER, L. G	Lethbridge	Lethbridge, Alta.
Domville, J. LtCol.	Rothesay	Rothesay, N.B.
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vii

SENATORS OF CANADA—ALPHABETICAL LIST.

SENATORS.	DESIGNATION.	POST OFFICE ADDRESS
The Honourable		
Donnelly, J. J	South Bruce	Pinkerton, Ont.
Douglas, J. M	Tantallon	Tantallon, Sask
	Rideau	Ottawa, Ont.
Edwards, W. C	Liverpool	Liverpool, N.S.
	Brant	Paris, Ont.
FISHER, J. H.	Banff	Banff, Alta.
Forget, A. E		
Foster, G. G.	Alma	Montreal, Que.
Fowler, G. W.	Kings and Albert	Sussex, N.B.
GIRROIR, E. L	Antigonish	Antigonish, N.S.
Godbout, J	La Salle	Beauceville, West, Que
Gordon, G	Nipissing	North Bay, Ont
Harmer, W. J	Edmonton	Edmonton, Alta.
King, G. G	Queen's	Chipman, N.B.
Laird, H. W	Regina	Regina, Sask.
Landry, P.	Stadacona	Candiac, Que.
Lavergne, L	Kennebec	Arthabaska, Que.
Legris, J. H	Repentigny	Louiseville, Que.
L'Espérance, D. O	Gulf	Quebec.
LOUGHEED, Sir JAMES A., K.C.M.G., P.C	Calgary	Calgary, Alta.
LYNCH-STAUNTON, G	Hamilton	Hamilton, Ont.
Macdonell, A. C	Toronto, South	Toronto, Ont.
Mason, J. (Brigadier General)	Toronto	Toronto, Ont.
McCall, A	Simcoe	Simcoe, Ont.
МсНидн, G	Victoria, O	Lindsay, Ont.
McLaren, P	Perth	Perth, Ont.
McLean, J	Souris	Souris, P.E.I.
McLennan, J. S	Sydney	Sydney, N.S.
McMeans, L	Winnipeg	Winnipeg, Man.
McSweeney, P	Northumberland	Moncton, N.B.
Michener, E	Red Deer	Red Deer, Alta.
Milne, J	Hamilton	Hamilton, Ont.
MITCHELL, W	Wellington	Drummondville, Que
Montplaisir, H	Shawinigan	Three Rivers, Que.
Mulholland, R. A.	Port Hope	Port Hope, Ont.
Микрну, Р. С	Tignish	Tignish, P.E.
	Toronto	Toronto, Ont.

viii

SENATORS OF CANADA-ALPHABETICAL LIST ix

SENATORS.	DESIGNATION.	POST OFFICE ADDRESS.
The Honourable		
Planta, A. E	Nanaimo	Nanaimo, B.C.
Poirier, P	Acadie	Shediac, N.B.
Роре, R. H	Bedford	Cookshire, Que.
Power, L. G., P.C	Halifax	Halifax, N.S.
PRINCE, B	Saskatchewan	Battleford, Sask.
PRINGLE, R. H. C.	Cobourg	Ottawa, Ont.
PROWSE, B. C	Charlottetown	Charlottetown, P.E.I.
Ratz, V	North Middlesex	New Hamburg, Ont.
RICHARDSON, H. W.	Kingston	Kingston, Ont.
Robertson, G. D., P.C.	Welland	Welland, Ont.
R осне, W	Halifax	Halifax, N.S.
Ross, J. H	Regina	Moosejaw, Sask.
Ross, W. B	Middleton	Middleton, N.S.
Schaffner, F. L	Boissevain	Boissevain, Man.
Sharpe, W. H.	Manitou	Manitou, Mar
SHATFORD, L. W.	Vancouver	Vancouver, B.C.
Shehyn, J	Laurentides	Quebec, Que
Smith, E. D	Wentworth	Winona, Ont
Talbot, P	Lacombe	Lacombe, Alta
TANNER, C. E	Pictou	Pictou, N.S.
TAYLOR, G	Lceds	Gananoque, Ont
TAYLOR, J. D	New Westminster	New Westminster, B.C.
Tessier, Jules	De la Durantaye	Quebec, Que.
THIBAUDEAU, A. A	De la Vallière	Montreal, Que.
THOMPSON, F. P.	Fredericton	Fredericton, N.B.
THORNE, W. H	St. John	St. John, N.B.
Торр, І. R	Milltown	Milltown, N. B.
Watson, R	Portage la Prairie	Portage la Prairie, Man.
WEBSTER, J	Brockville	Brockville, Ont.
WHITE, R S	Inkerman	Montreal, Que.
Willoughby, W. B.	Moosejaw	Moosejaw, Sask.
WILSON, J. M	Sorel	Montreal, Que.
Үео, Ј	East Frince	Port Hill, P.E.I.

LIST OF SENATORS

BY PROVINCES

MAY 23, 1918

ONTARIO-24

	SENATORS.	POST OFFICE ADDRESS.
	The Honourable	
1	Peter McLaren	Perth.
2	GEORGE MCHUGH	Lindsay.
3	WILLIAM C. Edwards	Ottawa.
4	Robert Beith	Bowmanville.
5	Napoleon A. Belcourt, P.C	Ottawa.
6	VALENTINE RATZ	New Hamburg.
7	GEORGE TAYLOR	Gananoque
8	George Gordon	North Bay.
9	Е. D. Smith	Winona.
10	Alexander McCall.	Simcoe.
11	JAMES MASON (Brigadier General)	Toronto.
12	JAMES J. DONNELLY	Pinkerton.
13	John Milne	Hamilton.
14	Frederic Nicholls,	Toronto.
15	GEORGE LYNCH-STAUNTON.	Hamilton.
16	GIDEON D. ROBERTSON, P.C	Welland.
17	HENRY W. RICHARDSON	Kingston.
18	RICHARD BLAIN.	Brampton.
19	JOHN HENRY FISHER	Paris.
20	ANGUS CLAUDE MACDONELL	Toronto.
21	RODERICK HAROLD CLIVE PRINGLE	Ottawa.
22	WILLIAM H. BENNETT.	Midland.
23	John Webster	Brockville, Ont.
24	ROBERT A. MULHOLLAND	Port Hope, Ont.

X

5

BENATORS. ELECTORAL DIVISION. FOST OFFICE ADDRESS. The Hônourable 1 JOSEPH BOLDUC (Speaker). Lauzon. St. Yictor de Tring. 2 HIPFOLYTE MONTFLAISIR. Shawinigan. Three Rivers. 3 PHILIPFE LANDEY Stadacona. Candiac. 4 ALFRED A. THIBAUDEAU. De la Vallière. Montreal. 5 RAOUL DANDURAND, P.C. De Louimier. Montreal. 6 JOSEPH P. B. CASGRAIN. De Lanaudière. Montreal. 7 JOSEPH GODBOUT. Laurentides. Quebec. 8 JOSEPH GODBOUT. La Salle. Beauceville, West. 9 FREDERICK L. Bénque. De Salaberry. Montreal. 10 JOSEPH H. LEORIS. De la Durantaye. Quebec. 11 JULES TESSIER. De la Durantaye. Quebec. 12 L. O. DAVID. Mille Hes. Montreal. 13 HENRY J. CLORAN Victoria. Montreal. 14 WILLIAM MITCRELL Wellington. Drummondville. 15 FHLIPFE A. CHOQUETTE. Granville. Quebec. 16 GOROGE C. DESSAULES. Rougemont. St. Hyacinthe. 17 ARTHUR BOTER. Kennebec. Arthabaska.			
1 JOSEPH BOLDUC (Speaker).Lauzon.St. Victor de Tring.2 HIPPOLYTE MONTPLAISIR.Shawinigan.Three Rivers.3 PHILIPPE LANDRYStadaconaCandiac.4 ALFRED A. THIBAUDEAU.De la Vallière.Montreal.5 RAOUL DANDURAND, P.C.De Lotimier.Montreal.6 JOSEPH P. B. CASGBAIN.De Lanaudière.Montreal.7 JOSEPH SHEHYN.Laurentides.Quebec.8 JOSEPH GODBOUT.La Salle.Beauceville, West.9 FREDERICK L. BÉIQUE.De Salaberry.Montreal.10 JOSEPH H. LEGRIS.Repentigny.Louiseville.11 JULES TESSIER.De la Durantaye.Quebec.12 L. O. DAVID.Mille Iles.Montreal.14 WILLIAM MITCHELL.VictoriaMontreal.15 PHILIPPE A. CHOQUETTE.Granville.Quebec.16 GEORGE C. DESSAULES.Rougemont.St. Hyacinthe.17 ARTHUR BOYER.Rigaud.Montreal.18 LOUIS LAVERONE.Kennebec.Arthabaska.19 JOSEPH M. WILSON.Sorel.Montreal.20 RUFUS H. POFE.Bedford.Cookshire.21 CHARLES PHILIPPE BEAUBIENMontarville.Montreal.22 DAVID OVIDE L'ESPÉRANCEGulf.Quebec.23 GEORGE GREEN FOSTER.Alma.Montreal, Que.	SENATORS.	ELECTORAL DIVISION.	POST OFFICE ADDRESS.
2HIPPOLYTE MONTFLAISIR.Shawinigan.Three Rivers.3PHILIPPE LANDRYStadacona.Candiac.4ALFRED A. THIBAUDEAU.De la Vallière.Montreal.5RAOUL DANDURAND, P.C.De Loimier.Montreal.6JOSEPH P. B. CASGRAIN.De Lanaudière.Montreal.7JOSEPH SHEHYN.Laurentides.Quebec.8JOSEPH GODBOUT.La Salle.Beauceville, West.9FREDERICK L. Béique.De Salaberry.Montreal.10JOSEPH H. LEGRIS.Repentigny.Louiseville.11JULES TESSIER.De la Durantaye.Quebec.2L. O. DAVID.Mille Iles.Montreal.3HENRY J. CLORAN.Victoria.Montreal.4WILLIAM MITCHELL.Wellington.Drummondville.5Shuippe A. CHQUETTE.Granville.Quebec.6GEORGE C. DESSAULES.Rougemont.St. Hyacinthe.7ARTHUR BOYER.Rigaud.Montreal.8LOUIS LAVERGNE.Kennebec.Arthabaska.9JOSEPH M. WILSON.Sorel. :Montreal.0RUFUS H. POPE.Bedford.Cookshire.1CHARLES PHILIPPE BEAUBIEN.Montarville.Montreal.2DAVID OVIDE L'ESPÉRANCEGulf.Quebec.3GEORGE GREEN FOSTER.Alma.Montreal, Que.	The Honourable	-	-
3 PHILIPPE LANDEYStadacona.Candiac.4 ALFRED A. THIBAUDEAU.De la Vallière.Montreal.5 RAOUL DANDURAND, P.C.De Louimier.Montreal.6 JOSEPH P. B. CASGRAIN.De Lanaudière.Montreal.7 JOSEPH SHEHYN.Laurentides.Quebec.8 JOSEPH GODBOUT.La Salle.Beauceville, West.9 FREDERICK L. BÉIQUE.De Salaberry.Montreal.10 JOSEPH H. LEGRIS.Pepentigny.Louiseville.11 JULES TESSIER.De la Durantaye.Quebec.12 L. O. DAVID.Mille Iles.Montreal.13 HENRY J. CLORAN.Victoria.Montreal.14 WILLIAM MITCHELLWellington.Drummondville.15 PHILIPPE A. CHOQUETTE.Granville.Quebec.16 GEORGE C. DESSAULES.Rougemont.St. Hyacinthe.17 ARTHUR BOYER.Rigaud.Montreal.18 LOUIS LAVERGNE.Kennebec.Arthabaska.19 JOSEPH M. WILSON.SorelMontreal.20 RUFUS H. POFE.Bedford.Cookshire.21 CHARLES PHILIPPE BEAUBIEN.Montarville.Montreal.22 DAVID OVIDE L'ESPÉRANCE.Gulf.Quebec.23 GEORGE GREEN FOSTER.Alma.Montreal, Que.	1 JOSEPH BOLDUC (Speaker)	Lauzon	St. Victor de Tring.
4 ALFRED A. THIBAUDEAU.De la Vallière.Montreal.5 RAOUL DANDURAND, P.C.De Louimier.Montreal.6 JOSEPH P. B. CASGRAIN.De Lanaudière.Montreal.7 JOSEPH SHEHYN.Laurentièles.Quebec.8 JOSEPH GOBOUT.La Salle.Beauceville, West.9 FREDERICK L. Béique.De Salaberry.Montreal.10 JOSEPH H. LEGRIS.De Salaberry.Montreal.11 JUES TESSIER.De la Durantaye.Quebec.12 L. O. DAVID.Mille Iles.Montreal.13 HENRY J. CLORAN.Victoria.Montreal.14 WILLIAM MITCHELLWellington.Drummondville.15 PHILIPPE A. CHOQUETTE.Granville.Quebec.16 GEORGE C. DESSAULES.Kennebec.Arthabaska.19 JOSEPH M. WILSON.Sorel. :Montreal.18 LOUIS LAVERGNE.Kennebec.Arthabaska.19 JOSEPH M. WILSON.Sorel. :Montreal.20 RUFUE H. POPE.Bedford.Cookshire.21 CHARLES PHILIPPE BEAUBIEN.Montarville.Montreal.22 DAVID OVIDE L'ESPÉRANCE.Gulf.Quebec.23 GEORGE GREEN FOSTER.Alma.Montreal, Que.	2 HIPPOLYTE MONTPLAISIB	Shawinigan	Three Rivers.
5 RAOUL DANDURAND, P.C. De Loimier. Montreal. 6 JOSEPH P. B. CASGRAIN. De Lanaudière. Montreal. 7 JOSEPH SHEHYN. Laurentides. Quebec. 8 JOSEPH GODBOUT. La Salle. Beauceville, West. 9 FREDERICK L. BéiqUE. De Salaberry. Montreal. 10 JOSEPH H. LEGRIS. Repentigny. Louiseville. 11 JULES TESSIER. De la Durantaye. Quebec. 12 L. O. DAVID. Mille Iles. Montreal. 13 HENRY J. CLORAN. Victoria. Montreal. 14 WILLIAM MITCHELL. Wellington. Drummondville. 15 PHILIPPE A. CHOQUETTE. Granville. Quebec. 16 GEORGE C. DESSAULLES. Rougemont. St. Hyacinthe. 17 ARTHUR BOYER. Rigaud. Montreal. 18 LOUIS LAVERGNE. Kennebec. Arthabaska. 19 JOSEPH M. WILSON. Sorel Montreal. 20 RUPUS H. POPE. Bedford Cookshire. 21 CHARLES PHILIPPE BEAUBIEN Montarville. Montreal. 22 DAVID OVIDE L'ESPÉRANCE. Gulf. Quebec. 23 GEORGE GREEN FOSTER. Alma. Montreal, Que.<	3 PHILIPPE LANDRY	Stadacona	Candiac.
6 JOSEPH P. B. CASGRAIN.De Lanaudière.Montreal.7 JOSEPH SHEHYN.Laurentides.Quebec.8 JOSEPH GODBOUT.La Salle.Beauceville, West.9 FREDERICK L. BÉIQUE.De Salaberry.Montreal.10 JOSEPH H. LEGRIS.Repentigny.Louiseville.11 JULES TESSIER.De la Durantaye.Quebec.12 L. O. DAVID.Mille Iles.Montreal.13 HENRY J. CLORAN.Victoria.Montreal.14 WILLIAM MITCHELL.Wellington.Drummondville.15 PHILIPPE A. CHOQUETTE.Granville.Quebec.16 GEORGE C. DESSAULLES.Rougemont.St. Hyacinthe.17 ARTHUR BOYER.Rigaud.Montreal.18 LOUIS LAVERGNE.Kennebec.Arthabaska.19 JOSEPH M. WILSONSorel. ?Montreal.20 RUFUS H. POPE.Bedford.Cookshire.21 CHARLES PHILIPPE BEAUBIEN.Montarville.Montreal, Que.22 DAVID OVIDE L'ESPÉRANCE.Gulf.Quebec.23 GEORGE GREEN FOSTER.Alma.Montreal, Que.	4 ALFRED A. THIBAUDEAU	De la Vallière	Montreal.
7 JOSEPH SHEHYN.Laurentides.Quebec.8 JOSEPH GODBOUT.La Salle.Beauceville, West.9 FREDERICK L. BÉIQUE.De Salaberry.Montreal.10 JOSEPH H. LEGRIS.Repentigny.Louiseville.11 JULES TESSIER.De la Durantaye.Quebec.12 L. O. DAVID.Mille Iles.Montreal.13 HENRY J. CLORAN.Victoria.Montreal.14 WILLIAM MITCHELLWellington.Drummondville.15 PHILIPPE A. CHOQUETTE.Granville.Quebec.16 GEORGE C. DESSAULES.Rougemont.St. Hyacinthe.18 LOUIS LAVERGNE.Kennebec.Arthabaska.19 JOSEPH M. WILSON.Sorel?Montreal.20 RUFUS H. POPE.Bedford.Cookshire.21 CHARLES PHILIPPE BEAUBIEN.Montarville.Montreal.22 DAVID OVIDE L'ESPÉRANCE.Gulf.Quebec.23 GEORGE GREEN FOSTER.Alma.Montreal, Que.	5 RAOUL DANDURAND, P.C	De Louimier	Montreal.
8 JOSEFH GODBOUT. La Salle. Beauceville, West. 9 FREDERICK L. BÉIQUE. De Salaberry. Montreal. 10 JOSEFH H. LEGRIS. Repentigny. Louiseville. 11 JULES TESSIER. De la Durantaye. Quebec. 12 L. O. DAVID. Mille Iles. Montreal. 13 HENRY J. CLORAN. Victoria. Montreal. 14 WILLIAM MITCHELL. Wellington. Drummondville. 15 PHILIPPE A. CHOQUETTE. Granville. Quebec. 16 GEORGE C. DESSAULLES. Rougemont. St. Hyacinthe. 17 ARTHUR BOYER. Rigaud. Montreal. 18 LOUIS LAVERGNE. Kennebec. Arthabaska. 19 JOSEFH M. WILSON. Sorel: Montreal. 20 RUFUS H. POPE. Bedford. Cookshire. 21 CHARLES PHILIPPE BEAUBIEN. Montarville. Montreal. 22 DAVID OVIDE L'ESPÉRANCE. Gulf. Quebec. 23 GEORGE GREEN FOSTER. Alma. Montreal, Que.	6 JOSEPH P. B. CASGBAIN	De Lanaudière	Montreal.
9 FREDERICK L. BÉIQUE.De Salaberry.Montreal.10 JOSEPH H. LEGRIS.Repentigny.Louiseville.11 JULES TESSIER.De la Durantaye.Quebec.12 L. O. DAVID.Mille Iles.Montreal.13 HENRY J. CLORAN.Victoria.Montreal.14 WILLIAM MITCHELL.Wellington.Drummondville.15 PHILIPPE A. CHOQUETTE.Granville.Quebec.16 GEORGE C. DESSAULLES.Rougemont.St. Hyacinthe.17 ARTHUR BOYER:Rigaud.Montreal.18 LOUIS LAVERGNE.Kennebec.Arthabaska.19 JOSEPH M. WILSON.SorelMontreal.20 RUFUS H. POPE.Bedford.Cookshire.21 CHARLES PHILIPPE BEAUBIEN.Montarville.Montreal, Que.22 DAVID OVIDE L'ESPÉRANCE.Gulf.Quebec.23 GEORGE GREEN FOSTER.Alma.Montreal, Que.	7 Joseph Shehyn	Laurentides	Quebec.
10 JOSEPH H. LEGRIS. Repentigny. Louiseville. 11 JULES TESSIER. De la Durantaye. Quebec. 12 L. O. DAVID. Mille Iles. Montreal. 13 HENRY J. CLORAN. Victoria. Montreal. 14 WILLIAM MITCHELL Wellington. Drummondville. 15 PHILIPPE A. CHOQUETTE. Granville. Quebec. 16 GEORGE C. DESSAULES. Rougemont. St. Hyacinthe. 17 ARTHUR BOYER: Rigaud. Montreal. 18 LOUIS LAVERGNE. Kennebec. Arthabaska. 19 JOSEPH M. WILSON Sorel. : Montreal. 20 RUFUS H. POPE. Bedford. Cookshire. 21 CHARLES PHILIPPE BEAUBIEN Montarville. Montreal, Que. 22 DAVID OVIDE L'ESPÉRANCE. Gulf. Quebec. 23 GEORGE GREEN FOSTER. Alma. Montreal, Que.	8 JOSEPH GODBOUT	La Salle	Beauceville, West.
11 JULES TESSIER. De la Durantaye. Quebec. 12 L. O. DAVID. Mille Iles. Montreal. 13 HENRY J. CLORAN. Victoria. Montreal. 14 WILLIAM MITCHELL. Wellington. Drummondville. 15 PHILIPPE A. CHOQUETTE. Granville. Quebec. 16 GEORGE C. DESSAULES. Rougemont. St. Hyacinthe. 17 ARTHUR BOYER. Rigaud. Montreal. 18 LOUIS LAVERGNE. Kennebec. Arthabaska. 19 JOSEPH M. WILSON. Sorel Montreal. 20 RUFUS H. POPE. Bedford. Cookshire. 21 CHARLES PHILIPPE BEAUBIEN. Montarville. Montreal, Que. 22 DAVID OVIDE L'ESPÉRANCE. Gulf. Quebec. 23 GEORGE GREEN FOSTER. Alma. Montreal, Que.	9 FREDERICK L. BÉIQUE	De Salaberry	Montreal.
22 L. O. DAVID. Mille Iles. Montreal. 33 HENRY J. CLORAN. Victoria. Montreal. 44 WILLIAM MITCHELL. Wellington. Drummondville. 55 PHILIPPE A. CHOQUETTE. Granville. Quebec. 66 GEORGE C. DESSAULLES. Rougemont. St. Hyacinthe. 7 ARTHUR BOYER: Rigaud. Montreal. 88 LOUIS LAVERGNE. Kennebec. Arthabaska. 99 JOSEPH M. WILSON Sorel Montreal. 20 RUFUS H. POPE. Bedford. Cookshire. 21 CHARLES PHILIPPE BEAUBIEN Montarville. Montreal, Que. 22 DAVID OVIDE L'ESFÉRANCE. Gulf. Quebec. 23 GEORGE GREEN FOSTER. Alma. Montreal, Que.	0 Joseph H. Legris	Repentigny	Louiseville.
3 HENRY J. CLOBAN. Victoria. Montreal. 4 WILLIAM MITCHELL. Wellington. Drummondville. 5 PHILIPPE A. CHOQUETTE. Granville. Quebec. 6 GEORGE C. DESSAULES. Rougemont. St. Hyacinthe. 7 ARTHUR BOYER. Rigaud. Montreal. 8 LOUIS LAVERGNE. Kennebec. Arthabaska. 9 JOSEPH M. WILSON. Sorel? Montreal. 10 RUFUS H. POPE. Bedford. Cookshire. 11 CHARLES PHILIPPE BEAUBLEN. Montarville. Montreal, Que. 22 DAVID OVIDE L'ESPÉRANCE. Gulf. Quebec. 3 GEORGE GREEN FOSTER. Alma. Montreal, Que.	1 Jules Tessier	De la Durantaye	Quebec.
4 WILLIAM MITCHELL. Wellington. Drummondville. 5 PHILIPPE A. CHOQUETTE. Granville. Quebec. 6 GEORGE C. DESSAULLES. Rougemont. St. Hyacinthe. 7 ARTHUR BOYER. Rigaud. Montreal. 8 LOUIS LAVERGNE. Kennebec. Arthabaska. 9 JOSEPH M. WILSON. Sorel Montreal. 20 RUFUS H. POPE. Bedford. Cookshire. 21 CHARLES PHILIPPE BEAUBIEN. Montarville. Montreal, Que. 22 DAVID OVIDE L'ESPÉRANCE. Gulf. Quebec. 23 GEORGE GREEN FOSTER. Alma. Montreal, Que.	2 L. O. DAVID	Mille Iles	Montreal.
5 PHILIPPE A. CHOQUETTE. Granville. Quebec. 6 GEORGE C. DESSAULLES. Rougemont. St. Hyacinthe. 7 ARTHUR BOYER: Rigaud. Montreal. 8 LOUIS LAVERGNE. Kennebec. Arthabaska. 9 JOSEPH M. WILSON. Sorel: Montreal. 20 RUFUS H. POPE. Bedford. Cookshire. 21 CHARLES PHILIPPE BEAUBIEN. Montarville. Montreal, Que. 22 DAVID OVIDE L'ESFÉRANCE. Gulf. Quebec. 23 GEORGE GREEN FOSTER. Alma. Montreal, Que.	3 HENRY J. CLORAN	Victoria	Montreal.
6 GEORGE C. DESSAULLES. Rougemont. St. Hyacinthe. 7 ARTHUR BOYER. Rigaud. Montreal. 8 LOUIS LAVERGNE. Kennebec. Arthabaska. 9 JOSEPH M. WILSON. Sorel Montreal. 10 RUFUS H. POPE. Bedford. Cookshire. 11 CHARLES PHILIPPE BEAUBIEN. Montarville. Montreal, Que. 12 DAVID OVIDE L'ESPÉRANCE. Gulf. Quebec. 13 GEORGE GREEN FOSTER. Alma. Montreal, Que.	4 WILLIAM MITCHELL	Wellington	Drummondville.
7 ARTHUR BOYER: Rigaud. Montreal. 8 LOUIS LAVERGNE. Kennebec. Arthabaska. 9 JOSEPH M. WILSON. Sorel Montreal. 0 RUFUS H. POPE. Bedford. Cookshire. 1 CHARLES PHILIPPE BEAUBIEN. Montarville. Montreal, Que. 2 DAVID OVIDE L'ESPÉRANCE. Gulf. Quebec. 3 GEORGE GREEN FOSTER. Alma. Montreal, Que.	5 PHILIPPE A. CHOQUETTE	Granville	Quebec.
8 LOUIS LAVERGNE. Kennebec. Arthabaska. 9 JOSEPH M. WILSON. Sorel Montreal. 0 RUFUS H. POPE. Bedford. Cookshire. 11 CHARLES PHILIPPE BEAUBIEN. Montarville. Montreal, Que. 22 DAVID OVIDE L'ESFÉRANCE. Gulf. Quebec. 3 GEORGE GREEN FOSTER. Alma. Montreal, Que.	6 GEORGE C. DESSAULLES	Rougemont	St. Hyacinthe.
19 JOSEPH M. WILSON Sorel; Montreal. 20 RUFUS H. POPE Bedford Cookshire. 21 CHARLES PHILIPPE BEAUBIEN Montarville Montreal, Que. 22 DAVID OVIDE L'ESPÉRANCE	7 ARTHUR BOYER	Rigaud	Montreal.
20 RUFUS H. POPE Bedford Cookshire. 21 CHARLES PHILIPPE BEAUBIEN Montarville Montreal, Que. 22 DAVID OVIDE L'ESPÉRANCE	8 LOUIS LAVERGNE	Kennebec	Arthabaska.
21 CHARLES PHILIPPE BEAUBIEN Montarville Montreal, Que. 22 DAVID OVIDE L'ESPÉRANCE Gulf Quebec. 23 GEORGE GREEN FOSTER Alma Montreal, Que.	9 JOSEPH M. WILSON	Sorel	Montreal.
22 DAVID OVIDE L'ESPÉRANCE	20 RUFUS H. POPE	Bedford	Cookshire.
23 GEORGE GREEN FOSTER	1 CHARLES PHILIPPE BEAUBIEN	Montarville	Montreal, Que.
	2 DAVID OVIDE L'ESPÉRANCE	Gulf	Quebec.
4 RICHARD SMEATON WHITE	3 George Green Foster	Alma	Montreal, Que.
	4 RICHARD SMEATON WHITE	Inkerman	Montreal, Que.

QUEBEC-24

xi

SENATORS.	POST OFFICE ADDRESS.
The Honourable 1 LAWRENCE GEOFFREY POWER, P.C	
2 Edward M. Farrell	
3 William Roche	
4 NATHANIEL CURRY	Amherst.
5 William B. Ross	Middleton.
Edward L. Girroir	Antigonish.
7 William Dennis	Halifax.
8 John S. McLennan	Sydney.
9 Adam B. Crosby	Halifax.
0 Charles E. Tanner	Pictou.

NOVA SCOTIA-10

NEW BRUNSWICK-10

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	The Honourable	
1	PASCAL POIRIER	Shediac.
2	George Gerald King	Chipman.
3	Peter McSweeney	Moncton.
4	FREDERICK P. THOMPSON	Fredericton.
5	JAMES DOMVILLE, LtCol	Rothesay.
6	John W. Daniel	St. John.
7	WILLIAM H. THORNE	St. John.
8	THOMAS JEAN BOURQUE	Richibucto.
9	George W. Fowler	Sussex.
10	IRVING R. TODD	Milltown.

PRINCE EDWARD ISLAND-4

	The Honourable	
1	Јони Чео	Port Hill.
	Benjamin C. Prowse	
3	PATRICK C. MURPHY	Tignish.
4	John McLéan	Souris.
4	JOHN MCLÉAN	Souris.

BRITISH COLUMBIA—6 SENATORS. POST OFFICE ADDRESS. The Honourable Monte Creek. 1 HEWITT BOSTOCK. Monte Creek. 2 LYTTON WILMOT SHATFORD. Vancouver. 3 ALBERT E. PLANTA. Nanaimo. 4 GEORGE HENRY BARNARD. Victoria. 5 J. D. TAYLOR New Westminster.

MANITOBA-6

	The Honourable		
1	Robert Watson	Portage la Prairie.	
2	WILLIAM H. SHARPE	Manitou.	
3	LENDRUM MCMEANS	Winnipeg.	
4	AIMÉ BÉNARD	Winnipeg.	
5	Frederick L, Schaffner	Winnipeg.	
6	George Henry Bradbury	Selkirk.	

SASKATCHEWAN-6

	The Honourable	
1	JAMES H. Ross	Regina.
2	JAMES M. DOUGLAS	Tantallon.
3	Benjamin Prince	Battleford.
4	HENRY W. LAIRD	Regina.
5	Wellington B. Willoughby	Moosejaw.
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ALBERTA-6

	The Honourable		
1	SIR JAMES ALEXANDER LOUGHEED, K.C.M.G., P.C	Calgary.	
2	PETER TALBOT	Lacombe.	
?	L. GRORGE DE VEBER	Lethbridge.	
4	Amédée E. Forget	Banff.	
5	EDWARD MICHENER	Red Deer.	
6	WILLIAM JAMES HARMER	Edmonton.	,

xiii

CANADA

The Debates of the Senate

OFFICIAL REPORT

THE SENATE.

Monday, March 18, 1918.

The Senate met at 10.30 a.m., the Speaker in the Chair.

Prayers.

OPENING OF THE SESSION.

The Hon. the SPEAKER informed the Senate that he had received a communication from the Governor General's Secretary informing him that the Right Honourable Sir Charles Fitzpatrick, G.C.M.G., Chief Justice of Canada, Deputy Governor General, would proceed to the Senate Chamberto open the session of the Dominion Parliament on Monday, the 18th of March, at 11 o'clock; and a further communication from the Governor General's Secretary informing him that His Excellency the Governor General would proceed to the Senate Chamber to open formally the session of the Dominion Parliament on Monday, the 18th March, at 3 o'clock.

NEW SENATORS INTRODUCED.

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

Hon. Frederick Lawrence Schaffner, B.A., M.D., C.M., of Boissevain, Manitoba, introduced by Hon. Sir James Lougheed and Hon. Mr. McMeans.

Hon. George Henry Bradbury, of Selkirk, Manitoba, introduced by Hon. Sir James Lougheed and Hon. Mr. Sharpe.

Hon. William James Harmer, of Edmonton, Alberta, introduced by Hon. Sir James Lougheed and Hon. Mr. Robertson.

Hon. Edward Michener, of Red Deer, Alberta, introduced by Hon. Sir James Lougheed and Hon. Mr. Robertson.

Hon. Irving R. Todd, of Milltown, New Brunswick, introduced by Hon. Sir James Lougheed and Hon. Mr. Thompson.

S+)1

Hon. John Webster, of Brockville, Ontario, introduced by Hon. Sir James Lougheed and Hon. Mr. Taylor.

The Senate adjourned during pleasure.

After some time the sitting was resumed.

The Right Honourable Sir Charles Fitzpatrick, G.C.M.G., Chief Justice of Canada, Deputy Governor General, having come and being seated,

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

Who being come,

The Hon. the SPEAKER said:

Honourable Gentlemen of the Senate: Gentlemen of the House of Commons:

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

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

The Senate adjourned till 2.30 this afternoon.

The Senate met at 2.30 p.m., the Speaker in the Chair, and immediately thereafter adjourned during pleasure.

THE GOVERNOR GENERAL'S SPEECH.

At three o'clock His Excellency the Governor General proceeded to the Senate Chamber and took his seat upon the Throne. The members of the Senate being

REVISED EDITION

assembled, His Excellency was pleased to command the attendance of the House of Commons, and that House being come, His Excellency was pleased to open the First Session of the Thirteenth Parliament of the Dominion of Canada with the foilowing Speech:

Honourable Gentlemen of the Senate,

Gentlemen of the House of Commons.

You have been summoned to the first session of a new Parliament in the midst of a world-wide struggle which vitally concerns the liberties, the institutions, and the destiny of our country, and of the whole world. Thus the responsibilities and duties imposed upon you are even graver and more far reaching than in the ordinary course of public affairs. Bearing with you a new mandate from the people, and animated by the unfaltering spirit which has inspired them during the long which our country has already borne so splendid a part.

After nearly four years of war the issue still remains undecided. The effort which yet lies before us demands our sternest resolve, but we shall not shrink from it if our hearts are as firm and our courage as undaunted as those of our countrymen who hold our battle line beyond the seas. The Canadian Expeditionary Force still sustains its unbroken record of distinguished achievement to which has notably contributed since the close of the last session.

Notwithstanding a greater delay than was anticipated in the operation of the Military Service Act, the necessary reinforcements to keep our forces at full strength have been provided and this purpose will be maintained in the future.

In order to extend the principle of the present Civil Service Act to the Outside Service, and thus to provide that all appoint-ments to the Public Service shall be made upon the sole standard of merit, further enabling legislation will be necessary. In the meantime, the principle thus adopted has been Order in Council which will be placed before you.

the My advisers are impressed with necessity of a strong and progressive policy of immigration and colonization, accompanied by suitable provisions to induce settlement upon the land, to encourage increased agricultural production and to aid in the development of agricultural resources. In pursuance of this purpose, the Ministry of Immigration and Colonization has been established by Order in Council, and necessary legislation to confirm this action will be laid before you. In connection with the demobilization of

our Forces, my advisers recognize the urgent our Forces, my advisers recognize the urgent necessity of provision for the care and vocational training of returned soldiers. Organized effort to provide such training, to assist them in obtaining employment and to aid in establishing them in the activities of civil life is not only important but essential. A department of the Government for this A department of the Government for this purpose has been constituted and has been invested with necessary powers and duties.

Legislation to confirm this action will be submitted to you.

Measures which have been taken by Order in Council to prevent excessive profits in cerin Council to prevent excessive profits in cer-tain industries, to stimulate and increase the production of food and to encourage and develop the shipbuilding industry will be communicated to you, and any relevant legislation which may be found necessary will be submitted to you.

A Bill for extending the franchise to women, with suitable provisions respecting natural-ization, will be submitted and commended to your consideration.

Your attention will also be invited to a Bill to consolidate and amend the Acts relating to railways, a Bill relating to Daylight Saving; Bills relating to taxation of war profits and of incomes, and other measures.

In order to insure the fullest co-operation with the Government of the United States and to assist in securing the most effective utilization of the resources of both countries for war purposes, a Canadian War Mission has been established at Washington, and a War Trade Board has been constituted at Ottawa.

In view of the need for conserving to the fullest extent all national resources during the war and in furtherance of provincial enactments, action has been taken under the War Measures Act, 1914, to prohibit the importation and manufacture of intoxicating beverages and to forbid the transportation thereof into any community where their sale is contrary to law.

My advisers having reached the conclusion that a complete registration of the manhood and womanhood of Canada above the age of sixteen years is not only important but essential under present conditions, the under necessary authority has been provided under the War Measures Act, 1914. The Orders in Council embodying the fore-

going provisions will be laid before you.

The appalling disaster at Halifax resulting in the loss of many hundred lives, and the destruction of a considerable portion of the city, and of the adjacent town of Dartmouth, has evoked universal sympathy for those who have suffered. My advisers will submit to you proposals for relieving the distress and loss thus occasioned.

Notwithstanding the critical and trying conditions through which the country has passed during the last three years, the com-mercial, industrial and financial stability of Notwithstanding the critical and trying Canada, has been well maintained. The volume of foreign trade greatly exceeds that attained during any corresponding period in previous years and the favourable balance of trade has also vastly increased. has been well maintained.

Gentlemen of the House of Commons:

The accounts for the last and the estimates for the next fiscal year will be submitted to you without delay and you will be asked to make the necessary financial provision for the effective conduct of the war.

Honourable Gentlemen of the Senate,

Gentlemen of the House of Commons.

Notwithstanding disappointments in the Eastern theatre of war, there is no reason to doubt the ultimate triumph of our cause. effort of the nations included within The British Commonwealth is still unabated and

will so continue to the end. Equally earnest and resolute is the spirit of all the allied nations and especially of the great neighbouring and kindred Commonwealth, whose enormous power and vast resources are now beginning to make themselves felt in the determination of the issue.

I commend your deliberations to the Divine guidance in the confident expectation that they will be worthy of the supreme purpose to to which our national endeavour is dedicated.

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

The sitting of the Senate was resumed.

BILL PRO FORMA.

Hon. Sir JAMES LOUGHEED presented a Bill intituled, An Act relating to Railways.

The Bill was read the first time.

CONSIDERATION OF HIS EXCEL-LENCY'S SPEECH.

On motion of Hon. Sir James Lougheed, it was ordered that the Speech of His Excellency the Governor General be taken into consideration to-morrow.

COMMITTEE ON ORDERS AND PRIVILEGES.

Hon. Sir JAMES LOUGHEED moved:

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

The motion was agreed to.

COMMITTEE OF SELECTION.

On motion of Hon. Sir James Lougheed, the following Senators were appointed a Committee of Selection to nominate Senators to serve on the several Standing Committees during the present Session: Hon. Messrs. Beique, Bostock, Casgrain, Daniel, Robertson, Tanner, Taylor (Leeds), Watson, and the mover.

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

THE SENATE.

Tuesday, March 19, 1918.

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

Prayers and routine proceedings. S-12

NEW SENATORS INTRODUCED.

Hon. William H. Bennett, of Midland, Ontario, introduced by Hon. Sir James Lougheed and Hon. George Taylor.

Hon. Robert Alexander Mulholland, of Port Hope, Ontario, introduced by Hon. Sir James Lougheed and Hon. Mr. Pringle.

STANDING COMMITTEES.

REPORT OF COMMITTEE OF SELECTION.

Hon. Sir JAMES LOUGHEED presented the report of the Committee of Selection appointed to nominate senators to serve on the several Standing Committees during the present session. He said: As the report is rather lengthy, I shall not read it, but will move that it be considered to-morrow, and in the meantime it will be printed. It may not be out of place for me to say that the committee on this occasion found it necessary to make a readjustment to some extent of the committees with which we were empowered to deal. That readjustment is due to this fact: the amendment to the British North America Act giving additional representation to the West in the Senate, as honourable gentlemen will recall, came into force upon the dissolution of Parliament, and this session finds that amendment in operation. Consequently nine new senators were appointed in addition to those appointments which had already been made to fill vacancies. Four groups were thus created, of 24 members each, from the different sections of Canada-24 from the Maritime Provinces. 24 from Quebec, 24 from Ontario, and a like number from the four provinces west of the Great Lakes. To give an equal representation to each group on each committee involved, as honourable gentlemen will readily understand, a few readjustments. We gave every consideration to the older members who had constituted the committees, and honourable gentlemen, upon looking over the Minutes to-morrow, when printed, will observe, I hope, that no very serious readjustment has taken place. I considered it desirable to make this explanation so that if some honourable gentlemen find that they are not on all the committees to which they were formerly appointed they will understand the reason.

The motion, for consideration of the report to-morrow, was agreed to,

THE GOVERNOR GENERAL'S SPEECH.

ADDRESS IN REPLY.

The Senate proceeded to the consideration of His Excellency the Governor General's Speech at the opening of the session.

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

(Translation) Honourable gentlemen: I highly appreciate the honour which has been done me by the honourable leader of the House in inviting me to propose the Address to be presented to His Excellency the Governor General.

I take this opportunity, Mr. Speaker, to offer you my most sincere congratulations and to tell you how pleased I am to see you again occupying the high office which you filled with such dignity and distinction during the closing session of the last Parliament. In asking you to continue as Speaker of this House, the honourable leader of the Government gives you an evidence of esteem and confidence which does you honour and which, I have no doubt, will be highly appreciated by your compatriots.

Four years will soon have passed by since Canada, an autonomous Dominion within the British Empire, decided, by the unanimous and freely-expressed will of its Parliament, to take part in the conflict which was to involve the greatest nations of the world and tax to its uttermost limits the energy, the endurance and the spirit of sacrifice of peoples. When the special session was called at the beginning of the present conflict I was a member of the other House, and there is still present in my memory the unanimous enthusiasm with which the war programme submitted by the Government of the day was received

The decision taken at the beginning of the war by the representatives of the people expressed well the intentions of their constituents, for, after four years of effort and sacrifice which have been the admiration of our Allies and the astonishment of our enemies, the Canadian people have just decided unanimously to continue this effort until the end. It is advisedly, Mr. Speaker and honourable gentlemen, that I say unanimously; for even those who have been elected in opposition to the Military Service Act have nevertheless received the mandate to support, by other means, the cause of the Allies until the final victory. Not a single candidate, to my knowledge, during the recent general elections, un-

Hon. Mr. L'ESPERANCE.

furled the standard of non-intervention. Some, it is true, favoured different means, but all have been eager to place at the head of their programme the continuation of our efforts.

It was therefore wrong for a certain section of the press, during the late campaign and since, to attempt to take advantage of prejudices against my native province. Some went so far as to apply the epithet of traitor to a people who are generous, lawabiding, loyal to the British Crown, and prepared to make the greatest sacrifices for the defence of their liberties and of the land which gave them birth. Against these erroneous and mendacious accusations I desire to make an emphatic protest. That there have been extravagances of language, that unfortunate and regrettable occurrences have taken place in the course of the last election campaign, cannot be denied. But these manifestations are inherent in our governmental system and accompany in all parts of the British Empire the exercise by the people of their sovereign right.

May I be permitted, before passing to another subject, to express a wish: it is that at the dawn of the present Parliament, at the beginning of this year, which from present indications will be so momentous in consequences for the sublime cause we are defending, this honourable Chamber, the highest in the land, will give an example of tolerance, unity and concord among the different elements composing the Canadian nation to which we are so proud to belong.

The Military Service Act is in force; its machinery, though somewhat complicated, is working in good order. The application of this law is necessarily slow, for it was enacted for the purpose of keeping our military forces up to strength, without, however, doing injury to our essential industries, chiefly agriculture, the intensive development of which is so necessary to the success of the Allies. The judges called upon to decide the numerous appeals for exemption submitted to their jurisdiction do well to proceed with prudence; this wise procedure will doubtless entail regrettable delays, but these delays are justifiable from the standpoint of the vital interests of the country.

The great problems which the Speech from the Throne brings to our attention and upon which we shall be called to deliberate, have for their principal object the co-ordination of our efforts and our means for the prosecution of the war, due regard being, however, paid to the after-war problems, less urgent, but none the less important, if

we would not lose the fruits of our present sacrifices.

Among the most important items in the programme submitted for our attention I observe, in passing, those which relate to our sources of revenue, agricultural production, and the reform of the Outside Civil Service.

The Government is obliged to find the revenue necessary for the carrying out of the programme of which the people have just approved in no uncertain terms. The financial measures adopted since the beginning of the war, by the Government, under the wise administration of Hon. Sir Thomas White, whom I am pleased to see again in charge of our finances, have given all the results expected of them, and even more, without, however, retarding the development of our industries or causing serious inconvenience to individuals.

With the continuance of the war it will doubtless become necessary to find other sources of revenue or to increase the revenues already existing. I am convinced that the present Government, like its predecessor, will be able to make this legislation as wise, as prudent, and as efficacious as it ought to be. It will be our duty to study these measures, keeping in mind the resources and the needs of the country.

Since 1912 the Federal Government has asked Parliament to vote annually certain sums of money for the encouragement of agriculture. These sums are voted in the form of special subsidies to the provinces, and are expended through the respective provincial governments. Recently there was held in the Capital a conference of the prime ministers of the different provinces, to discuss, as I understand, the best means of increasing agricultural production.

An effective means of encouraging this production would be, in my humble opinion, to guarantee to the farmer a minimum price for his products, whether wheat or other cereals, cattle, meat, butter, cheese, or vegetables. Cultivation is more expensive now than before the war. The price of everything is higher-labour, farm implements, seed grain, etc. Is it more reasonable to ask the farmer to arrange at great expense for an increase in the yield of products the prices of which might be seriously affected by a sudden ending of the war, than it would be to ask the manufacturer to buy at increased cost materials for the manufacture of munitions without guaranteeing him a reasonable price for his output?

The Speech from the Throne apprises us that legislation will be introduced for the

reform of the Outside Civil Service: that is. to remove from political influence the appointments to the various departments of the Government. Those especially who have been members of the other House will properly appreciate this salutary reform. Competition for appointment and the pressme brought to bear upon members of Parliament had become really tyrannical. Moreover, the people's representatives were subjected to violent attacks, mostly unjustified, with regard to the exercise of this patronage. The reform of the Outside Civil Service will therefore have two direct results. The first and the more important will be the improvement of the Service by the classification and selection of employees, not according to political merit, but in conformity with the qualifications required by the Civil Service Commission; the other, which I have just mentioned, will be the relief of members of Parliament from a task which the majority of them accepted with resignation as one of the necessary evils of public life.

I desire, before concluding these few remarks, to express my appreciation of the Government's naval construction programme as announced a few weeks ago by the Hon. Charles Ballantyne, Minister of Marine. I can state without exaggeration that all true patriots were thrilled with joy and pride at the announcement of this bold policy, the realization of which will have a considerable influence upon our destiny. The development of our merchant marine will inevitably bring about the coordination of all our means of transportation, insure the maintenance and growth of our foreign trade, promote the prosperity of our seaports, and compensate in large measure for the material sacrifices we shall have made during the present war. I desire, therefore, to congratulate the Government. and more especially the honourable Minister of Marine, who was the man best fitted to give effect to a programme so extensive.

Not wishing to impose upon the patience of this honourable House, I pass over in silence several subjects mentioned in the Speech from the Throne, and not the least important. I leave to the honourable seconder of the Address in reply the task of dealing with such questions as railways, immigration and colonization, which are of such keen interest to the Western Provinces.

I desire to thank you, Mr. Speaker, as well as my honourable colleagues, for the attention which has been given to my humble words, and before taking my seat

I will, with your permission, say a few words in the language which is that of the majority in this House.

Honourable gentlemen, following a custom established since Confederation, I was proud to address the House, at such an important time, in my native tongue. But I am bound to say that it is somewhat depressing for one to feel that the language he speaks is not understood by the great majority of his hearers. I trust, however, that the policy of using alternately both of the official languages, for the moving and the seconding of the Address, will be strictly adhered to with only one possible alteration: that is, I hope that the use of the French language in the Parliament will not forever be restricted to members of French origin. Following the great and terrible war that has so closely bound together our immortal mother countries, France and England, is it too much to expect that the sweet language of France will become more popular and will hereafter be more universally taught in this country, so that we may better understand each other and realize that lasting and fruitful union dreamed of by the fathers of Confederation.

Hon. EDWARD MICHENER: Honourable gentlemen, I have the honour to second the resolution so ably presented by the honourable member who has just spoken. I desire to associate myself with the expression which he gave with respect to Mr. Speaker; also, to affirm our continued and sincerest loyalty to His Gracious Majesty and his representative in our Dominion, His Excellency the Duke of Devonshire. Western Canada had the honour of a visit from His Excellency last fall. We were especially pleased to learn of his keen interest in the agricultural possibilities and development of Canada.

I should like, before proceeding, to refer to one remark which was made by the honourable gentleman who moved the resolution, towards the close of his speech. He expressed the hope that the day would come when every member of the House would understand both languages. I regret exceedingly that I was not able to follow all that the honourable member said in his native tongue, but I stated to him, and wish to state to the House, that I am going to see to it that my sons shall not be handicapped in this way.

Hon. Mr. L'ESPERANCE.

When I see about me honourable gentlemen of long and distinguished parliamentary service and experience, when I recall the statesmen who have as members of this House contributed so much to the upbuilding of a greater Canada, I appreciate the honour of having a place in the counsels of the Senate of Canada. We who have recently been called to the Upper House can have no more worthy or impelling purpose than to emulate the example of the illustrious men who have given so unstintingly and loyally of their time and energies to the service of their country.

Not since Confederation has the Parliament of Canada been charged with such tremendous responsibilities as now confront them, in the prosecution of the struggle for the preservation of our liberties. Not only has the Government the mighty task of carrying on the war, but by reason of the war great social and economic questions are arising which must command the attention of Parliament.

We endorse with all our hearts the sentiment expressed in the Speech from the Throne, "that the effort which yet lies before us demands our sternest resolve, but we shall not shrink from it, if our hearts are as firm and our courage as undaunted as those of our countrymen who hold our battle line beyond the seas." If I interpret aright the spirit of the people of Canada, it is that the hearts of the people are with the men at the front. and they are prepared to back them up to the full strength of Canada's power. Men, munitions, and money are not enough for Canada to help win the war. We must put our full strength, our heart, our soul, into the struggle as a united people. We must be possessed of the same spirit of service and sacrifice as our gallant men who have placed their lives upon the altar of their country.

The Speech refers to the Canadian Expeditionary Force as still maintaining its unbroken record of distinguished achievement. Of this fact we as Canadians are justly proud. In all the strategical engagements of the war thus far our men have never failed to make the top. The enemy have recognized their daring and heroism by placing against the Canadian forces the best regiments of the Prussian Guards. Our forces at the battle line have shown such an unswerving purpose to live up to the highest traditions of soldiers and patriots that they have merited a lasting honour and glory for Canada among 'the allied nations. At no time during the war

MARCH 19, 1918

has the responsibility of Canada been as great as to-day. The fate of the allied cause rests with Great Britain, her dominions and our great ally to the south. The eastern situation is dark indeed. Russia is broken and has become an easy prey for German aggression. Rumania, Poland, Serbia, and Italy can do no more than defend what is left. Gallant Belgium, that held the German hordes back so heroically at the beginning, is despoiled, outraged, and ravished. Brave and brilliant France is putting her all in the struggle, fighting for her existence. It remains for Britain, Canada and the United States to put forth their full strength for the restoration of the heritage of the despoiled nations, for the destruction of militarism, and for making the world safe for democracy. With an allconquering faith in our cause, our armies and navy and in our God, we will conquer or die.

The Speech refers to the extension of the present Civil Service Act to the Outside Service, so that promotions and appointments will be made solely on merit and efficiency. This is especially opportune, in view of the demand of the times for the Government to assume larger powers and obligations in undertaking as national enterprises more of the public utilities of the country.

The creation of two new departments of the Government will meet with the approval of the people. The first, that of Immigration and Colonization, is pregnant with possibilities. What Canada needs is population of the right kind to develop her lands and resources. The province of Alberta, from which I come, alone has sufficient land and resources to sustain a population larger than the whole of Canada today. We need people to help develop all our great natural assets; but we want people who will become Canadians, who can appreciate Canadian aims, ideals, traditions, and institutions. Immigration has kept up during the war. Doubtless afterwards there will be an unprecedented settlement in Canada which will tax the new department to direct and control.

We must have a united Canada. Our interests are in common. Let us not think in terms of the East or the West, but of a greater Canada which is destined to fill an increasingly larger place among the nations of the world. What is in the interests of the West is in the interests of the East. It is incumbent upon the Government to use every effort to encourage the development of our vast agricultural areas, our mines, our timber, our fisheries, and all our other

great natural wealth. Interprovincial trade must be encouraged. The conception of the Fathers of Confederation in joining together the scattered settlements of Canada from the Atlantic to the Pacific by iron bands of interprovincial traffic was a national conception which we must realize to-day more than ever before. The West will transport her grain, her coal, and her other natural products to the East. In return, the East will send Western Canada her manufactured products. The prosperity and development of the West spells increased wealth and production for the East.

Canada has a transportation problem. To-day we have more transcontinental mileage in our three interprovincial railway systems than the present traffic can support profitably. Last winter Eastern Canada had a fuel shortage. In the province of Alberta alone we have 85 per cent of the coal reserves of Canada, enough to supply fuel for the people of Canada for centuries to come. It is in the development of all these great natural resources of Western Canada that the future is bright with hope, not only for the solution of the question of transportation, but also for the creation of wealth through increased production that we can hope to meet the immense financial obligations of the country.

Honourable gentlemen, the greatest duty of Canada, next to the prosecution of the war, is to take care of the returned soldier. The new department created for this purpose will be directed by men of wide experience. Already much has been done to care for as well as train men for service through vocational training. I would like to have your indulgence while I give a concrete example of the effective work done in this direction. A blacksmith from my town returned from the front, physically unfit for his usual work. He took several months' training in mechanics and engineering in Calgary, and, as a result, he is now qualified to give a higher service, and to support himself and his family by a work which he is physically and mentally able to do. This is only one example out of many which shows the excellent and magnificent undertaking which the Government proposes along this line.

The land settlement question is one which will require great consideration. Many different views are held upon this question. One principle, I think, most men agree upon, that in any scheme of land settlement the soldier should not be isolated. A social centre must necessarily be a part of any plan.

The Government's programme, as indicated by the Speech from the Throne,

departs from any precedent in announcing the intention of the Government to extend to women the franchise. In this I heartily concur. Why should not women, who live under the law and are subject to the law, have a voice as to who should make the law, and what the law should be? The two twin provinces of Alberta and Saskatchewan were the first, not only to extend to women the right to exercise their franchise, but to accord them the fullest privilege of citizenship. In the province of Alberta two women are members of the Legislature, and in British Columbia there is one. When we consider what the women of Oanada have done in heroic service and sacrifice, no less than the men at the front-for when the man is killed his suffering is over, but the mother or the wife lives on, suffers on, and dies a living death -when we consider what our nurses and Red Cross women have contributed to the war, who would deny them the fullest rights of citizenship? When we remember that the best Sovereign that ever sait upon the British Throne was a woman, the noble and revered Queen Victoria, who would say that women should not be free to fill the highest positions in the gift of the people?

The proposed prohibition enactment under the War Measures Act, 1914, is not only essential for the conservation of food, but also as enabling legislation to make workable and enforceable provincial prohibitive enactments.

The conservation of food and increased production are commanding the keenest interest and co-operation by the people of Canada to-day. Much has been done. Much more will be done. In 1917 Alberta and Saskatchewan produced \$1,000,000,000 worth of farm products—Alberta a trifle less than \$400,000,000, and Saskatchewan a trifle more than \$600,000,000. Granted as favourable a year during 1918 as last year, even the production will be much greater. The favourable balance of trade for Canada, by conservation on the one hand, and by increased production on the other, will be greatly increased.

Honourable gentlemen, the impelling and fixed determination of Canada to bend every energy and to conserve every interest to the one great purpose of realizing our war aims must possess us as a people until victory is won and the future security of the world made sure. Better had we not been born than fail in the challenge to our generation to preserve and pass on to those who come after us those priceless liberties and blessings of a free civilization which have been

Hon. Mr. MICHENER.

handed down to us as our heritage. Whatever the sacrifice has been or may be, we can conceive of nothing more disastrous than to fail in our high purpose to defend those principles of democracy which have come to us from the past at so great a price. Human progress is always by way of human sacrifice, but in the dight of history we learn that with every such sacrifice for human freedom blessings commensurate with the macrifice accrue to the human race.

For God from evil still educes good, And freedom's course still grows, Though steeped in blood.

nough steeped in blood.

Honourable gentlemen, the people of Canada have expressed their confidence in the present Administration to accomplish the one supreme purpose of doing Canada's utmost to bring this appalling struggle to a successful conclusion. The honourable members of the Senate may differ upon many questions of legislation or of administration, but upon the one great issue at the greatest crisis of the greatest war of human history, when the destiny of our country and our liberties tremble in the balance, shall we not give our united support to the Government, charged with this gigantic task, until the war is over and victory is achieved?

Hon. HEWITT BOSTOCK: Honourable gentlemen, I have listened with great interest to the speeches of the mover and the seconder of the Address. I wish to congratulate the mover of the Address upon the very excellent speech which he made, and only regret that I am not able to thoroughly understand the language in which he spoke. I wish that we could all share with him in the ability to address this House in both languages. I wish also to congratulate my honourable friend the seconder of (Hon. Mr. Michener) the Address upon his first effort in this Chamber, and to assure him that we appreciate his remarks and the fact that he has come here to assist us in our deliberations.

I wish also to congratulate you, Mr Speaker, upon continuing to occupy the Chair in this Chamber. I am sure that we all appreciate the way in which you have presided over our deliberations in the past, and that we look forward to your continuance in office for some years to come.

Since we met last session, the honourable the leader of this House (Hon. Sir James Leugheed) has had the distinction conferred upon him of being placed in charge of a portfolio. We have many times referred to the fact that the Government had not seen fit to honour the honourable leader of this House in such a way as the members MARCH 19, 1918

of this House considered that he should be honoured. For a number of years he has done a great deal of work at the head of commissions, and has carried on this work with great satisfaction to the country and to those who have come in contact with him. I am sure that we are all prepared to congratulate him most heartily upon his new honour; but at the same time I hardly think we can congratulate him on the title by which he should be addressed—the honourable Minister of Soldiers' Civil Re-establishment, which is a very long title; and although we know that he will fulfil thoroughly the duties of the office to which he has been appointed, at the same time we must commiserate with him upon the title selected. In view of the work which he has done in the past, and the excellent way in which he has carried it out, I think a better title would have been the Minister and Friend of the Soldiers. I am sure that he will do all he can to look after the interests of those men who have been doing such splendid work for the country. in helping them to take their place in the life of the country when they return from the front.

I wish to congratulate the honourable gentleman from Welland (Hon. Mr. Robertson) upon attaining the position of Privy Councillor. At the present time the honourable gentleman has not a portfolio; but I know that he has a great deal of work to do, and, although he has not been long a member of this Chamber, we all appreciate the way in which his worth and ability have been recognized by the Government.

The Speech from the Throne to which our attention is called to-day deals with a very large number of questions. I do not propose to take them all up in order. I wish to deal with only those which are perhaps the most important to consider at the present time. Since we last met in this Chamber the condition of things in Europe has, I regret, to say, not improved from the point of view of the Allies. I think it is unfortunate that the success of the Central Powers, owing to the regrettable situation that has arisen in Russia, has been such as to bring to the people of the Central Powers the hope that they may be able to retrieve the position in which they found themselves in the middle of last year. The situation in Russia is one that we must all regret sincerely. We had hoped that some effective organization would have been developed out of the circumstances that arose

when the revolution took place in Russia and that some strong man would be found, able to take charge of affairs in that country and organize the people to carry on the fight for liberty and democracy; but it seems, unfortunately that the forces which were behind the leaders were not of the right kind, and the men themselves had not received the training that is necessary for men occupying such positions. The result has been that the Russian people are today in a condition that every one who takes an interest in that country must very sincerely regret and unfortunately, the Central Powers of Europe are to-day able to a very great extent to force their will upon the Russian people and will be, I fear, able to recuperate and gain in strength from the supplies, the ammunition, and other resources which will be available to them. This whole situation will have a serious effect. It will mean that the allied nations must put forward greater efforts in order to accomplish their object, and to bring about the result for which we all fervently hope, the termination of this terrible struggle in which the world is now engaged. We realize to-day that the interests of every country in the world are bound up with the existing condition of things and that no country can afford to stand out of this terrible struggle; every country must make its decision and take its place on one side or the other. It behooves the people of every country to realize the situation and to bend every effort in their power to bring about a victorious conclusion of the struggle for liberty and the triumph of democracy throughout the world.

Since we last met in this Chamber we have had throughout Canada a general election and the people have decided that Union Government is in their opinion the best form in which the government of the country can be carried on, and the form in which for the present it ought to be carried on. As my honourable friend from the Gulf (Hon. Mr. L'Esperance) said in his speech, the only difference between those who were in favour of Union Government and those who opposed it was the question as to the best ways and means of carrying on the fight and providing assistance from this Dominion of Canada. The great question that has been before us all is the question of the best way to keep up the support of our men at the front, and at the same time to provide all the necessary food and produce that we can for the benefit of the allied countries that are so greatly in need of it. This question of ways

SENATE

and means is a very difficult one, and one which, as I am sure the Government realize. requires a tremendous amount of work in its solution. I am sure that all honourable gentlemen in this House realize that it is desirable at the present time to assist the Government in every possible way in carrying on the business of the country and in putting forward every possible effort to attain the object and end that we have in view; and any criticism raised by honourable gentlemen on either side of this Chamber will be raised only for the purpose of assisting the Government as far as possible in the work they have, in hand, whether it be criticism of their legislation or criticism of the particular action that they have-taken in the execution of their work.

In this Chamber we have at the present time a large addition of members, and I am sure that the new members will realize that the object of the Senate is to revise, and perhaps consider more carefully and deliberately and with that mature judgment and perhaps greater experience which a large number of members of this body have had in such matters, the legislation that is introduced by the Government in either House of Parliament. For that reason the criticism offered in this Chamber with regard to proposed legislation should be more independent and more deeply considered than possibly it is in the other House.

Now, I propose to refer for a few minutes to one or two points in the Speech. Mention has been made in it of the question of the Civil Service. An Order in Council has been passed dealing with this matter. I have only had time to peruse that Order in Council rather cursorily, but so far as I have been able to study it, the principle of the Order in Council does not indicate any new policy but seems to be on the same lines as those of the measure which was brought down by the Government of the time in 1908, when the Civil Service Act was amended and a commission was appointed for the purpose of dealing with the Inside Service. At that time the principle of appointment after an examination and proper consideration of the candidates' qualifications by the Commission, and the promotion of members of the Inside Service for merit and after further examination, was adopted, and we hoped that that condition of things would be steadily carried on, whatever Government was in power. Unfortunately, after the change of Hon. Mr. BOSTOCK.

Government in 1911, it was not apparently considered satisfactory to administer the Inside Service in the way that had been started, and the Act of 1908 became more or less a dead letter. The Order in Council now brought down by the Government, and which foreshadows further legislation, extends the principle of the Act of 1908 to the Outside Service and further brings in the question of the men returned from the front. Of course, the necessity of dealing with men who have returned from the front is due to the conditions of the present time. In 1908 there was no problem of the returned soldier. I think we all agree that everything possible should be done to find positions for returned men, if they are qualified to perform the duties required. and we approve of the Order in Council which states:

The Prime Minister further recommends that under the powers conferred by the War Measures Act, 1914, and under all other powers vested in your Excellency in Council, the following regulation be enacted:

In all competitive examinations held under the Civil Service Amendment Act, 1908, persons who have been on active service overseas in the military or naval forces of His Majesty, or any of the Allies of His Majesty, who have left such service with an honourable record, or who have been honourably discharged, and who obtain sufficient marks to pass such examination, shall, irrespective of the marks they have obtained, be placed in the order of merit on the list of successful candidates above all other candidates.

That places the returned soldier in a position ahead of the ordinary members of the Civil Service, and, I think, rightly too. I am sure that we all agree with the honourable gentleman from the Gulf (Hon. Mr. L'Espérance) that the relief to members of Parliament of not having to deal with the question of patronage will be very great, and I hope that they will all support the effort of the Government to make the Civil Service a profession which any man in the country will be proud to enter, and which he may enter with the feeling that he has before him a career in which he may hope to serve his country, and that when the time of life arrives when he can no longer perform his duties he will be enabled to retire with honour and credit to himself, knowing that his life has been spent in giving his best services to his country when he was able.

The other measures that will be brought before the House can be better dealt with when they are submitted; but I want to draw the attention of the Government at the present time to the question of food control. It is one that is exercising the minds of the people in all parts of the MARCH 19, 1918

country. There has been a considerable amount of criticism in the West regarding the manner in which the question of food control has been dealt with. The people probably do not realize the difficulties under which the Government are labouring, particularly those of the transportation problem. The honourable leader of the Government will, however, remember that the people were encouraged last year to increase the production of foodstuffs. The result was that in the province from which I come a large quantity of potatoes and other vegetables and farm products of a perishable nature was raised. The evaporator plants on the coast have been filled to their capacity, and at the present moment there are large supplies of roots and other vegetables in the hands of the farmers, with no demand for them. The evaporator plants are not in a position to make any financial arrangements with the farmers, because they have reached the limit of their credit, and there seems to be no chance for them to sell their products. I have met with many people who say that the situation offers no encouragement to them to make a similar effort this year. That situation may be peculiar to my particular part of the country, and I presume it may have been to some extent brought about by the transportation difficulty. Probably no one but a member of the Government can know or realize what the transportation question means at the present time, or the difficulties of finding means to send produce to the places where it is required in Europe; but I think that this question should be investigated, and the farmers should receive instructions, so that they may know just what is best for them to grow during the coming season. Since all grain crops can be saved and stored very much more satisfactorily than anything in the line of vegetables or roots. the farmers, I think, should be instructed to devote all their power and attention to grain crops. The Government can doubtless provide means of storing grain very much better and more cheaply, should it be necessary to do so, than they could crops like potatoes, which last only a short time and are very liable to go to waste.

Similarly with regard to the campaign that was carried on in the West for the raising of pigs. We have seen statistics indicating that there is in the world today a shortage of about 35,000,000 pigs, but if the transportation difficulty enters again into this question, persons who begin now to raise a large number of pigs may find that when those pigs are ready for the

market there will be practically no market for them, because the allied buyers, who, I presume, arrange for the sending forward of all food supplies, are not in a position to ship the animals. If men who have raised a large number of these animals find no means of disposing of them when they are ready for the market, a great deal of trouble will be caused. We had some ex-perience of it in the West in the early stages of the war. Conditions arose in which there was only, apparently, a limited demand for this class of animal, and I have been told by men engaged in hograising that they actually went so far as to shoot the animals because they had not enough feed for them and did not propose to keep them, not knowing whether they could find a market later or not. When a large number of persons rush into the raising of hogs, as there is a danger they may do, without properly considering the whole question, the result is loss and disappointment and discontent throughout the country, and I think the Food Controller would be well advised to issue instructions which would be at any rate a guidance to persons engaging in the industry.

The Address refers to the commercial, industrial and financial stability of Canada at the present time. We are all glad to know that the condition of the country is so good, and I think that the Minister of Finance is to be congratulated on the successful flotation of the Victory Loan which he negotiated during the parliamentary recess. That loan was well taken up. The people of the country came forward and subscribed to it in a way that show-ed they were behind the Government in that matter, and were anxious to do all that they could to assist in finding the money required for carrying on the affairs of the country. But in dealing with this question the Government is calling upon the people to conserve their wealth and to invest their money in Government loans, and the Government has undertaken to arrange for the financing of certain shipbuilding industries in this Dominion. As I understand, the money required by the Imperial Munitions Board for the carrying on of the shipbuilding industry is supplied by the Government, and consequently we are responsible for finding all that money at the present moment. The people naturally ask themselves: if they individually are to be careful and save all the money they can, why the work that is being done by the Munitions Board should be done in the extravagant

way in which it is being done? There is great criticism of the action of that board on the coast at the present time. I think it is only right to call the attention of the Government to the matter, so that if they are not in a position to deal with the Imperial Munitions Board and to represent to them that this matter is not being handled satisfactorily, they can call upon the Government of Great Britain to take hold of the matter and deal with it as I think it should be dealt with; because when the people are called upon to pay increased taxation and to save their money for the purpose of enabling the Government to get the financial assistance that is necessary. they will and do criticise very severely any loose or extravagant method. And, as time goes on and the Government has to raise further money throughout the country, they will find that this question will be brought before them, and it may have an effect upon the raising of that money.

In the building of wooden ships there seems to be no reason why a company should not go directly to the lumber yard and get the required material without employing other people to act as go-betweens. It is general knowledge that when you employ individuals to purchase goods for you you have to pay commission, which raises the cost of the material to the man who has to use it. That and other points in connection with this shipbuilding industry certainly require looking into. We want to see this industry well established in this country, both on the Atlantic and on the Pacific. I think we have the resources and the materials, and we are getting the men together and training them; so that not only at the present time, but when the war is over, the shipbuilding industry will be on a thoroughly sound and well-established basis in Canada, and will be a great source of revenue to the country. At the present time, under the policy that has been pursued by the Imperial Munitions Board, certain firms have been handicapped and could not compete with the board in building ships because of the way that money was spent.

The whole country was very much shocked when it heard the news of the terrible disaster which took place at Halifax. The Speech from the Throne referred to further legislation which will be brought down for the purpose of providing relief for the people who were injured in that terrible disaster. The sympathy of the people of Canada, and of people throughout the world in general, went out to the citizens of Hali-

Hon. Mr. BOSTOCK.

fax. Persons who have been accustomed to seeing the terrible destruction which is going on in Europe at the present time on the fighting front have stated that the destruction and horror of the Halifax disaster were worse than anything they saw in Flanders. We shall be only too glad to do anything to assist in alleviating the distress which has arisen; and, although I am not aware that information has been given out to that effect, we hope that the conditions have been thoroughly looked into, and regulations made, so that no disaster of the kind can occur again. When these munition ships are being moved about and are calling at certain ports, it is desirable that every precaution should be taken so that they cannot come into collision as happened at Halifax. Every endeavour should be made to see that no disaster of this nature can occur again, and, further, that, if possible, those responsible for this terrible disaster should be brought to book. There must have been some carelessness on the part of somebody to have caused the collision which led to the disaster.

I join with my honourable friend from Red Deer (Hon. Mr. Michener) in his remarks about immigration. We require immigrants who are qualified to take up the work of the country and are prepared to take their stand as good citizens of Canada. I fear that in the past a large number of people who have come to this country have not had the proper education and have not been of the right kind to make such citizens as we want. I hope that the minister who has been appointed to the portfolio of Immigration-a man who knows well the requirements of the country -will use every endeavour to see that in the future we get the class of immigrants that will make thoroughly good citizens and will help us to develop those natural resources which are going to be the mainstay of this country in the near future.

The other matters dealt with in the Speech from the Throne will be referred to later on, and it is not my intention to take up the time of the House any further, except to congratulate the Government upon the businesslike way in which they have started the work of this session. I hope this will continue so that we may put through the work of Parliament as expeditiously as possible, so that the members may return to the different parts of the country and do their share in the work that awaits them. At the present time everybody throughout this country has so much to do, and is so vitally interested in MARCH 19, 1918

seeing that our production is made as great as possible, that we do not want to spend time unnecessarily in Ottawa, and we should be only too anxious to get through our business as quickly as possible.

Hon. sir JAMES LOUGHEED: Honourable gentlemen, may I be permitted, in the first place, to thank my honourable friend the leader of the opposite side of the House (Hon. Mr. Bostock) for the personal references which he has made to myself in connection with the new department of Soldiers' Civil Re-establishment, which is now in course of organization. My honourable friend spoke in most complimentary terms, which I appreciate very much. Only my modesty prevents me from properly answering his remarks concerning my handling of the public business. I did expect my honourable friend to speak somewhat consolingly and sympathetically in regard to my having assumed new responsibilities; but, instead of that, he spoke cheerfully and felicitatingly upon the additional burdens which have been placed upon my shoulders. Some time ago I arrogated to myself the credit of doing the work of a grown man in Ottawa, particularly since war broke out; and I was therefore rather surprised when the Prime Minister intimated to me that he thought I should take further burdens and cultivate new fields of responsibility. Notwithstanding that, I find my honourable friend, whom I always regarded as being sympathetic towards me, not sympathizing with me, but rather complimenting me upon having assumed those responsibilities.

I join with my honourable friend the leader of the Opposition in extending my congratulations to the mover and seconder of the reply to the Speech from the Throne. I desire to congratulate them upon their recent entry into this Chamber and on the able and satisfactory manner in which they have discharged the duty assigned to them in moving and seconding the resolution now before the House. They thus give evidence of the value they will be in the deliberations of this Chamber, a Chamber which will furnish them a field for public service that I am satisfied will be gratifying to themselves.

I was very much pleased at the felicitous remarks made by my honourable friend from the Gulf (Hon. Mr. L'Espérance), who moved the reply to the Speech from the Throne. Touching the question of using both languages in this Chamber and the hope he expressed that in time we should

all be expert in both tongues, he certainly had the advantage of the English members in the remarks which he so aptly made. I at once made overtures to my honourable friend from Stadacona (Hon. Mr. Landry), who sits beside me, and who is one of the most advanced and militant exponents of the dual language, that if he would undertake to procure me a speaking knowledge of the French language I would be very pleased to use it. Having made these overtures, I trust my honourable friend will not reproach me further, and will consider that the responsibility is his to see that I acquire such knowledge as will permit me to meet his expectations.

Before the prorogation of the last session of Parliament took place, the Prime Minister had publicly declared that there would be an early reorganization of the Government, and that, in view of the serious conditions with which we had to deal concerning the war, a reorganization, in deference to both public sentiment and national requirement, would be carried out upon a union basis in which the two great political parties in Canada would be equally represented. This promise has been practically fulfilled. It is regrettable that the first proposals of the Prime Minister made to the leader of the Opposition, Sir Wilfrid Laurier, were not accepted by the leader of the Liberal party, for reasons which he specifically stated, but which I think it might be said did not appeal to the people of Canada. It therefore became desirable that those negotiations should be carried on through other channels within the Liberal party. These latter efforts were productive of satisfactory results, and it would be difficult to controvert the assertion that the reorganized Government is representative of the two great parties in Canada.

Upon this reorganization having taken place, Parliament was dissolved. The people of Canada were asked to express their confidence in the Government so reorganized, with the result that it was sustained and given a support which is represented in the Parliament of to-day, and which in numerical strength has exceeded the most sanguine expectations. It may therefore be said with confidence that the Government has an overwhelmingly-expressed declaration by the people of Canada to pursue the policy which has been adopted since the war began, and which will be continued until the Allies bring this war to a successful conclusion.

It is scarcely necessary, at this point of time in the crisis through which Canada and

SENATE

the Empire are passing, to emphasize the necessity of all parties in the state being united in assuming and bearing the national obligations which the state has been called upon to meet. The extraordinary burdens now being carried by the Allies, including our own country, have been forced upon us. We have willingly accepted them. This was inevitable: it was the price of national existence; and the problem we now face is how to assume and discharge to the greatest advantage the obligations we are assuming. Party interests and racial differences all sink into utter insignificance in face of the duties the nation is now called upon to discharge. We are not only called upon to raise and forward reinforcements to take the place of those who have fallen in the war, and thus loyally discharge our fighting duties in the line of battle, but are compelled to face equally important, if not equally onerous duties within our own boundaries. If the war is to be successfully carried on and if in the near future the nation is to rise equal to the burdens which it has assumed, Canada has to meet its financial obligations and has to work out successfully the problem of reconstruction after the war and the restoration of normal conditions in our country and in all its national interests. It will involve all the efforts and the genius of our people, irrespective of party, race, or religion. Those of our people whose services cannot be used on the fighting line have an equally patriotic duty to perform within Canada in concentrating their most loyal and patriotic energies in assisting the Government to grapple with the innumerable problems that are to-day facing the whole of the Canadian people. It is not a time for one section of Canada to upbraid the other on account of the differences which, from time to time, arise in the carrying on of the war, the result of whatever policy may be adopted by the Government. The Government of the day represents the people of Canada, both those who supported and those who opposed it. It represents the interests of the state. The action or policy of the allied governments in prosecuting the war is to all of us an anxious one, not only to our own people but practically to every nation in civilization. This is a policy not lightly decided, but is the result of anxious thought and deliberation: and. while criticism and even censure may be legitimate, yet in the final analysis there is one duty with which every citizen is charged, and that is in this most critical of times to give loyal and patriotic support Hon. Sir JAMES LOUGHEED.

to the laws and governance of the state. no matter how much he may differ from them. I take it for granted that all parties in Canada, no matter how much they may differ from the policy of the Government of the day, must clearly recognize that if Canada is to come successfully through the present crisis, it can only be accomplished through the unity and support of the entire people. The fundamental basis of all democratic institutions is government by the majority, and at such a time, no matter how great the differences may be on the part of the minority as against the Government of the day, and where practically it is apparent that the assertion of the views of the minority tends only to largely paralyze without defeating the policy of the government of the state by the majority, the interests of the state must therefore correspondingly suffer from any disunion. no matter from what source it may come.

When the Allies entered this war in 1914. we all felt confident, even including the. Central Powers themselves, that the war would not have extended up to the present period. This would not have been the case had Russia maintained her role as one of our allies in the carrying on of the war. We could not have anticipated the utter demoralization of that great power. Instead of her being one of the most powerful of our allies, she has become not only a menace, but has actually played into the hands of Germany to such an extent as not only to prolong the war, but to very largely destroy the fruits of the successful struggle which the allies had successfully gathered up to the point of Russia's detachment from her allies. We are, therefore, to-day facing a situation which while formidable must not be permitted to be discouraging. We find Germany in possession of Northern France, Belgium, the Balkan states, part of Italy and many of the all important areas of Russia. She has detached from us our Balkan allies as well as Russia, thus forcing upon us the adoption of a practically new programme not only to carry on the present fight but to continue the fight for an indefinite period in the future. To dislodge · Germany from the territorial fields of which she has taken possession, in which she has entrenched herself most strongly, and from which she is drawing supplies for continuing the war. constitutes a problem that might discourage the boldest were it not for the inspired hope which we all possess that the Allies, in the cause for which they are fighting will yet prove invincible. If under these conditions Germany

MARCH 19, 1918

succeeded in holding possession of these enormous territories, covering both central and eastern Europe, subjugating the peoples of those countries to her dominion, and exercising autocratic power on this sphere of influence, the Teutonic power would thus dominate most of our civilization. In such case the democracy of Europe as well as of America would be subordinated to the tyrannical and autocratic rule of Germany. This influence would be not only immediately reflected upon the Empire to which we belong, but would ultimately result in the disintegration of our Empire, and in its control and destiny being placed under the heel of Germany.

North America may be said to be the home of democracy. Democratic institutions have probably laid their foundations deeper and wider and more permanently on this continent than elsewhere within the boundaries of civilization. We in Canada and our ally the United States have a peculiar responsibility devolving upon us in this war. Both peoples have not only been called upon to furnish their quota of fighting men, and thus to hold their own in the fighting line, but, owing to the marvellous resources of both countries in the furnishing of food supplies and munitions, Canada and the United States are playing a peculiar and exceptional part in this the greatest struggle of the centuries.

Had our interests in Canada not been tied up with those of the Empire. but had we been separate and apart as a national entity, we could not even then have desisted from taking our part in this great struggle and thus allowing the other nations with whom we are to day allied to fight without our participation in this battle for freedom and humanity against an enemy as barbarous, as inhuman, and as unprincipled as mankind could be. Canada is therefore in this war not necessarily because of the Empire to which we belong, but as a protagonist of our Allies fighting for those eternal principles of right which are the foundation of all our democratic institutions. As indicated in the Speech from the Throne, the Government is committed to the policy which it has pursued since the war began, and will leave nothing undone that a Government can do to throw all the resources of Canada into the balance in the

carrying on of our share in the barance in the a successful conclusion is reached. Notwithstanding our active participation in the fight now being waged in Europe, yet this war must end at no distant date. The duty, therefore, falls upon the Government to make every provision for the demobilization of our forces and the reconstruction period which must follow the termination of the war. Not only under the War Measures Act, but by special legislation already indicated in the speech from the Throne, the most advanced measures are being taken to meet these important conditions. As a consequence of the war, Canada has been called upon to assume enormous obligations, financial and otherwise. Our industrial conditions have been so largely disturbed in the creation of avenues for the production of munitions and other war material, as to necessitate after the war period a return to industrial activity under peace conditions. This is a problem that will entail most profound and anxious thought on the part of our people in readapting the industrial life of Canada to the development of those resources within our own boundaries and the building up of our industrial conditions and of our national interests.

The war has a peculiar bearing upon our transportation interests. The financial disturbance which has been the result thereof will practically throw upon the Government the duty of taking over many of the most important railway transportation interests in the Dominion. This will be one of the greatest problems that the people of Canada will be called upon to solve in the near future. It is a question involvingsuch consideration as to demand the best attention that can be given it by the ablest minds in the Dominion.

The disturbance of world-wide conditions elsewhere, particularly outside of Canada, will direct the attention of a large portion of those engaged in the war to Canada as a field for immigration and settlement, and for the development of the vast resources which we possess within our boundaries. Special attention is being given by the Government to make provision for the happening of this event. If Canada is to meet the enormous obligations which we have contracted through the war, it is manifest that we can only do this through a largely increased population, through the settlement of our boundless wheat lands in the West, and through the development of our national resources, abounding in unlimited wealth, from the Atlantic to the Pacific and from the international boundary line on the south to the Arctic circle in the north.

Furthermore, during this war Canada has established herself before the world as otherwise she could not have done. Not only our allies but our enemy recognize that upon this northern half of the North American continent there is a greater Brit-

SENATE

ain inhabited by a strong and virile race whose destiny it is to hold its own in the world of nations. It is, therefore, high time that we in Canada, with this destiny before us, should be united and inspired in hewing out for ourselves that position of prominence for which we are destined and which we shall achieve. For the next generation the questions that thus face us are so overwhelmingly great and afford such a field for our attention and patriotic effort as should obliterate all the petty differences which in the past have so largely prevented Canada from rising above its provincial issues and taking its place among the other great nations of civilization.

It is a matter of interest to the Senate that at this the first session of this Parliament we meet with a substantially increased representation of the four western provinces within this Chamber. By this increased representation expression has been given to the four great divisions of Canada represented in this Chamber by four groups of 24 members each, namely, 24 members from the Maritime Provinces, 24 members from the province of Quebec, 24 members from the province of Ontario, and 24 members from the provinces between the Great Lakes and the Pacific coast. Although there is this grouping by divisions of the different sections of Canada, I feel assured in saying that this grouping will not be sectional but merely numerical; that instead of any sectional feeling being promoted thereby there will be a rivalry on the part of each to excel the others in promoting the best interests of Canada and in establishing that unity and effort of purpose by which alone the national spirit of our people will be fostered and reflected in making the name of Canada great among the sisterhood of nations.

It is unnecessary for me to dwell at any length upon the legislation which will be brought down during the present session by the Government. This is fairly foreshadowed in the Speech from the Throne. The measures therein mentioned are all of a general and of an important character, and I have no doubt that the best attention of the Senate will be given to the consideration of these measures before placing them upon the statute-book. The public business before us will apparently not be of a very large volume, and important though it is I bespeak a short but useful and successful session.

Hon. RAOUL DANDURAND: Honeurable gentlemen, I must join my voice to those of the leaders of this House in con-Hon. Sir JAMES LOUGHEED.

gratulating the mover and the seconder of the Address on the apt way in which they discharged their duty. In these congratulations I wish to include the new senators whom I welcome to this Chamber as colleagues for life. I remember that when I first came here, I thought that was for a long time-I was quite a young man thenbut I now realize that this is but a passage, and that familiar faces are constantly disappearing and new faces coming in their stead. For this reason it is all the more urgent that the new members should follow the advice of the honourable the leader of this House and promptly identify themselves with the work that comes before this Chamber, because the seniors will not be long with them.

I must add, Mr. Speaker, that we are glad to see you at your post. We on this side of the House feel that you are nearer to us than to the gentlemen who sit on your right. We feel this because of the traditions of the Chair which you occupy. The Speaker is not there to protect the majority, which can always protect itself, but to protect the rights of the minority, which is at the mercy of the majority. We feel secure in your hands.

There was never any disagreement in this Chamber as to the furthering of the cause of the Allies to the best of the ability of each member. We have all wanted the Allies to win the war. It is still our ardent wish that they should win the war. There is some pessimism permeating the country, or some sections of the country, by reason of the fact that Russia has broken down. My sole regret lies in the fact that it will retard the victory of the allies, but in that victory I have the most absolute confidence. I have that confidence because of what Germany could not accomplish when she was prepared, as we all know she wasbecause Germany, prepared as she was, was defeated at the Marne; and what she could not accomplish then she cannot accomplish now.

You all read the affirmation of the representative of the French Government at Washington, Mr. André Tardieu, who recently declared that France was not bled white, but that France had a million more men in the field to-day than in September, 1914. Not only has France a million more men, but she has a perfect equipment in artillery, which she lacked in September, 1914. The small, "contemptible" British unit has developed into a formidable army, and our

ally to the south of us will furnish the millions of men that may be needed, if more millions are needed to conquer on the western front.

There is one criticism only that I want to offer with all due humility to the Allies. They have had no united command; up to this last month they fought separately, individually, and there seemed to be no co-ordination in their actions. Why was that? History alone will say. But if the entry of the United States had but the one effect of forcing the Allies to realize that there is but one fight, I would bless the United States for coming in. When we think of offensives taken on the left without an offensive taken on the right or in Italy, as a simple laymen I never could understand that there had been co-ordination from the outset between the Allies, and that since the enemy occupied the centre of Europe and could move promptly from one side to the other, why the Allies did not strike at the same time on the four fronts. This is past hisory, and let us hope that with co-ordination and a united command the Allies will soon show decisive results.

I have said that we all want to win the war, but we have not all agreed upon the means, and our disagreement has been upon the methods of our co-operation. We in this country have also lacked unity of mind and unity of action; and it is my painful duty to say-because I feel it strongly-that the sole responsibility for the lack of unity rests with the late Borden Government; so history will repeat, I am sure. We have had a disunited people because in 1914 the Government would not think for one moment of instituting a National Government in Canada such as was established in England and in France. More important was it here. If there had been a union government in this country in 1914 or 1915, we would have eliminated the element in the Cabinet which had preached in the province of Quebec the doctrine of non-participation in Imperial wars outside of Canada; if there had been a union government, much of the deadwood that was to be found in the Cabinet would have had to disappear, and there would have been unity of action which would have been for the best, not only for Canada, but for the Allies.

For my part, twice I threw out that idea of national government through the press. I suggested at one time through an English Liberal daily that Lord Shaughnessy should be called upon to form a government, and that Sir Robert Borden and Sir Wilfrid Laurier should enter his Cabinet. I felt that, because of our petty party passions and narrow colonial vista, we should eliminate a figurehead representing a political party. It was done in the case of Mr. Asquith and then Mr. Balfour, an ex-prime minister, entered the Cabinet of Mr. Lloyd George. I felt that this was needed all the more in Canada, and that it was high time that unity of sentiment and of action should be created.

My honourable friend has just made a strong appeal for unity in the nation. J shall have to revert somewhat to the pastnot very fully-and I hope it will be the last time that I shall do so, simply looking forward to this side of the House helping on the cause to the best of our light and ability. Is there real union in Canada today? I say there is not. There is not real union, and there is not a real union Government, and there is no undisputed mandate from the people to the present Government. Why is there no undisputed mandate from the people to the present Government? It is because the electoral franchise was frightfully tampered with. There is more than one way of gaining or holding power by force-seizing it like the Bolsheviki, or stealing it by unjust legislation. A government can perpetuate itself in power, and when it has done it once it can do it again. This is the case with the present Government, which I hold to be a de facto government. The War-time Elections Act was a most horrible, iniquitous, abominable piece of legislation. These three expressions, which may strike the ear of our honourable friends as extravagant, have been taken from the speeches of two ministers of the Crown in the present Government, and I can give the page of Hansard, if honourable gentlemen want it. The Government selected its judges before dissolving the House; it hand-picked the electors. Five hundred thousand women, says The Mail and Empire, who could be specially appealed to, women whose names were on the pay-sheet, and to whom the Government had the indecency to offer a bribe of five dollars more on each monthly allowance, just a month before the election were given the vote, and alien voters were also called in. It seems but yesterday that I raised my voice in this Chamber to say that it was an outrage on the electorate of Canada to allow a stranger who had never set his foot in Canada, knowing nothing even of the names of the candidates nor of the electoral divisions, to vote. I said that for the first time in

S-2

REVISED EDITION

Canada ballot-stuffing and ballot-plugging was being legalized.

What did we see at the last election? Polls were held in the United States, from the Atlantic to the Pacific, to take the votes of those men who knew nothing of Canada, men who did not know the names of the electoral divisions, much less the names of the candidates. Polls were held in very many places in the United States, and electors voted there to determine the fate and policy of Canada for the next four or five years. I said that these men would have to be coached and that their ballots would go to the doubtful counties. I never expected that that would be but a hundredth part of the truth. The military of Canada, here and in Europe, were entitled to state their preference as to the county to which their vote would go, if they could not remember the place in Canada where they had been for a time, or if they had not been four months resident in this country prior to their enlistment. Here are the questions that were put to them by the Military Voters' Act:

6. Specify the names of the place or places in Canada (giving streets and numbers, where possible) whereat you last continuously resided during at least four months of the twelve months immediately preceding your appointment, enlistment, enrolment or calling out on active service.

7. State if you can the electoral district wherein such place or places in which you so resided are situate.

8. If you cannot specify as required by question No. 6, or state as required by question No. 7, then state in what electoral district or place within Canada you have resided at any other time than is referred to in question No. 6.

9. If none of your answers to questions Nos. 6. 7 and 8 specify or state as required thereby, to what electoral district do you desire your vote to be applied?

This question was put to all the soldiers on the other side and to those in camp in Canada. This Act, needless to say, opened the door to fraud. The Canadian soldiers were invited, honourable gentlemen, to switch their votes from the county in which they had resided to a county wherein their vote would be effective. In the very heart of the province of Quebec, within striking distance of the city of Montreal, in broad day-light, in the presence of representatives of both parties, eight hundred votes were switched into one county where they could be more effective. I have seen the instructions given to those eight hundred soldiers, and under the placid eye of the colonel and with his cooperation the trick was done. The instructions to those soldiers stated Hon. Mr. DANDURAND.

that it was needless for them to lose their vote if it would not be effective in their own county, and that they should put it where it could be effective. The questions which I have read to you were printed in a small weekly, published for the soldiers in barracks, and an answer was suggested to enable them to switch their ballots to a county near Montreal. They were told: "To the sixth question, 'what place did you live in for the four months preceding your election?' You will answer, 'Cannot say.' To the seventh question, 'Can you name the county in Canada wherein you resided?' answer, 'Cannot say.' To the eighth question answer, 'Cannot say.'" That allowed them to vote for the Government in a county where the Government were badly in need of those switched ballots.

Hon. Mr. SHARPE: May I ask the honourable gentleman if those are not the votes that Mr. O'Connor, the General Returning Officer, threw out here?

Hon. Mr. DANDURAND: I was just going to say that. The evidence will show that many of the officers, from the highest to the lowest, made a false oath.

Hon. Mr. GORDON: What is that?

Hon. Mr. DANDURAND: Took a falseoath.

Hon. Mr. CLORAN: They were sworn.

Hon. Mr. DANDURAND: They took an oath declaring that they did not know what their residence was, previous to their enlistment. although most of them were Canadians, some of them officers of high rank, and they switched their vote to a county where it would be more effective.

Hon. Mr. LYNCH-STAUNTON: How could the Government prevent that?

Hon. Mr. DANDURAND: By seeing that no such legislation was placed on the statute-book. I will answer my honourable friend (Hon. Mr. Sharpe) who has just asked me a question. Yes, the General Returning Officer did reject those eight hundred votes. But let my honourable friend understand that a similar effort was made and carried on in Europe, according to correspondence I have from the other side.

Hon. Mr. BELCOURT: Successfully.

Hon. Mr. DANDURAND: In the case of many constituencies where there was a large number of soldier electors, the soldiers were asked to switch their vote into a doubtful county and not lose it in a county where there was no need of it.

Kon. Mr. CLORAN: Is that true? Is all that true?

Hon. Mr. DANDURAND: The newspaper will be produced which contains those instructions; I have seen it. The instance of which I have been speaking related to an electoral division with which I am in close contact, because it is in my own senatorial division. Honourable gentlemen from the West or from the East, may not know that we have each our own senatorial division in the province of Quebec. The incident took place in the centre of my own district.

Hon. Mr. CLORAN: Then it is true.

Hon. Mr. DANDURAND: And yet, in spite of all that and the loose work and sometimes the fine work which was carried on by very many enumerators throughout the country, and notwithstanding that thousands of electors were disfranchised, the Government is in a minority in the country, and so is conscription, if the votes of 500,000 hand-picked women are deducted. The Government received a total of 1,048,570 votes. The Opposition got 759,-867. It may surprise my honourable friends to learn that there were more votes polled against the Government in Ontario than in Quebec. There were polled against the Government and against conscription in Ontario 268,218 votes, and in Quebec 243,-471 votes. Outside of Quebec 516,396 votes were cast against the Government and against conscription.

The Mail and Empire gives the total women vote that was polled at the last election as, in round figures, 500,000. If, as is most likely, they voted like the soldiers and in the same proportions, the Government got 90 per cent or 450,000 of those votes.

Hon. Mr. SHARPE: Hear, hear.

Hon. Mr. DANDURAND: If from the Government vote, amounting to 1,048,570, these 450,000 votes are deducted, the Government secured for itself and for conscription, from the regular male vote, 598,570. If we likewise-deduct 10 per cent, or 50,000 of the women's votes from the 759,867 given to the Opposition, the Opposition remain with a total vote of 709,867 votes against the Government and against conscription, and the Government has 598,570, or is in a minority of 111,297. My honourable friend on the other side said, "Hear, hear," when I mentioned that 450,000 of the women voted for them.

Hon. Mr. GORDON: Sensible women.

Hon. Mr. DANDURAND: Well, as I said, they had been hand-picked. I hope that when the Female Suffrage Bill is brought before Parliament we shall find that the women of Canada are to be enfranchised on the same basis as are the men and that they will not first be asked, as the Government through its friends in Toronto did ask them, before the Franchise Act was introduced last session, whether they are favourable to the Government or not.

Are we not justified in stating that we have to-day not a de jure but a de facto Government before us? This is a situation which we must face. This de facto Government carries on the affairs of the country, and, to reassure my honourable friends and allay their fears, let me tell them that we will not rebel. We will endeavour. as a loyal Opposition, to co-operate in the best possible legislation in the interests of the country. My honourable friend the leader of the Government is witness to the fact that from 1914 to the end of last year, so far as I am concerned, and so far as the members on this side of the House are concerned, never were our voices raised in opposition to any war measure. We gave our entire approval to all war measures to help the cause of the Allies, the sacred cause of democracy. However, I have cited those figures in order to help my honourable friend the leader of the Government to continue to practise that virtue of modesty for which he is noted and to let him feel that there is not an overwhelming majority in the country who approve of the late Government as he is wont to believe. Quite the contrary. No, the late Government was not approved at all, for when it was attacked I have heard representatives of the late phalanx which formed the bulk of the Government support say: "But there is no Tory Government; why should we discuss the past? It is now a Union Government. Let us look forward and not backward."

My honourable friend (Hon. Sir James Lougheed) has made a statement which I cannot allow to pass, because it is not in conformity with my own view, and sincerity must be the first virtue of a public man. He has stated that if Canada had been a separate entity, an independent country, it would have been in this war just as it is today; that we are not in it because we are part of the Empire; that we are in it because we feel that we are members of humanity at large and must assume our responsibilities as such. Well now, I have often put that question to myself: if CanSENATE

ada had been an independent nation on the 4th of August, 1914, would it have declared war upon Germany because it had invaded Belgium? With very many friends of the Anglo Saxon race with whom I have discussed the question, I have come to the conclusion that Canada as an independent nation would not have declared war upon Germany in August, 1914, for that reason.

Hon. Mr. LYNCH-STAUNTON: If she had sunk our ships, would we not have gone to war?

Hon. Mr. DANDURAND: Certainly. We would have waited, like the United States and some of the South American republics, until a casus belli special to Canada, affecting its material interests or its honour, had occurred. Of course, the people of Canada, like the rest of humanity, had an interest in defending justice and liberty in the world, but that interest was insufficient to impel the United States and all the South American republics to enter the war. It was insufficient, and all the more honour to Canada that she did go to war, not for self-interest, but from sentiment alone. The Anglo-Canadian did join in, because of his imperial connection.

I will not discuss the various items of the bill of fare which is laid before us. There are things with which I am in hearty accord. I am glad to see that we have made a convert of my honourable friend from the Gulf (Hon. Mr. L'Espérance), who hails with delight the beginning of the shipbuilding industry. He is recanting from a position which he took in the other House when he came in fresh from the fight of 1911 and gave a notice of motion, or presented a Bill, if I am not mistaken, calling for a repeal of the Laurier Naval Act.

Hon. Mr. L'ESPERANCE: Will my honourable friend allow me a remark? I was speaking of a merchant marine, not of a navy.

Hon. Mr. DANDURAND: Then, will my honourable friend allow me to put to him this question? Is he still of the opinion that the Naval Act should be taken off the statute-book?

Hon. Mr. L'ESPERANCE: In April, 1914, I introduced a Bill to repeal it.

Hon. Mr. DANDURAND: Not in 1914.

Hon. Mr. L'ESPERANCE: I did that before the war.

Hon. Mr. DANDURAND.: Oh, yes, but it was in 1912.

Hon. Mr. DANDURAND.

Hon. Mr. L'ESPERANCE: Before the war.

Hon. Mr. DANDURAND: Yes, in 1912 or 1911—in the first or second session.

Hon. Mr. L'ESPERANCE: It was in 1914.

Hon. Mr. DANDURAND: But it was quietly allowed to remain on the Order Paper until my honourable friend resigned his seat to take a position on the Quebec Harbour Board. , Whatever may be the present opinion of my honourable friend, let me tell him that if the Naval Aut mad been carried out, and if the ships for which tenders are now to be received had been accepted in 1911, when the new Government came in, we should have been much sooner in a position to build ships on the Atlantic and the Pacific than we are to-day. It was said at the time that we could not build ships-that it was impossible to build ships. Now we have been doing so, but how much farther advanced should we not have been if we had started in 1911 instead of a few months ago.

I notice that the Speech from the Throne does not mention the railway situation. This is a most important subject, one which, I am quite sure, engrosses the mind of the Government as well as that of the members of both Houses. On this problem the Government will doubtless have some statement to make and some legislation to submit if it can agree upon a policy.

Having spoken of the past, it is my intention not to refer again to it, but to join in the work which will be submitted to this House, as announced in this Speech from the Throne. We are all of one mind in that respect. We felt at the end of last session that we disagreed on the question of conscription.

My honourable friend expressed his surprise and regret that Sir Wilfrid Laurier had not accepted the recent offer of Sir Robert Borden. Well, I have had occasion to say, and I repeat, that when Sir Robert Borden came back from Europe, before announcing a new policy, he should have gone to the leader of the Opposition, late as it was, to discuss with him the possibility or advisability of forming a National Government, and discussed afterwards the conditions under which this National Government should be formed, and the programme that should be laid down. This statement I have heard made by a hundred prominent citizens of Montreal belonging to both parties, and my honourable friends on the other side of the House should not be surprised that I repeat it now. Sir Welfrid Laurier did not

agree to it, because he felt that there was no necessity for conscription in this country. I am quite sure, although I have not consulted him, that he is still of the same conviction, and all the more so after what has happened since December last, or since the Act was passed. Only yesterday morning we saw in the press a statement from the Daily Telegraph of London, urging the United States to cease sending men to the other side and to send food instead.

Hon. Mr. EDWARDS: And vessels.

Hon. Mr. DANDURAND: Food and vessels were as necessary last autumn as they are to-day. To govern is to foresee. Public men who saw ahead were quite sure that the thing to do was to increase food production in Canada, especially when that immense reservoir of men on the other side of the line had been tapped. When the honourable gentleman from Toronto (Hon. Mr. Nicholls), who presided over a committee to find means for greater production, submitted his programme to us in committee, I suggested that, instead of conscripting men for overseas, or even with the Conscription Act, we should put in a clear-cut exemption for all men who on the first of October, 1917, would be found on the farms. I felt that there would be quite a number of men who had come from the farms to the cities, who would perhaps avail themselves of the offer of the Government to exempt them from service,. If they had returned to the land, we would this spring have had thousands of additional men on the farms. It is all very well to say that there would have been a formidable exodus; but are not the Allies in greater need of food than of men, and would not that action have caused a greater production of food for our Allies on the other side? And is this not what they need most?

Hon, Mr. EDWARDS (translation): Honourable gentlemen, I regret very much that my acquaintance with the beautiful French language is not sufficient to enable me to make an important speech on the question now before the Chamber. I wish merely to extend my sincere congratulations to the honourable gentleman who has proposed the Address in reply to the Speech from the Throne. I congratulate also the honourable seconder of the Address, who is a new member, on the eloquent speech which he has delivered. In reply to that speech I would say only one word: the direction given to the last electoral campaign was not such as to make Canada a united country.

Mr. Speaker, I desire to congratulate, not you, but this Chamber, on the fact that you continue to be its Speaker.

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

The Senate adjourned until 3 p. m. tomorrow.

THE SENATE.

Wednesday, March 20, 1918.

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

Prayers and routine proceedings.

THE GOVERNOR GENERAL'S SPEECH.

ADDRESS IN REPLY.

The Senate resumed from yesterday the consideration of the Address in reply to His Excellency the Governor General's Speech at the opening of the session.

Hon. L. O. DAVID: Honourable gentlemen, when I heard the honourable the leader of this House, in his eloquent speech, praising free institutions and advising us to join in trying to do all that we could to protect and preserve our British institutions, I thought of trying to show that the words of the honourable the leader of the House were not quite in accord with the action of the Government and with the drastic legislation which was passed at the last session, and with the means which were employed to put into execution that drastic legislation. I have no hesitation in calling that legislation drastic, because the Toronto Star, an old English Liberal paper, which was converted to Unionism. said that the legislation that was passed at the last session was a blot upon the statutes of the Parliament of Canada and should disappear and be abrogated at this session of Parliament. This statement was made not by me, nor by a French paper, but by the Toronto Star. I would like also to ask the honourable the leader of this House how he reconciles what he has said, and said so well, about democracy and the progress of democracy in America with the legislation which he himself introduced in the Senate at the last session, giving the right to vote to non-resident soldiers, to men who have no

interest in Canada, to the detriment of genuine and true electors of the country. I wish also to speak of the unjust accusations which were hurled at the province of Quebuc during the election in order to excite against that province the prejudices of the other province; but I have decided to postpone my remarks on those subjects until a later date, and until such time as I have obtained the information which I am asking for by the motions which are to be made to-morrow.

Hon. N. A. BELCOURT: Honourable gentlemen, I had not intended taking any part in the debate upon the Address, and it was not until my honourable friend who leads this House with so much ability gave us his interesting and very eloquent speech yesterday that I felt a desire or inspiration to say anything. My object is purely and simply to point out what seems to me to be at the present moment the supreme and paramount duty of Canada and of every one in Canada.

First of all, may I join with those who have preceded me in extending hearty congratulations to the mover and the seconder of the Address. There was little, if anything at all, which the gentlemen said to which every member of this House could not with a clear conscience subscribe. I was particularly interested, if I may be permitted to say so, in the speech delivered by my honourable friend from the Gulf division (Hon. Mr. L'Espérance). I was impressed with the facility and the felicity with which he expressed his thoughts in the French language. I am told that my honourable friend has devoted practically all of his life to commercial pursuits, and that he has not had an opportunity of perfecting his proficiency in that very difficult and always susceptible of improvement language, the French language. It is all the more credit to him that he was enabled on this occasion, in moving the Address, which is always a more or less perilous task, to make a speech in French which would be worthy of any French audience anywhere in the world. While he was speaking, I could not help reflecting how unfair and unjust is the accusation so frequently made against the French that is spoken in Canada-that we speak patois in the province of Quebec. Well, if my honourable friend's French is patois, it is patois that is thoroughly understood and appreciated in France, and would adorn even la Chambre des Députés.

Hon. Mr. DAVID.

The honourable gentleman was followed by the honourable member from Red Deer (Hon. Mr. Michener), and he also made a very finished speech. I was impressed with the declaration which he made with regard to the use of the French language. But I wonder if my honourable friend from Red Deer considered for one moment how he is going to carry out his very laudable intention of seeing that his sons are not handicapped in the manner with which he tolds us he suffers, for it was only the other day that in the province from which my honourable friend comes, and in the province which adjoins it, the trustees of all the schools solemnly passed a resolution to banish forever the French language from the schools of those two provinces. If my honourable friend is going to carry out his laudable intention, he will have to send his sons to Quebec or Montreal; otherwise I am very much afraid that his sons will be handicapped in the way in which he fears.

My honourable friend the leader of the Government (Hon. Sir James Lougheed) felt also that it was his duty to say something about the use of the French language, and when he started I was hoping that he would not content himself merely with the pious wish to which he gave expression. After saying something which was not very clear or very definite-at all events not very compromising-with regard to the French language, he turned to the gentleman who has the honour and responsibility of sitting very close to him (Hon. Mr. Landry) and told him that it was his duty to see that my honourable friend's past deficiency should be removed in the future. I should have thought that my honourable friend would not have been content to say so little to the point with regard to the use of the French language.

I want also to congratulate my honourable friend thoroughly and sincerely-and not commiserate with him at all-upon the fact that new duties have been assigned to him. The evidence which he has given in the House and to the country, of ability to do a tremendous amount of work and do it efficiently, was indeed ample justification for the additional burden imposed upon him. I desire also to congratulate my honourable friend who sits next to him (Hon. Mr. Robertson) upon the fact that he has been called to perform additional and very responsible duties in connection with the administration of public affairs. The Senate also is to be congratulated upon the fact that new duties have been assigned to my honourable friends. It is a recogniMARCH 20, 1918

tion of the ability of the Senate to initiate matters, to deal primarily with most responsible national affairs. I am one of those who for many years have deplored that the Senate was not being entrusted with the full responsibilities which it ought to be given. Not only by the Government that preceded this one, but by successive Governments for many years past, the Senate has not been properly treated, and I hope that the conferring of new duties upon my honourable friends is but an earnest of what is in store, and that in the future we shall see the Senate given more equality in the conduct and initiation of public affairs.

I was much struck—and that is really the reason why I have been moved to speakwith the appeals which my honourable friend (Hon. Sir James Lougheed) made to the House, and to the country through the House, for a united Canada. My honour-able friend said among other things: "Disunion will cause embarrassment to the Government and the country; the shocking spectacle of one section upbraiding another is most detrimental; racial differences must disappear; the unity and support of the whole people is most urgently required." At a time when, after the efforts of fifty years, • we find that there is in Canada less national unity than there ever was before, that appeal was very timely. I hope it will engage the serious attention and consideration of every member of this House, of every member of the other Chamber, and of every citizen in Canada. I repeat, it is only too true, there is to-day in Canada far less unity than there ever was at any previous time since Confederation. There is more racial antagonism; there is more disunion. The gulf between the two races, which Confederation had for its principal object to bridge over, has become wider and deeper, and unless something is done promptly it will become wider and deeper still.

Hon. Mr. POIRIER: That does not apply to all the provinces.

Hon. Mr. BELCOURT: That applies as between one province and other provinces. It would be folly, it would be simply following the foolish example of the ostrich, to bury our heads and let the storm blow over, pretending to take no notice of it. The fact is there, and there is no use in blinking at it. There is racial animosity to-day in Canada to an alarming degree. It has existed for years, but has now become intensified to the breaking point; and the right and necessary thing to do is to make a thorough and

complete diagnosis of the trouble. Unless we do that, unless we examine it patiently and with a desire to apply the remedy, unless we get at the root of the trouble, unless people abandon the idea of glossing it over, thinking that it will cure itself, unless we courageously and fearlessly apply ourselves to the urgent task which stares us in the face, the situation will become hopeless and immediately perilous. Some persons entertain the silly idea that the difficulty will solve itself and that there is no need to apply any particular remedy. I repeat what I said in opening: now is the time to apply the remedy, and that is, to my mind, the supreme and paramount duty of the present hour in Canada.

Some are under the impression that the increased intensity of feeling and irritation between the two races was concurrent with or produced by the war. That is not so. The feeling existed long before the war, and we all know the cause of it. I am going to refer to it in a moment. It was not the war that created or accentuated the difficulty between the two races. What better proof could I give than the fact that gentlemen in this province and in the province of Quebec, thoroughly alarmed and grieved, animated by the very laudable desire to do away with the trouble and to bring about some solution of our difficulties, organized the movement which was called the Bonne Entente? The Bonne Entente existed and was at work long before the war. They had their meetings in Ontario and in Quebec for the very purpose of dealing with this great racial difficulty. That in itself is ample proof that the racial difficulty did not originate with, or was not caused by, the war. I have no hesitation in repeating to-day- though honourable gentlemen may perhaps lose patience with me because I have said so before-that the whole cause of the intensified trouble is the persecution of the French language in this and other provinces of Canada. I boldly affirm that if at the opening of the war, or at any time since then, justice had been done to the French Canadians of Ontario and to the French Canadians of the Western provinces, concerning their desire and determination to have the French language taught, the intensity of feeling which exists to-day would have disappeared. I affirm that if that question had been solved then, you would have had no difficulties in any province with regard to the prosecution of the war. You would have secured the unanimous support of every province in Canada, the province of Quebec included; and I say de-

SENATE

liberately, not in any spirit of anger, not with any idea of threat, that you can have peace now, you can have amity and unity and concord in Canada, if those who are responsible for the administration of public affairs will see to it that these language difficulties are settled. Unless they are settled-there is no use in blinking the fact -you will continue to have disunion and discord permanently and ever increasing. The French Canadians are anxious for peace; they are anxious for harmony; they are just as good and as loyal and as law-abiding and as patriotic Canadians as anyone in this country; they love and believe in Canada as much as, if not more than, anybody else in Canada; they are prepared for peace; they are ready to meet and treat fairly with the gentlemen in this province and in other provinces who have for years persecuted and now propose to further persecute them and attempt to proscribe their language. But, like the Allies, they do not want a peace with the map as it exists: they want a peace the conditions of which will provide equal and fair treatment for them. They do not want peace to-day with their language proscribed in this province and about to be proscribed in the western provinces; and I cannot refrain from expressing my abhorrence of the duplicity and hypocrisy shown in this province, for instance, where certain recent legislation with regard to the use of French in the primary schools of Ontariohas been said to have been framed for the purpose of helping the French language in this province. Not only is the language proscribed, but we are told by those responsible for this persecution that it is for our own good and for the purpose of promoting and helping the French language. If my honourable friends who have spoken on the speech from the Throne-and every one of them has said the same thing-are sincere in their desire to see the French language spoken in this House and in this country, I say it is their duty to do some-thing to solve this difficulty. If this Government, which calls itself a Union Government, is sincere, and if it sees its task as it should see it, it will endeavour to create union not only among its members, but also among the people of this country.

My honourable friend from Mille Iles (Hon. Mr. David) reminds me of the regulations passed recently by the province of Ontario with regard to land settlement in the province. To-day if any French Canadian wishes to settle in Northern Ontario

Hon. Mr. BELCOURT.

or in any other part where the forest must be cleared-and I may say in parenthesis that I do not think there is anybody in the world who can or will do it but the French Canadian-what must he do? He must renounce his nationality; he must renounce his language. He must undertake to see that his children shall not be taught in their mother tongue the glorious traditions left by the French in this country. He must renounce forever the right to have his children speak their mother tongue. And under what penalty? Under pain of losing everything that he may have invested in lands in this province-under pain of seeing the results of all his work forfeited. Yet we are told that the French Canadians have no grievance. We are told that there is no reason for his antagonism, this irritation, in the province of Quebec. We have during the recent elections been branded as disloval, as pro-German, as traitors to Canada, to Great Britain, and France. Why? Because in the province of Quebec there was expressed, generally if you will, frankly and openly, opposition to the scheme of conscription. That feeling was not confined to Quebec. It existed also in Ontario; it existed in the West; it existed all over Canada. The result of the elections has proved it amply. Anybody who cares to analyse the returns from the polling booths will see that there was a very strong feeling against conscription in this province and elsewhere. Yet the people of this province were not called pro-German; they were not called traitors, slackers, and so on. they were not called unnatural and degenerate sons of old France, et cetera. I cannot affirm it too often; there was at the beginning of this war a practical unanimity in this country with regard to Canada's participation. I do not know of any one, not even the gentleman whose name, I am sure, occurs at the moment to many honourable gentlemen who are listening to me, who was opposed to Canada's participation in the war. Is it because some people in one province or another, especially in the province of Quebec, expressed their desire to have the war carried on in a certain way, which was not the way of other people in other provinces, that they are to be branded as they were branded? Was it necessary, in order to ensure the success of this Union Government and its legislation, that this racial difficulty to which I have alluded should have been intensified in the way it was during the elections? Was it necessary that the whole English press of Ontario and the West, with very rare exceptions, should, in common accord, make the most shameless

MARCH 20, 1918

assault upon the province of Quebec? Why, forsooth? Because the people of that province believed in voluntary enlistment as against conscription. The troubles and difficulties which we have had in the past have gone on increasing daily and are to-day in the condition which I have described. Was it dislovalty, was it pro-Germanism, on the part of the people of Australia to have voted against conscription as they did on two occasions? Why should the people of the prevince of Quebec and the French Canadians living elsewhere in Canada who are opposed to conscription be called traitors and pro-Germans because they had a preference for voluntary enlistment as against conscription? Unfortunately, the honourable gentlemen who were members of the former Government and those who are members of the present Government thought it necessary that these savage onslaughts should be made upon the province of Quebec in order to set up race against race and thus, as they thought, secure the adoption of their measure throughout the rest of Canada. I am sure that any of them who will look over the matter calmly to-day will consider that not only was it a shameless thing to dc, but it was an absolutely useless thing to do. It was, to use a famous word, more than a crime: it was an awful blunder. Conscription would have carried without these brutal assaults upon Quebec. You would have had the same results, accomplished the same purpose. The Union Government would have been returned, and you would not have had to-day this intensified bitter feeling which is so detrimental, as my honourable friend has said, to the interests of Canada.

It is far from certain, even to-day, that voluntary enlistment would not have produced as good results as your measure of conscription. I am inclined to think that voluntary enlistment, purely and simply for the purpose of securing man-power, would have been more successful than the measure which is now being enforced; and, of course, there would be to-day far less expense, far less trouble, and far less irritation in the country. It was not conscription, so much, as the manner with which it was advocated and passed, that deepened the irritation and created the lamentable situation which now confronts us.

I said a moment ago that Canada's participation in the war was agreed to unanimously. We all decided voluntarily from the very beginning that we should take the largest share possible in the war, and I appeal to honourable gentlemen in this House to say if it is not

absolute truth that the Liberal party at no time have shown any sort of inclination to withdraw from that attitude. They have done everything that lay in their power. I have expressed before upon the floor of this House my sincere regret that the Government of the day, for reasons which I need not repeat here, did not think it necessary to enlist the cooperation of the Liberal party from the start. It was only when they found that the condition of affairs had become very difficult and perplexing, not long ago, that the Government of the day endeavoured to utilize the support and cooperation of the Liberal party. The Liberal party did all it could notwithstanding continued Government ostracism. There is not a single man in the Liberal party who did not at every oppor-tunity express openly and publicly his sincere desire that Canada should participate to the utmost limit in achieving victory in this war. We differed as to the means; we differed as to conscription; and as I said a moment ago, there was good reason for differing, and time will prove that the reason was a paramount reason. We are most deeply interested in this war, and I agree with my honourable friend (Hon. Sir James Lougheed) that even if Canada did not form part of the Empire we should still have a compelling interest and a duty in the war. I have said here before, and have repeated elsewhere, that this is a war against war, and I still believe that. I believe that if there did not exist the strong and intimate bonds which unite us with Great Britain and France, we should still, at some time or other, have taken part in this war, because it is a war against war-it is the supreme struggle of democracy. For 'iermany to win and impose her hegemony upon the world would mean the end of democracy and the reign of absolute autocracy throughout the world, and there is no people on the face of the earth more interested, more concerned in preserving democracy, than we Canadians are. For that reason I say that we were bound to enter this war, not so much because of the Union Jack, not so much because of the Tricolor, not so much because of these two combined, but because of our own immediate interests and the interests and demands of world solidarity. If we wish to be considered a nation we have to assume the burdens and obligations of nationhood, which impose upon us the necessity of taking part in this war. We have, besides, an interest—an immediate, urgent, material interest—in this war.

SENATE .

If Germany should impose her domination on the world, what would be the result? Militarism all over the world. Not only would Europe be what it is, a camp armed to the teeth, but North America would also be an armed camp on a permanent basis. Is there anything that Canada needs less and should fear more than militarism? With our climatic conditions, with our long winters, our sparsely populated country, with its tremendous geographical and other difficulties, how are we going to make this country prosperous if we have militarism? I say that Canada has that supreme interest of preserving democracy and defeating the militarism which Germany has tried to impose upon the world. We might not have entered the war on the very first day. Even Great Britain waited a few days; but Great Britain was bound to interfere, not only because of the invasion of Belgium, not only because of the invasion of France, but for the reasons which I have indicated-the same reasons which make it necessary for us to take part in the war. England could not afford to commit the error in 1914 that she had made in 1870. God knows every one must now realize, that if Great Britain had understood her duty at that time as she understood it in 1914, we would not have had the terrible war of 1914.

It is my firm belief and reasoned conviction that, unless by the treaty of peace, whenever it comes, measures are taken by all the Allies, for the purpose of making France strong, great and prosperous, just as strong, great and prosperous as is possible, in population, in wealth and in every other way, in the interests of Europe, of the world, of democratic ideals, of peace, we shall again have this or some other Kaiser attempting to impose his domination upon the world. Since 1914 France has been, is to-day, and must continue and in greater measure to be, the greatest, the real barrier against German invasion and German domination. Upon the battlefields of France will be settled the fate of world democracy for many generations to come.

For the same reasons which I have stated, the United States was bound to enter into this war. It had to come soon or late. It was not the sinking of the Lusitania which determined the United States to enter into this world conflict; that was merely the occasion, the opportunity for which the grand man, who presides over the destinies of the Republic to the south of us, was waiting. The United States was bound to enter this great war as Great Britain was bound to do so, and with all her strength; and it

Hon. Mr. BELCOURT.

was only a matter of time until she did so, because the United States, perhaps the greatest exemplar of democracy in the world, had a paramount duty to perform in standing up for democratic principles and democratic ideals.

Honourable gentlemen have told us that the war is and must continue to be the supreme concern of the moment. I agree with that; but I disagree when they tell us that is the only thing and that everything else must be put to one side and not considered. I submit that it would be rank tolly for us to neglect all other things simply because we have this great difficulty and burden on our hands. While some teil us that the war is the whole and only thing, the Government of the day very wisely has not acted on that principle. If they had done so they would be seriously blamed. They have discussed immigration, returned soldiers, trade after the war and many other urgent problems: they even took the opportunity of passing that outrageous deal with the Canadian Northern. The fact that the war was on did not prevent honourable gentlemen putting through Parliament the deal, or the steal-I have no hesitation in calling it that-which was carried with the Canadian Northern Bill; and of course we have not heard the last of it. When the chickens come home to roost, and that soon and with persistent regularity, when the results of the rather farcical investigation that is going on now to determine the value of the shares of this hopelessly bankrupt concern, come along, and the bill with it, and the other bills that this country has to foot-probably two hundred millions of more dollars-we shall hear something about the Canadian Northern deal.

Besides these material problems, we have national and social problems, and we cannot afford to neglect them because of this other great and pressing war problem. We have to look after the soul of Canada. We cannot neglect the body spiritual. If the members of the Union Guvernment will only think for one moment of the horrible condition of the soul of Canada at the present time, if they will only diagnose our tremendous racial trouble, they will find perhaps that their supreme and paramount duty is to bring about unity. If you are going to have unity of action and unity of effort in the country, does it not follow that you must have unity in the community? If you are going to have all the people uniting for the purpose of doing the best that can be done to help the Allies, is it not an essential preliminary condition that you should first of all create

MARCH 20, 1918

and establish Canadian harmony and unity? I agree with my honourable friend that the setting up of one section of the community to upbraid another, to keep up these racial differences, is stupid and useless, besides being most detrimental. What are the facts? The French Canadians constitute one-third of the population of Canada, and they are here to stay. Are you going to attempt to drive them into the sea? Are you going to prevent them from multiplying from putting into effect the Biblical admonition? Are you going to prefer the riffraff of Europe to the people who have been here for three hundred years?

Only the other day, in the House where the affairs of this province are administered, one minister—the one primarily responsible for all the trouble in this province bracketed the French Canadian with the Austrian and the German, making them all one deserving of equal treatment—or rather giving no better treatment to one than to the others. Is that the way to bring about unity and harmony in this country?

Some honourable gentlemen in this country-and it has been the subject of many comments in the press-are worrying because the French Canadians have no representative to-day in the Union Government. Nobody need worry over that. The French Canadians are not worried in the least. They are not anxious to have any representation in this Government. If the Government of the day is willing to treat them, not as pariahs, but as equals, they will join the Government to-morrow in administering the affairs of this country. What is the fact? The irritation is so great, so universal, that the Union Government has not been able to find a single French Canadian in either party willing to accept a seat in the Government. Is not that sufficient to make everybody pause? Is not that sufficient to cause. everyone to look anxiously at the situation, and, as I said before, to thoroughly diagnose and try to understand and solve this scandalous difficulty.

I am not saying these things to be disagreeable. I am saying them because I believe I am a true and patiotic Canadian. I believe that Canada is destined to be a great country, but I also believe that it cannot be a great country unless we have that harmony and unity which is absolutely essential to greatness. It may be an exaggeration to say that conditions here today are so bad that they are not far removed from the conditions which have prevailed in Ireland for centuries past; but I do not think we are far from it. But honourable gentlemen are not willing to listen

to the warnings so frequently given. God knows they have been frequent enough, loud enough, but nobody seems to care. The people responsible have simply cast them to one side with a gesture of impatience or impotence; they have paid no attention to them; with the result that the gangrene has gone on increasing, and has got deeper into the body politic; and unless some operation is performed at once the whole body will be carried away.

I regret that I have taken so much time; but I must repeat that to me, however great, however supreme is our duty with regard to the war, the duty of creating and establishing national unity permanently in Canada is greater and more pressing, because unity in Canada is the basis on which unity of effort in the war absolutely depends. If you are going to have unity of effort you must have national unity in Canada. It is essential not only for Canada but for the Empire. People to-day are agitated with the idea of binding the British Empire closer together. How can that be brought about? How can you hope for any measure of closer union when you have such conditions in Canada as I describe? Outside of Great Britain, Canada is the most important part of the British Empire, and the time is probably not far distant when it will be the greatest part. In all conscience, in all seriousness, let us apply ourselves to the solving of this difficulty. I hope I am not exaggerating, but I have been deeply impressed for many years with the urgent necessity of something being done, and done at once. I venture to say that to-morrow, if the provinces which have taken these measures for the proscription of the French language would cease their persecution, there would be peace in Canada; you could have peace in Quebec; you could remove this terrible sore. I appeal to my honourable friends from that province to say if that is not the whole question. The French Canadian is_determined to speak his own language; he is determined to have his own language taught to and spoken by his children; and why should he not, when he hears honourable gentlemen like my honourable friend from Red Deer (Hon. Mr. Michener) say that his son is not to be handicapped by the want of knowledge of that language? Let the question of French in the schools be settled, and I promise you that you will have peace in Canada.

With regard to the Union Government, I am not going to criticise it more than is necessary. I am not going to do anything to prevent it carrying on its war policy. So

SENATE

long as the war lasts, I shall support the Government war policy in every way that I can, reserving the right to criticize when I think it necessary or proper. I might perhaps best illustrate my personal disposition and intentions towards the Union Government during the war by citing and slightly paraphrasing the old Latin maxim: "Pro rege saepe, pro patria semper"—for the Government often, but for the country always, and especially and always for a united Canada. the men who filled the pulpits to take Christ's doctrine as their text for sermons during the campaign. I called upon the newspaper editors not to dip their pens in vitriol. I called upon the province of Ontario, through its lodges, through its policical organizations, both Liberal and Conservative, to take their hands off the province of Quebec. That was sane advice, was it not? know of no Liberal from myself up—for I am a poor one—who, during the past campaign, or any other

Hon. H. J. CLORAN: Honourable gentlemen, as one of the two English Liberal representatives from the province of Quebec, I feel it incumbent upon me to place upon record not only my personal but my public views regarding the issue now before this honourable House-and particularly before the country. I am very pleased to follow my learned and able and honourable colleague from Ottawa (Hon. Mr. Belcourt), who represents a division in Ontario. The honourable gentleman does not need to urge all the members of this honourable House; he needs to urge those who come in afresh from pastures new and green; and if all are of the same temper and the same mind and heart as the honourable gentleman from Red Deer (Hon. Mr. in regard to this crucial Michener) believe the hopes and the matter, I prayers of the honourable member from Ottawa will be heard, not only in this House but in the House of Commons, and also in the legislatures of two or three of the provinces of this Dominion. The sentiments expressed by the honourable senator from Red Deer are sentiments that ought to be entertained by every public man in federal or provincial life, and more particularly by the people who are supposed to guide the spiritual soul of Canada, both Catholic and Protestant. These sentiments ought to be uttered-I will not say dailybut every Sabbath day, in one way or another; they ought to be uttered and advocated by the ministers of the Gospel. They should not devote their sermons to mundane texts; they should not occupy their pulpits for the purpose of advancing one political party's interest against another's, as has been done, and done deliberately, especially in the province of Ontario.

I remember, when the campaign started after the dissolution of Parliament, I was called upon at the nomination meeting of Sir Wilfrid Laurier and Hal McGiverin. I made an appeal identical with that made by the senator from Ottawa. I called upon Hon. Mr. BELCOURT. Christ's doctrine as their text for sermons during the campaign. I called upon the newspaper editors not to dip their pens in vitriol. I called upon the province of Ontario, through its lodges, through its political organizations, both Liberal and Conservative, to take their hands off the province of Quebec. That was sane advice, was it not? . know of no Liberal from myself up-for I am a poor one-who, during the past campaign, or any other campaign, tried to gain votes on racial and religious grounds. I know, not one, but many of my fellow-citizens belonging to the Conservative faith and following the Conservative banner, who made the most dreadful appeals to their fellow-citizens on the grounds of race, language, and religion. That is not deniable. Unfortunately for Canada, these appeals are made periodically. especially in times of elections. After the elections this race war or religious war simmers down and people come back to their normal condition of mind and heart; but it seems that during an election campaign all the devils come straight from the infernal regions and take possession of pulpits, pens, and platforms. It is strange. My wife said to me the other day: "Don't you worry; this race war will simmer down, but it will occur again at the next election, and there will be the same group of pulpiteers, editors, platform orators, and lodges." She has evidently no faith in the constancy of the human mind except for material interests. Commercialized Christianity, as it was called last night in another place, speaks volumes of facts as to the condition of things in this country as well as elsewhere.

Quebec has its views, and they have been put very fairly and moderately before this honourable House by the honourable gentleman from Ottawa (Hon. Mr. Belcourt). I need not reiterate them; but I take occasion to emphasize the fact that the people of Ontario particularly, and unfortunately some few elements in the West, have been-what shall I say-too ungrateful to the French Canadians of the province of Quebec. The French Canadians of the province of Quebec welcomed these men when they first landed on the shores of the St. Lawrence. They took in the fever-stricken immigrants from all countries in Europe, brought them up, made them members of their own families. To-day some of the most notable French Canadian families living along either bank of the St. Lawrence river are families who bear Scotch, Irish, English, or foreign names. Why, then, should Ontario, through its ludges, show itself to be so narrow-

28

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MARCH 20, 1918

minded? I attribute all this racial animos-'. held the question in abeyance, and it so ity and hatred to ignorance, want of breadth of view, want of having travelled and rubbed elbows with other civilized beings than those along the concession roads or in the lodges. It will take time to stamp out that ignorance. On the contrary, where in the province of Quebec do you find any society, whether Orange lodge, or Knights of Columbus, or St. Jean Baptiste Society, or St. Vincent de l'aul Society, or any other, taking up the time of its meetings in denouncing the religion of the people of Ontario or denouncing the way you conduct affairs in Ontario? The French Canadians do not spend their time in such foolish business. I know the province of Quebec from Pontiac to Gaspé, from the United States border to the height of land. I have been all through the province hundreds of times and know whereof I speak, and I deliberately make these statements to the people of Ontario, especially to those patriotic editors who were purchased, as many of them were purchased, in the last campaign. There was not a single English Liberal organ in the province of Ontario, except one, the London Advertiser: they had all been bought off. I suppose they will give me the tallywhack for making this statement, but there is no doubt about it. They did not all turn over for love. How could they love a party whom they had been denouncing up to the very last moment of the prorogation of Parliament last year? Ministers in the Government to-day were, in the dying hours of the last Parliament, denouncing measures which they are now helping Sir Robert Borden to put through and administer. I heard them with my own ears. Five minutes before the Governor General came to this Chamber, the present Acting Minister of Finance was hurling thunder at the Government ranks with regard to their Military Voters Act, and to-day he is helping to administer that Act. The thing is simply absurd.

Passing to a personal matter, to which allusion has already been made, I wish to change the course of the compliments and felicitations. I want to congratulate this Senate as a body on the acquisition of two responsible ministers. The honourable leader of the Government (Hon. Sir James Lougheed) can well remember that for six years I have strongly urged the Government of the day to recognize the importance and dignity of this House. I know that my honourable friend the leader of the Government, now a responsible minister, was too bashful, too modest, to transmit my views to the Prime Minister, and he consequently

remained until the necessities of the situation demanded that he should appear in the front rank. I am glad he appears in the front rank, with his colleague (Hon. Mr. Robertson), who represents one of the largest elements in this country, the labour element. I congratulate the House upon these two acquisitions, and I feel certain that the honourable gentlemen will perform their duties in the best interests of this House and the best interests of the country.

If it would not shake the modesty of the honourable leader of the Government, I would express the wish that all the ministers of the present Union Government were as devoted to the public service and as honest as he is. I use the word honest advisedly. The results of the last elections show how dishonest some of them were. But I am not going to discuss that phase of the question, and I am not now attacking any special brand of politicians in the Government. The Liberal Unionists were just as bad as, if not worse than, some of the Conservative Unionists in the enactment and administration of the Military Franchise Acts. They were particeps criminis of the worst kind against the constitution of this country-against democratic institutions. The ministers from the West cannot compliment themselves in regard to the result of the last election. Those provinces not long ago turned out Conservative governments for rascality in administration, for wastefulness in expenditure. The Conservative governments in Manitoba and in British Columbia were turned out. The Liberal governments in Saskatchewan and Alberta were maintained because there was no bad record against them. It does not stand to reason that a fair administration of the Franchise Acts would not have resulted in more than one or two or three members from each of those provinces to represent the Liberal sentiment in that part of the country. I am not going to enter into the details; they are too sickening for a man who loves the honour and the good name of his country to repeat. In the other House they were told plainly and frankly, not wholly, but in part, by the leader of the Liberal party to the Prime Minister and his Unionist followers. Oh, the shame of it all ! The Government to-day is living on the wages of sin, of crime against the constitution, against political freedom and electoral rights-there is not the slightest doubt of it. I hate to talk of it, I hate to have to admit it, for the sake of Canada. The thing has been done, the crime has been committed, and we must suffer the consequences. That

SENATE

is why I say that if the heads of the Administration were all as devoted and as honest in their dealings with the public and the administration of public affairs as the honourable leader of this House, we should not have that shame to experience and that crime to explate for the good name of Canada. These are hard words. We should not have, in regard to the application of the Military Franchise Acts, to bemoan the fact that ladies of the land were more expert than political thugs and ward-heelers in telegraphing votes. I have it from an exmember of Parliament, a Conservative, one of the leading financiers of the Dominion, one of the great supporters of the Conservative party, who stated it a few days after the elections in a bravado way, that he knew for a fact that women in Westmount had voted as often as twenty-one times for Albert Sevigny. Twenty-one times for one lady!

Hen. Mr. DOMVILLE: She was of age.

Hon. Mr. CLORAN: She had time to come of age. In the constituency of St. Lawrence soldiers had voted, many of them, seven or eight times. That is the constituency where Mr. Ballantyne was elected. I know of polls right here in Ottawa where ladies were guilty of personation. There was, for instance, a certain lady-say Mrs. Brown. Sir Wilfrid Laurier's representative, a young man without experience, and evidently without courage, protested against this lady voting, saying that she was not the Mrs. Brown she represented herself to be-that he knew her. The returning officer said: "You mind your own business or you will be ejected; this woman will vote." And she voted. Two or three minutes afterwards in came the right Mrs. Brown, and the scrutineer 'representing Sir Willfrid said to the returning officer: "Didn't I tell you that the lady who came in before was not the proper person to vote?" I myself, when I entered the poll here in Ottawa to cast my vote, was confronted with a loaded revolver placed on a table, at which was seated a policeman beside the deputy returning officer. That was my experience. Such things as these make one eshamed to call himself a Canadian.

The honourable gentleman from Manitou (Hon. Mr. Sharpe) interrupted the honourable senator from DeLorimier (Hon. Mr. Dandurand), when he stated that 800 men had sworn falsely in casting their ballots. The honourable gentleman from Manitou said: "But the returning officer threw those ballots out." There is no doubt about it, Hon. Mr. CLORAN. but he threw them out only when he found that the Liberal candidate had a majority of 3,000 or 4,000, and that the ballots were no good; but if the 800 ballots had been good to override the verdict of the people in that county they would have been counted. When it was ascertained that the 800 votes could not balance the 4,000 majority, they were thrown out. That was done by your head returning officer. So it was down the whole line. I had hoped that the members from the West would tell us a little of their experiences in regard to the administration of the Franchise Acts. After all, honourable gentlemen, the ballot is the foundation of democracy, and if the foundation is destroyed the whole structure tumbles down. I charge the present Union Government with having tampered with the foundation of democracy in spoiling the ballots in many cases, in giving votes to persons who had no right to vote, in preventing persons from voting who had a right to vote, and I hold that the Union Government was not well advised, as I stated in my opposition to the measure last session, in giving votes to soldiers' dependents. I contended that they would be influenced improperly. I know from actual experience that ladies here in Ottawa on the Liberal side canvassed military dependents, and the answers they got would astound, would stagger, the community. Instead of giving votes to his own wife and to the wife of the leader of the Opposition and to all the ladies of the land who understood the economic and financial conditions in this country and the features of its public policy, Sir Robert Borden refused them the vote and gave it to soldiers who had never set foot in Canada and to soldiers' dependents who knew nothing whatever about conditions in this country.

The War-time Elections Act not only gave opportunities to ladies to telegraph votes and duplicate them beyond measure; I regret very much to have to say that it also gave an opportunity to the demi-mondaines to fill the polls of our metropolitan cities. They were taken to the polls and voted en masse. They were paid for their votes. And that is woman suffrage. They were not the majority, but there were too many of them. I foresaw all this last session. When I protested, it was not to prevent bona fide wives having a vote; but giving it to the grandmother, the sister, the daughter, and all the relations, with no control over it, was absurd. As one honourable gentleman has said, these are things which should be remedied this session. It is not

MARCH 20, 1918

a fair law, and yet the honourable the leader of the Government took credit to the Government for having an immense majority of the votes in the country. They have a majority of such votes as were polled; but the 745,000 votes cast for the Liberal party were the honest votes of honest men, votes cast in spite of hills which had to be climbed, in the shape of stubbornness on the part of the returning officers and others. As stated by the honourable member for De Lorimier (Hon. Mr. Dandurand), if the women's vote were taken from the total, we on this side of the House would be in the majority. What was the result of the election anyhow? On the night of the election Sir Wilfrid Laurier had ninety-two members behind him, with a prospect of four more, especially in Halifax, where he would have had two seats; but owing to the unfortunate occurrence there, they went Union. On the day after the election Sir Robert Borden said: "It is true that my majority is only forty-five, but wait a few weeks and it will be raised to sixty." How did he know? He counted on the soldiers' vote. He said so. He knew how the soldiers would vote before they voted, and his prediction has come true. What is the result to-day? Sir Wilfrid Laurier, instead of having ninety-four members behind him, has only eighty-two; and the Union Government did everything in its power to knock out the few men who would have been good critics, such as the Hon. Frank Oliver, the men from Prince Edward Island, and three or four from Nova Scotia-That is not Union Government. We have not got Union Government in this Senate. The Government has been replacing old Liberal senators with good, young, staunch Conservatives. They have not taken the leader of the Opposition into their counsels. There is absolutely no union. The Government uses this House for its party ends, and treats it in just the same way as in the old days, the same as Sir Wilfrid and Sir John Macdonald and other prime ministers in the past used to do. There is no union. The leader of the Government will understand what I mean. If he had one or two members from this side of the House in his counsels it would make things much easier; but no. And we are not going to take it now any more than Sir Wilfrid Laurier accepted the offer from Sir Robert Borden at the heel of the hunt, when the hare was killed. The offer was made. Why, yes; but it was made after the plate was empty-the meat was taken, and even the bones were gone. That was not an offer

of union. All this goes to show that the Government need not arrogate to itself supreme power-need not and should not. It ought to be ashamed.

As far as the measures proposed in the Speech from the Throne are concerned, I would point out to one of the honourable ministers opposite that this new Board of Registration will save a lot of money and trouble if it takes the municipal voters' lists of the Dominion of Canada as the foundation of the registration. I have had considerable experience in municipal affairs and know what they are, especially in small municipalities. Take the case of the little villages and municipalities with anywhere from one hundred to four or five hundred or one thousand to two thousand voters: every name that is worth anything is on that list, which gives the number in the family and the members of the family. I suppose what the assessor does in one municipality he does in another. Take, for instance, the county of Prescott. The voters' list there is practically a complete registration of what you want, and every other county is practically the same. I understand that in large places there is quite a large floating population that is not put on the municipal list; but every man who is an occupant or a proprietor has to be on that list. I hope the honourable minister will take this advice in good part. It will ease his work, it will simplify it, and it will prevent the useless expenditure of money which is so much needed to-day for war purposes. If he follows this advice, he could write to the clerk of each municipality asking for a copy of the voters' list, and inside of two weeks he would have practically what the Government needs. What is the good of registration with regard to the floating population? They are here to-day and away tomorrow. What you want is a registration of the men who cultivate the soil and work in the factories from one end of the year to the other. But in the cities-for instance, take Montreal-men working in St. Henri to-day are lost next week down in the east end, and so on. The floating population will not cut much of a figure. In these municipal lists which are already made, certified and sworn to, you have the bone and sinew of the land. What more do you want, unless you want the floating population? Well, then. restrict your efforts. To do this work you do not need a whole lot of machinery, clerks, officers and stenographers, to gather in the information which is already in the hands of the clerk

of each county and each riding in the Dominion. I throw out these suggestions because I think they may have some effect with the Union Government.

I have not criticised the different measures of the Government, but I could not pass over the unequal and unfair way in which the last election was carried. I could not pass without criticising the manner in which the election was conducted, and corroborating the charges made by the honourable senator from Ottawa (Hon. Mr. Belcourt). I can assure you, honourable gentlemen, that the province of Quebec has more fairness to the square inch with regard to race and religious matters than the province of Ontario has to the square mile; and, from the look of things, I am afraid it has more fairness to the square inch than there is to the square acre in the West. There is nothing but fairness in every transaction of the French people with their English fellow-citizens. They give them everything possible in the shape of education. They give them all kinds of protection. They have no say, and do not want any say, as to the English schools. Where there are only one or two English families in a French village, the people nominate a member of one of those families for mayor. Why, in the French town of Hawkesbury I was made mayor after two or three years' residence. There is not a fairer people on the face of the earth. Why these blessed editors and pulpiteers and lodge-runners do not open their eyes and acknowledge the fact is more than I can understand. Why do they not leave the French people alone? I fail to apprehend the motives of these people in regard to the province of Quebec.

I am just going to touch on the patriotism of the French Canadians. They are ten times more patriotic than the Flavelles, the Allisons, and many of the Conservatives who are locked arm-in-arm with the antipatriotic element of Quebec. There is more patriotism in the province of Quebec than in any other province of the Dominion of Canada. The French Canadians are for Canada first, last, and all the time. They are not against England; they are not against France; but they want to look after their own interests first, last, and all the time, and who is going to call them traitors for that? They did not refuse to go to the front out of pure deviltry. They are in arms to-day on account of the treatment meted out to them by certain elements in Ontario and the West, and I as a representative of Quebec endorse their attitude, and will back them; and let the English-

Hon. Mr. CLORAN.

speaking element of Canada understand that I am not alone in that attitude. I stand here for the French Canadians in all their demands, because their demands are justified; they are based on right; they are based on liberty and justice for all, and not for the few; and the editors and pulpiteers and platform orators of Canada will have disappeared when the province of Quebec will still be on the banks of the St. Lawrence. The French Canadians were here before them, and they will be here after these loud-mouthed Flavelles, profiteers, and others have gone. They are here to stay. They are the key of the North American continent. Some people seem to forget that. Why do they not open their eyes to this fact? I am not a French Canadian, but my eyes have been opened to the fact. I know who and what the French Canadians are; I know what they mean and what they want; and the sooner the members of our Government from the top down-some of whom, including the President of the Privy Council, denounced the French Canadian people and their religion during the last campaign-recognize that fact, the sooner will they get rid of that element in the Government for the benefit of Canada as a whole. We hold out no threats to the rest of the Dominion; we stand pat on our own merits and the strength of the cards we hold, and we have a hand all the time that will beat the other fellow on the grounds of justice and fair play.

Hon. JAMES DOMVILLE: Honourable gentlemen, I would like to say a few words during this 'fracas. I had no intention of speaking, because I stand on the apex of a pyramid. It is like standing on a monument in London with the people all scrambling around, and you cannot tell what they are doing. In the province of New Brunswick we never rebelled. We can trace our ancestry right back, navy and army, to the battle of Agincourt, back to William the Conqueror, or to the time when we were all French. We have perhaps differed and branched off since then, but it is the same stock that is going into this fight.

The admirable speeches made on all sides, especially that of the honourable leader of the Government, commended themselves to me, and now I am speaking from my heart, because I am the oldest member of either the Senate or the Commons in date of appointment. I was in the Commons in 1872, 46 years ago, when I had the honour of supporting Sir John A. Macdonald. I thought the world of him. As a boy he was my hero, and I worshipped him; but

MARCH 20, 1918

as time went on there was a difference somewhat similar to the present one, and there was a union that I could not agree with. I could not swallow everything that went on. I could not feel that I owed my allegiance to anything but the people all these and the country. During years I have tried to do my duty to the country. Men have passed away and will pass away from this great planet. I stand almost alone: but the globe is going through the atmosphere-oxygen, nitrogen, carbon dioxide and so on-and is raising the crop which the animal or the man eats, and when a man dies all that is left of his body is \$1.47 worth of phosphate of lime. That is a man's value. That is science.

Some hon. SENATORS: Hear, hear.

Hon. Mr. DOMVILLE: My honourable friends laugh, and they are sincere. They are the governors of this country, and they feel that they are supremely above the French or the Irish or anything you like. I speak for my own denomination. Do you think that I would subscribe for one moment to apostolic succession? Moses was a strong man. He carried down the tables of stone and led the people for forty years. He was a strong man. To-day we lack strong men in Canada. We lack men who have an idea above themselves and above keeping in power. I for one will go any length for what? A Union Government? I do not know it: I know nothing about it. I know the British Empire and I know my own people who are struggling-some of them have lost their lives. I know what our duty is to the Empire; I know how far she should call on us, and how far we should contribute; but there is no reason why we should have things crammed down our throats and the wool pulled over our eyes. We will support good measures. The trouble has been relieved for the moment by this coalition, but what does it amount to? Like the honourable gentleman from Ottawa (Hon. Mr. Belcourt), I would have given every support to the Government, but now I say, keep it for your own seamews, keep it for your own crows. If they have this majority, may they not rely on it if they have the confi-dence of the people? If they have not the confidence of the people, what is the good of assuming the reins of office? They must have gone where they could plug in the votes, if our information is correct. The Government could not have kept them out, but why should they place before the people of this country the idea that they were rising to save the nation?

The women went crazy. Families were divided in their own homes. Preachers held up before the people on the one hand their duty to the country, and on the other hand their duty to the Conservative party, who had served the country and had saved it. Well, I am not finding any fault with them. because in the past I have seen a great deal; but now, at this late hour of our service in this country, we have but one purpose, and that is to have the country gov-. erned by men who will do their duty. It is no excuse to say: "In the future we will not do what has been done in the past." If wrong was done in the past, why was it done, and why were the guilty parties not required to walk the plank like pirates? There is the point I want to make. I am not finding fault with the leader of the Government in this House. I have always appreciated his good qualities. I have said a great deal about him behind his back, and all the time in his favour. I think he has conducted the affairs of the Senate better than anybody else I have known since I have been a member of this honourable House. He has been moderate, friendly, and willing to do what is right. Public men must not be puppets. You have seen puppets that are worked by strings; you pull down a string and up comes a jack-in-the-box or something else. They must not be put before the intelligent men of Canada.

The world, after this war, will go on as before. The war will not end it. I hope the war may be over soon, but there will be afterwards the same struggle for supremacy, the same desire to hold office, the same desire to feed at the public orib. Men do not see that it is wrong—it cannot be wrong. We have our standards, and a man who does wrong is said to be a good man; he goes to church; he pays his money; and the jury will not convict him, and the judge will not do anything. So such men go along undisturbed, and we are asked to follow them.

Now, I think we may lay down the policy that the support which we shall give is based on our appreciation of the Empire and our willingness to do our duty, and not upon anything that may be flaunted in our faces, such as the statement that this man was appointed here and another to another place. We have a right to be considered loyal. We can point to our ancestry, as good as any. They once fought as French, and have become Anglicized. As I said before, I for one, am down on apostolic succession and those gentlemen who

6-3

REVISED EDITION

SENATE

go around in gaiters and who are drawing immense sums of money. I read in the paper the other day of one celebrated divine who gave away twenty-five million sterling. Where did he get it? Was he a disciple of the Galilean Fisherman, who walked about in bare feet and spread the gospel? I say that the amassing of such wealth has absolutely perverted the gospel. The true spirit and intention of saving the race, of endeavouring to make it Christian, is gone. Christianity has disappeared.

Coming down to the divine right of kings, I am against that too. I am loyal to the King; the King is doing all he can; but hereafter the people must say who is going to rule them. The name of the Royal Family has now been changed to that of the House of Windsor. They had to do it, and we are on the eve of a struggle all over the world between the smaller and the larger man.

I do not know who Flavelle is. I have seen his name in the papers. He has millions of money. There are more millionaires in Canada today than ever before. How did they get their money? Where did it come from? Who has suffered? Where was their patriotism when they would accept all that? The women down our way have been working with their fingers from early morning till late at night making socks and all sorts of things to send to the troops, and here are these magnates flaunting their wealth before the country. Yet there is considered to be no vice in that. I do not want to throw any slurs at anybody, but I say the whole principle is wrong.

As I said long ago, it was not my duty to find fault or criticise the Government, or to vote against them until the proper time came; but when they did wrong, then I had the right to oriticise and find fault. The Liberal party has contributed something towards the welfare of this country; but I should rather have seen the Conservatives continue in their magnificence-the magnificence of their power, the magnificence of their elections. I could tell you something about elections, too, if I wanted to do so, for I have seen how they are conducted. Sir John Macdonald, before he went down to defeat in 1874, had a majority of 34. I was with him then and had the honour of supporting him, but if I were asked to-day if I would belong to this party, I must reply that I could not. Why? I cannot change all the time, and I would vote against this party because I must be faithful to my duty. When Sir John Macdonald went down to defeat in 1874, what was his answer to me? This, perhaps, may be a state secret, but it is well that it should be Hon. Mr. DOMVILLE.

known. He said: "We cannot get along. We have been long enough in power, and we must give place to the Liberals; but they will not stay long, and we shall become stronger than we were before."

As to the Pacific scandal, there was absolutely nothing in it, although because of it and because of his honour and his appreciation of public opinion Sir John Macdonald went out of power. There were two companies concerned. Macpherson had one and Sir Hugh Allan had the other. In order that there might be no trouble, Sir John Macdonald offered two charters, and whichever one could fulfil the conditions and build the Canadian Pacific railway was to be granted the charter. What did Sir Hugh Allan do? He contributed \$200,000 out of his own pocket-not out of the country's treasury, but out of his own pocket. He filched nothing from the treasury. Good old Scotchman as he was, he took nothing for humself. He thought that it was his duty to assist in getting that railway built for the development of the country. My honourable friend (Hon. Mr. Bostock) referred in his speech to the importance of the transportation problem, the problem of bringing food products out of the country. Sir John Macdonald said that what Sir Hugh Allan did was a leap in the dark. Well, Macdonald felt so keenly his acceptance of the \$200,000 for election purposes that he went down. There was a man whom I would follow to-morrow to Hades if necessary.

Hon. Mr. BOYER: A little later on.

Hon. Mr. DOMVILLE: I am afraid I shall not have the honour of meeting some of you there, because I think the devil has reserved me a better place.

As to the present situation, we must rise superior to it. It shows how far the people can be led by erroneous ideas and sentiments. The women carried this election. Families were divided over the issue, and there was more animosity amongst the women in my district than would be imagined possible. It is difficult to say what the result would have been if all the women in Canada had been given the vote, which, I think, would have been fairer. I was always opposed to granting the vote to women. If I were asked about it to-day, personally, I would not favour it, because it might result in the destruction of the Empire, judging by the rows and wrangling and the false impressions given to the women by this. that, and the other preacher. That vote could never be utilized in a common-sense way. Perhaps what we are saying will go

over to England. I do not know whether it will be published in Canada or not. Nobody ever reads what is said in the Senate, and nobody cares, but the Senate should make a landmark to-day. We should accept what my honourable friend says-that they will do their duty. He pledges himself-and his word is good-that.we will not stand for any wrongdoing. I will not use a stronger word than wrongdoing, or falling from grace. With that understanding, it is our duty to support the Government, but it is their duty to lop off all the rotten branches that are around them. When there is in the Government someone who is useful, we will keep him; when he is not useful, we will fire him. I know that my honourable friend (Hon. Sir James Lougheed), whom we always look upon as a coming Prime Minister of Canada-I think he will be yetwill stand by what is right, and I have full confidence in him. But let it not be supposed that intelligent men, who have sailed the ocean main and climbed the mountains to the Pacific, will tolerate any tinsel or sham, or will retain a man simply because he is a supporter of the Government and it is expedient to take him in on account of his antecedents or his present condition. I heard some one say that this was the strongest Government that ever existed since Confederation and also the weakest; it is the strongest in votes, but it has not the confidence of the people.

Now, let us see what will come of all this as the year goes on. In the near future we shall have an enormous amount of liabilities to face. That is what is going to hit the people-take the money out of their pockets and bleed them. No matter what sophistry or pleading is used, the question will be asked: "Where did this money go? ('ould it have been saved? Could any of it have been saved?" No one imagined when we went into this war that it would cost us \$2,000,000,000, but before we are through with it it will have cost more than \$2,000,-1.90,000 and we cannot evade our liability. It is our duty to do whatever may be necessary. I felt from the very first, and I feel to-day, that it would be impossible to contribute the 500,000 men promised in our gush of patriotism and our desire to elevate ourselves before the English and other peoples of the world. Anybody who has read history or understands military affairs can see that this country could not make good its promise to send overseas 500,000 men and keep the country going. There were many obstacles, such as physical disability and liabilities at home which prevented men from going.

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I desire now to pay a compliment to Sir Sam Hughes. He does not like me and I do not like him; but, while he made mistakes and blunders, he succeeded in bringing an army together more quickly than any other man in Canada could have done. Of course, J do not want to find any fault with the generals we have about us. It is very pleasant to be called a general, although personally I would hate to be called anything but citizen Domville—citoyen. I have too firm a belief in democracy and in the people to think that I should be in any way benefited by some little tuppeny-ha'penny emolument of office. That is my view.

When you go home, all of you, think it over. I am not now talking to the members of the Government. When you go back home you will be asked by your friends: "How are matters going? Have you done such and such a thing?" "Yes." "But have we nothing to say about it?" "No; it is the soldiers' vote; you have nothing to say." The women will run this country. The women will run us. Now, I think it is all very well in a certain respect for the women to run us, but it is not good for the state.

It is not good for the Government to flout the people or to flaunt before them the idea that they can carry on the affairs of this country as they please. They cannot do what they like. They will not be allowed to do what they like, no matter how good their intentions may be. How many members of the present Cabinet will be left in another twelve months? Ministers have come and ministers have gone. You men are brought into the Cabinet who are going to do something, and it does not materialize. There is not much more to be said on the subject except that we must hold the Government of the day, whether it be Liberal or Conservative or mixed, or whatever it may be called, responsible for the conduct of public affairs in the future, particularly militia affairs; and if they ask us to meet the war debt or do anything else, we must do it and back them up, but we must hold them responsible. I want just to emphasize this idea, that the people of the country will not continue to stand by and see such enormities as have been committed. I do not wish to cast any aspersions at anybody, but it is an unfortunate state of affairs to find that the Government is so weak that it cannot carry on the affairs of the country without taking in some Liberals and requiring the women and the soldiers to put them in power. That is not sound and it will not work. It reminds one

SENATE

of Butler's Hudibras. The Dollomites had a row, and he asked: "Who caused the Dollomites to rise, and fill the butcher shops with big blue flies?" Bumble-buzzers. We have such a situation to-day. We have the warning: "Mene, mene, tekel upharsin"-the handwriting on the wall as it appeared at Belshazzar's feast. The present arrangement will bridge over the difficulty for the moment, but I think the Government of the day might properly be asked to have placed on their coat of arms that old saying: "Exegi monumentum aere perennius"-we have raised up a monument more durable than brass. It will be a monument that will stand against them-a monument of the misdoings for which they will have to render an account to the people of Canada.

I shall not occupy the time of the House any longer. I am sorry to trouble you. I did not intend to say a word, but I could not allow it to go on record that we were disloyal because we would not accept this man or that man. I trust I have said nothing offensive; I have tried to say nothing offensive, and I trust that my remarks may be taken in the same spirit as that in which they are offered.

The Address was adopted.

The Senate adjourned until 3 p.m. tomorrow.

THE SENATE.

Thursday, March 21, 1918.

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

Prayers and routine proceedings.

DEBATES OF THE SENATE.

REPORTING FOR THE PRESS.

Hon. Mr. DENNIS presented the second report of the Committee on Debates and Reporting, recommending that the services of Mr. A. B. Hannay be continued for the present session upon the terms stated in the report of the committee of June 3, 1913, and that Mr. J. A. Fortier be employed as provided in said report.

On motion of Hon. Mr. DENNIS, the report was concurred in.

GOVERNMENT WAR LOANS.

INQUIRY.

Hon. Mr. DAVID inquired:

What is the amount up fo date of the loans contracted by the Government in England, in the United States and Canada, and of the interest paid on such loans since the beginning of the war?

Hon. Sir JAMES LOUGHEED: The information asked for is as follows:

Statement of Loans issued by the Dominion of Canada since the Beginning of the War.

Title of loan.	Rate of interest.	Year of issue.	Date of maturity.	Amount.	Interest paid.
	p.c.			\$ cts.	\$ cts.
England : 4½% Bond loan United States :	4 <u>1</u>	1915	1920-25	24,333,333 33	2,737,500 00
New York temporary loan 1915	5 5	1915	1917	45,000,000 00	3,250,000 00
Public service loan	5	1916	5, 10 & 15 yrs.	75,000,000 00	5,625,000 00
5% Bond loan	5	1915	1935	873,000 00	69,280 55
New York temporary loan 1917	5	1917	1919	65,000,000 00	1,625,000 00
Total				185,873,000 00	10,569,280 55
Canada:					
5% war loan 1915-25 5% war loan 1916-31 5% war loan 1917-37	5	1915	1925	100,000,000 00	10,000,000 00
5% wai loan 1916-31	5	1916	1931	100,000,000 00	5,000,000 00
5% war loan 1917-37	5	1917	1937	150,000,000 00	7,500,000 00
$5\frac{16}{2}$ % Victory loan	$5\frac{1}{2}$	1917	5, 10 & 15 yrs.	396,000,000 00 (Estimated.)	
Total				746,000,000 00	22,500,000 00
Recapitulation :					
England				24,333,333 33	2,737,500 00
United States				185,873,000 00	10,569,280 55
Canada				746,000,000 00	22,500,000 00
				956,206,333 33	35,803,780 55

Hon. Mr. DOMVILLE.

RURAL PLANNING AND DEVELOPMENT. MOTION FOR RETURN.

Hon. Mr. DOMVILLE moved:

That an Order of the Senate do issue for a return of the details of certain totals, being the estimated cost of streets, sewers, etc., given on Figures 29-30, placed between pages 96-97 of Rural Planning and Development, written by Thomas Adams, being a report published by the Commission of Conservation dated 1917. The said totals being \$35,584, \$26,736, \$20,748 and \$23,533.

The motion was agreed to.

ELECTION, CONSCRIPTION, AND NAT-IONAL SERVICE EXPENDITURES.

MOTION FOR RETURN.

Hon. Mr. DAVID moved:

That an humble address be presented to His Excellency the Governor General praying that His Excellency will cause to be laid before this House statements showing in detail the expenditure made in connection with the last elections, the conscription law, and the National Service, up to the 1st of March.

The motion was agreed to.

CANADIAN OFFICERS AND SOLDIERS.

MOTION FOR RETURN.

Hon. Mr. DAVID moved:

That an Order of the House do issue for a statement showing up to the 1st of March instant:

The number of Canadian officers and soldiers who left Canada since the beginning of the war, the time of their residence in England, the cost of their maintenance in that country, the number of those who never went to the front, and the names of such officers.

The motion was agreed to.

VOTES BY NON-RESIDENTS OF CANADA.

MOTION FOR RETURN.

Hon. Mr. DAVID moved:

That an Order of the House do issue for the production of a statement showing the ap-proximative number of votes given in the last elections by soldiers or persons who have never resided and who were not residing at that time in Canada.

The motion was agreed to.

WOMEN VOTERS.

MOTION FOR RETURN.

Hon. Mr. DAVID moved:

That an Order of the House do issue for a statement showing the number of women who have voted in the last elections, distinguishing: (a) Those who were the mothers, wives or sisters of soldiers residing in Canada;

(b) Those who were the mothers, wives or sisters of soldiers non-resident in Canada; (c) Those who were employed as nurses or otherwise in hespitals or other places in Eng-land and France.

The motion was agreed to.

MILITARY SERVICE ACT. MOTION FOR RETURN.

Hon. Mr. LANDRY moved:

That an Order of the House do issue fcr a statement showing, province by province, up to the 15th March, instant, in as many distinct columns

1. The number of men of the first class liable to be called to military service at the date fixed by the Government's proclamation.

2. The number of those who have responded to this call, distinguishing:(a) Those who entered the service imme-

diately. (b) Those who have applied for exemptions from the service for one of the reasons stated in the Military Service Act.

3. Out of the number of men conscripted thus applying for exemption :

The number of those who have obtained (a) complete exemption.

(b) The number of those who have obtained temporary exemption.(c) The number of those whose applications

were disallowed. (d) The number of those whose applications

have not been taken in consideration:

(1) By the local exemption tribunals.

(2) By the appeals tribunals.4. The number of volunteers and conscripts

actually in the service since the Military Service Act has been in force, distinguishing:
(a) Those who enlisted voluntarily.
(b) Those who accepted conscription.

(c) Those who were conscripted by the judgments of the tribunals. 5. The number of men belonging to the first

class who never responded to the call.

The motion was agreed to.

RAILWAY ACT CONSOLIDATION BILL.

FIRST READING.

Bill A, an Act to amend and consolidate the Railway Act .- Hon. Sir James Loughheed.

THE MINISTER OF FINANCE.

Before the Orders of the Day:

Hon. Mr. BOSTOCK: I would like to ask the honourable the leader of the Government if he can give us any information as to when the Minister of Finance is likely to take his seat in another place. There have been various rumours as to the condition of health of the honourable minister, and, as he was a very prominent member of the late Government, and as I presume his work would be very serviceable in the present Government, I think the House would like to have some idea as to the present condition of his health and when he is likely to return.

Hon. Sir JAMES LOUGHEED: I regret to say that I can give no information upon the subject. We all regret very much the serious illness of the Minister of Finance;

but when he will return to his place it is would have been a valuable asset to this impossible to say.

DISTRIBUTION OF FRENCH VERSION OF PARLIAMENTARY DOCUMENTS.

Before the Orders of the Day:

Hon. Mr. LANDRY: I would like to call the attention of the House to the distribution of the French version of the Minutes of Proceedings, the Report of the Debates. and other documents. There are only twentyfive copies of these documents distributed to members of this Chamber, and, if my memory serves me, there are twenty-six members of this House to whom the French language is more familiar than the English language. I would like to have a few copies to spare.

Hon. Mr. DANDURAND: As I do not see the Chairman of the Debates Committee (Hon. Mr. Dennis) in his seat, I may inform my honourable friend that only to-day that committee reported in favour of four copies of the French version being distributed to each of the French members.

Hon. Mr. CLORAN: Why, the English members need the French version more than the French members do.

DECEASED SENATORS.

TRIBUTES TO SIR MACKENZIE BOWELL, HON. MESSRS. SPROULE AND GILLMOR.

Hon. Sir JAMES LOUGHEED: Honourable gentlemen, owing to the duties associated with my position in this House, it has been my melancholy duty for some years past to direct the attention of the members to those who have been removed from our membership by death. Since we last met we have paid probably a more than usual tribute to the grim messenger who summons the traveller to that bourne from which none return.

Last session and up to its very close we had with us the three of our most active members upon whom death has laid his hand. The first thus to leave us was Senator Sproule. Although Senator Sproule had been for forty years in public life and had occupied many distinguished positions, yet by the measure of age common to this Chamber he could not have been said to have died full of years. Almost uninterruptedly during this period he was an active member of the House of Commons, and recently a member of this Chamber. He had the confidence and esteem of his fellow-men. His ripe experience and knowledge of public affairs and parliamentary practice Hon. Sir JAMES LOUGHEED.

Chamber had he lived.

The next death was that of Sir Mackenzie Bowell, and, though the oldest man in the Senate probably no death surprised us more. We who had been associated with him for so many years- he having reached the ripe old age of ninety-fourwere hopefully confident of being able to congratulate him upon reaching the censury mark. The hand of death has intervened and has prevented this hope being realized. With one or two exceptions no Canadian so prominently identified with the public life of Canada had lived to such a ripe age as Sir Mackenzie Bowell. The late Senator Wark had reached the century mark; but his activities in the public life of Canada could scarcely be said to be upon the same plane as those of our late colleague. So long was Sir Mackenzie Bowell identified with the public life of the Dominion that there were few having had to do with public affairs who had not the opportunity and pleasure of meeting him from time to time. I doubt if any public man in Canada ever had the confidence of the public for uprightness, tolerance, and honourable dealing in the transaction of public and private business more than the late Sir Mackenzie Bowell. He enjoyed the esteem and confidence of all classes of the community irrespective of politics, race, or religion. No man in Canada was ever actuated by a higher sense of public duty than our late colleague. His interest and activity in the affairs of this Chamber, notwithstanding his advanced years, were unequalled by any of our members. During his many years of membership in the Senate it was an extremely rare thing to find him absent from his place or indifferent to the business of the House, no matter how unimportant it might be. His years of public activity spanned the entire life of this Dominion from Confederation down to his death. He saw Canada emerge from a small group of colonies to a national entity and become pre-eminently one of the greatest possessions of the Empire. Notwithstanding his 94 years his interest in public and social life and his activities in all the spheres in which he moved were practically as great as those exhibited by him a generation ago. He was a bulwark of strength to this Chamber. We were proud of his association with it; we were proud on both sides of the House to call him our friend ; and in his death we can only say that a great Canadian has departed from amongst us.

MARCH 21, 1918

Some few weeks ago we were shocked to learn of the sudden death of our late colleague, Senator Gillmor. He was with us at the prorogation of the last session and from his appearance and the number of his years we thought he had many years of life before him. Senator Gillmor did not often speak in this Chamber, yet he was a man of great business experience, whose knowledge and judgment were most highly valued in the deliberations and business of the Senate. His was a disposition and temperament peculiarly attractive, and so appealed to all of us that we were glad of his presence and his friendship. His death was sudden and unexpected, and he leaves behind him a family who will greatly mourn his loss. We join with them in the bereavement they have suffered.

Thus we realize what shadows we are, how short our days, and how unsubstantial the things we pursue. We mourn the death of our three colleagues, and we extend our sympathies to their families who thus mourn the loss which they and we alike have suffered.

Hon, HEWITT BOSTOCK: Honourable gentlemen, I do-not know that there is very much that I can add to what has been so well said by the honourable the leader of the Government in reference to our late colleagues. From his experience in another place before he came here, the late Senator Sproule proved himself to be a very valuable member of this House. When he came here he at once took his position, both in the House and in the committees, as a man who thoroughly grasped the work which came before us. He had had experience in the general business of the country in his own locality, and that experience was always of great value in connection with any questions that arose.

Sir Mackenzie Bowell we all knew and admired very much. His life is bound up with the history of this Dominion. In 1867 he was elected to the Parliament of Canada for the first time, and sat continuously as a member of the House of Commons until he was appointed to the Senate. He was always a strong fighter; he was always ready and willing for a scrap, and always enjoyed it; at the same time, he never made enemies of those whom he was opposing, because his fighting was always clean and above board. In his early life he was very active in the volunteer movement, and later in the militia movement. Probably that was one of the reasons why he developed this keenness for a fight. He held positions in the Government of the country for 25

years, and, notwithstanding the amount of work that he did, he was active and energetic to the very last. One incident that struck me as most extraordinary was that a man of his age could make up his mind to travel to the extreme western end of this Dominion, as he did when he was 92. He said that he had never seen that part of the country, and that it was the duty of a public man to know the country for which he was legislating. A journey of that kind for a man of his age was, I think, an extraordinary thing. We on this side of the House most sincerely regret that he has passed from us, and we sympathize most sincerely with his family.

Our friend Senator Gillmor was not very conspicuous in the work of the House, or on the committees, but he was always on hand to do his part. His was a most lovable nature, and all those who knew him were exceedingly fond of him. He was very strong in his ideas on all questions of trade, and was a prominent business man in the Maritime Provinces. We were shocked by his sudden death, as he departed at a comparatively early age for members of this House, certainly very early compared with the age that had been attained by Sir Mackenzie Bowell. We extend to his widow and family our sincere sympathy in the loss they have sustained.

Hon. PHILIPPE LANDRY (translation): Honourable gentlemen, the veterans of our political world are passing away. In thinking of the Senators whom death has struck down since the last Session, and who have forever disappeared from this enclosure, we the living of to-day—those of us at least who are privileged by age or long service to approach more nearly to the tombs which have just closed—are called upon, standing beside the open grave, and casting therein a handful of earth, to bid a last farewell to our forerunners, and to transmit to those who follow us the tender memory of the virtues which we admire in those whose loss we mourn.

In the public life of the men whose eulogies we have just heard there have been incidents which cannot be forgotten. Welling up in our hearts are sentiments of gratitude the knowledge of which it behooves us to carry forward to the generation which is gradually replacing that to which I belong.

It would be a strange failure on my part to recognize the full duty imposed upon me by the position which I occupy in this Chamber if, in the name of the province of

which I am one of the representatives, I did not pay to the memory of Sir Mackenzie Bowell a tribute of gratitude from my co-religionists for the firm attitude manifested by him as the Canadian Prime Minister in the memorable crisis which almost engulfed his Government in the dark days of January, 1896.

I lived those thrilling days. I was a witness, in July, 1895, of the resounding resignations of Messrs. Angers, Caron and Ouimet, of the return of the last two to the ministry, and of the splendid isolation of Mr. Angers, who persisted in his determination to remain outside of a ministry which temporized instead of adopting for our brothers in Manitoba the measures of justice indicated to us by the Constitution legally interpreted by a judgment of the Privy Council. The attitude taken by the province of Quebec and the men who represented it prevented for six months the obtaining of a successor to Mr. Angers in the Federal Ministry. As a consequence, in January, 1896, Parliament met with a Ministry which was incomplete. The Speech from the Throne, the work of the Cabinet, promised remedial legislation; but before the Address in Reply was adopted by the House of Commons, a violent crisis broke out within the Cabinet, and Messrs. Foster, Haggart, Ives, Montague, Wood, Tupper (the younger), and Dickey ostentatiously walked out of it, giving as a pretext the manifest weakness of the Bowell Government in not being able, thanks to the province of Quebec, to obtain a successor to Mr. Angers in the Cabinet. This happened about the 4th or 5th of January, 1896.

Following the desertion of the seven members from his Administration, Sir Mackenzie Bowell tendered his resignation to the Governor General of the time, Lord Aberdeen.

On the 9th of January the Prime Minister announced to Parliament that the Governor General refused to accept his resignation.

What, then, had occurred between the 5th and the 9th of January? On the 8th, about noon, in the old room No. 25 of the Senate, where Mr. Angers was in conversation with Senators Bolduc and Landry and three members of the House of Commons, Messrs. Dupont, Joncas, and Arthur Turcotte, an aide-de-camp of Lord Aberdeen knocked at the door of the room and requested an interview with Mr. Angers. He had come on behalf of His Excellency to ask for the advice of a member of the Privy Council as to what course to pursue in face of the resignation of his Prime Minister. The ad-Hon. Mr. LANDRY. vice was given there and then, and the Governor refused to accept the resignation of Sir Mackenzie Bowell while the House of Commons had not voted its reply to the Speech from the Throne. The House adjourned to the 14th. Sir Mackenzie had time to reorganize his cabinet and he had the Address in Reply adopted by the House. The crisis was at an end, and the remedial legislation was submitted to the deliberations of the popular chamber.

Sir Mackenzie Bowell was then the leader of the Senate; he became the enthusiastic defender of the Catholic minority—he, the chief of the Orangemen—and, with an unfailing fidelity and a loyalty which had gained for him the sympathies of the persecuted minority, he fought to the end for the triumph of the cause which he had espoused.

In the name of the province of Quebec, in the name of the Manitoban minority, I owe and I render to him the testimony and the expression of our profound gratitude. He is no more, but the remembrance of his noble conduct remains imbedded in the memory of a whole people. Others have praised the statesman, with his extensive knowledge, the fruit of long experience. For my part, I mourn the loss of a sincere friend of upright character and lofty soul, and I can with confidence add my feeble voice to the unanimous chorus of praise which is raised in this Chamber in honour of the memory of a good man.

Hon. L. O. DAVID: I wish to add a few words to what has been so well said of Sir Mackenzie Bowell, whom I had the honour and the pleasure of knowing intimately. When I saw Sir Mackenzie Bowell for the first time, his middle-sized stature was strong, solid, and well proportioned. With his black beard and hair and his dark-coloured frock coat, his aspect was severe and imposing. If he had worn a military uniform in the days of Elizabeth, he would have been taken for a general of that time. He occupied then a high position in the front rank of the Conservative party, amongst the best fighters in that party, under the direction and command of the illustrious Sir John A. Macdonald. All his outward appearance showed signs of firmness and energy, of a resolute mind, of a tenacious will: he was a perfect type of the first-class Englishman, of the John Bull described by Max O'Rell. His demeanour was calm and quiet; his eyes were small, but expressive, and promptly brightened up under the influence of a lively sentiment or of a deep thought, and darted flashes which indicated a warm heart and a firm

MARCH 21, 1918

mind, susceptible of great resolutions and of feelings of independence. He seemed to be made of iron and steel, like the dreadnoughts of to-day. This probably accounts for his sympathies for these naval monsters. In fact, he was a born fighter, either in war or in politics. He showed his military propensities when, in 1864 and 1866, he went to the frontier to defend the country, and I am sure that if his services had been otherwise required, he would have distinguished himself on the battlefield and would never have surrendered. If he had been a captain on a war vessel or an admiral, he would have blown up his ship rather than strike his colours.

What I have just said is from a pen-picture which I wrote about forty years ago. At the age of 93 years he remained as he was then. His beard and his hair had become white, his body somewhat bent, but the judgment, the memory, and the mind preserved their vigour. His great memory filled his speeches with facts and souvenirs which were interesting and instructive. At the last session he could get up and speak for a long time without a single note. Under the snow of old age the fire still smouldered, and it was not necessary to stir it much to make it emit flames. The old lion seemed to be slunbering sometimes, but care had to be taken not to awake him too brusquely.

An English historian says of the celebrated Canning that he had a clear eye, a strong common sense, a sound practical judgment, a prompt, swift hand to do what was really necessary, and a strong sense of duty. This description of Canning may be properly applied to the late Sir Mackenzie Bowell. He had a deep sense of duty and justice mingled with feelings of benevolence that tempered his combative disposition. His temperament was controlled by a sound judgment and an upright mind; and, as he was courteous, affable, and kind, and as his public and private life had been honest and respectable, he enjoyed the confidence and esteem of the Canadian people. He lived for nearly a century on our planet, and he must have considerably worn out the crust thereof, for he has walked much on it. He had seen many kings, emperors, prime ministers, and presidents passing and succeeding one another; he had witnessed the beginning and the end of republics, kingdoms, and empires. He had been himself a Prime Minister but for a short time; he claimed that he met with a nest which he characteristically described in very strong language.

Sir Mackenzie Bowell up to the last moment preserved his usefulness in the Senate and his intellect and vigour. We shall miss him in our deliberations and shall feel keenly the loss of his vast and varied experience and of his advice.

Hon. H. J. CLORAN: Honourable gentlemen, after an acquaintance of 38 years with the late Sir Mackenzie Bowell, dating from the time of my coming from the university up to the present, I think I am entitled to offer a tribute of respect and admiration for our departed friend and colleague. If we only had statesmen of his stamp in larger numbers in Canada, Canada would be a happier country than it is to-day. Sir Mackenzie Bowell was at the head of an organization which he made friendly to all the other races throughout the Dominion of Canada. He was Supreme Grand Master of the Orange Order. That did not prevent him from being the bosom friend of bishops, canons, parish priests, and clergy of every denomination. Therefore I say that if we only had at the head of our affairs more men of his stamp, this country of ours would bear a fairer name abroad and be a happier home for our people. It is a pity that not only those who are charged in our legislatures with the interests and business of the country, but also men or women in all professions, in all ranks, whether in the church, in science, in the arts, in the ranks. of labour, or otherwise-all who have anything to do with moulding public opinion -do not take him for a model and follow his example. Notwithstanding that he was the head of an organization which is supposed to be diametrically opposed to Catholic interests, especially Irish Catholic interests and the interests of French Canadian Catholics, he kept that body within bounds, for he was a man who believed in equal rights, equal justice, to all classes, all creeds, and all races in this Dominion of ours. Not only did he believe in these principles, but he acted up to them. He did his utmost, and God will reward him for it, to have equal justice and equal rights given to a small minority in this country of ours, and for that he was driven from power. This will be remembered to him in the annals of our history. We spoke yesterday of the amity, harmony, and union which ought to exist in this bountiful country of ours, upon which God has lavished the best fruits of his creation-in the bowels of the earth, in the air, in the waters of our lakes and our seas, in our soil. God has given us all that, but the people whom he has placed

SENATE

in this haven of rest and bounty are not living up to their task. We live too much dissatisfied, disunited condition of in things. It is a pity. That condition would not obtain if we had more men like the late Sir Mackenzie Bowell. As I have stated, I have known him for 38 years. T have been obliged to follow closely his line of action. Although I did not agree with him on political or economic lines, I admired the man for his candour, his straightforwardness, his honesty. From 1882, practically from 1880, I, as a journalist and editor of some of the papers in the city of Montreal, was called upon to criticise his administration, especially his administration of the Customs Act which came into force in the Parliament of 1879. He was a most rigid administrator, a most severe administrator. We found no fault with that; but, being opposed to the principles upon which the Government was acting, we had to criticise him. But never in all my experience, either in the press, on the platform, professionally, or in this House, have I had to differ with him in regard to social, religious, or national matters. He was one of the men who stood by the Catholic minority in Manitoba; he was one of the men under Sir John Macdonald who stood by the Irish people at the time of the Home Rule measures of 1882 and 1886. He was the friend of all; he was the enemy of none; and it is becoming of this body, and it behooves me, to mourn the disappearance of such a man, especially when he leaves so few behind like himself. I hope and trust that before death closes my eyes we will have enough men in this House, in the House of Commons, in the press, in our pulpits, and on our platforms, to mould opinion along the lines of justice, fairness, and equity. It is up to us to do something. The people are always ready to follow wise advice when it is given in sincerity. Unfortunately, people are also too ready to follow the leadership of men whose ultimate object is not the real welfare of the community, but personal interests. The people are too often led astray. I believe that some of the people can be fooled all the time; there is no doubt about that; but my experience during the past 40 years has been that all the people cannot be fooled all the time. The work of the class who are called upon to enact laws is to make these laws as fair as human advice, human intelligence, and human kindness will permit. That is our work. We should be here for no other purpose, and, in lamenting

the death of Sir Mackenzie Bowell, jointly with the death of Senator Sproule and Senator Gillmor, I hope that we are paying tribute to the worth, to the virtue, of men who deserved well of the country, and whom we should emulate in the future.

Hon. PASCAL POIRIER: Honourable gentlemen, I just wish to add one word to what has been well and reverently said of Sir Mackenzie Bowell. I have known him, I may say, since the first time he entered Dominion politics. While he was Premier I was one of his supporters; I followed his leadership in this House; and I have sat to his right in this Chamber for many years. This I would say of him, and have the words engraved on his tombstone: "An honest man has departed this world."

The Senate adjourned until 3 p.m. tomorrow.

THE SENATE.

Friday, March 22, 1918.

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

Prayers and routine proceedings.

THE ROYAL ASSENT.

The Hon. the SPEAKER read a communication from the Governor General's Secretary, announcing that the Right Honourable Sir Charles Fitzpatrick, G.C.M.G., Chief Justice of Canada, Deputy Governor General, would attend in the Senate Chamber at 5.45 p.m. this day, for the purpose of giving the Royal Assent to certain Bills.

CANADIAN AVIATION CAMPS.

MOTION FOR RETURN.

Hon. Mr. LANDRY moved:

That an Order of the House do issue for a statement showing, in as many distinct columns:

1. The different aviation camps established by the Canadian Government and their location with the date of their establishment.

2. The number of aviators who have gone through those camps since their establishment, and of those who have obtained their certificates.

3. The number of aviators now qualifying in each of these camps.

•4. The number of accidents which happened in each of these camps, distinguishing: (a) Mortal accidents; (b) Serious accidents; (c) Slight accidents, with their respective dates.

5. The number of machines out of commission, as a total loss or seriously damaged.

The motion was agreed to.

Hon. Mr. CLORAN.

CANADIAN OFFICERS AND SOLDIERS.

MOTION FOR RETURN.

Hon. Mr. BEIQUE moved:

That an Order of the House do issue showing: lst, the number of Canadian officers and soldiers who have returned from England during the present war without having been to the front, with an estimate of the cost of such officers and soldiers, giving the amount of the pay and the cost of maintenance, separately; and 2nd, the number of Canadian officers and soldiers still in England and who have been there for over a year and never been to the front, with like details of pay and cost of maintenance.

The motion was agreed to.

COMMISSIONS APPOINTED BY ORDER IN COUNCIL.

MOTION FOR RETURN.

Hon. Mr. BEIQUE moved:

That an Order of the House do issue showing the number and name of all Commissions appointed by Order in Council since the General Elections of 1911, giving date of each Order in Council, names of Commissioners, term of service, amount paid to each of them, and total cost of each Commission.

The motion was agreed to.

ADJOURNMENT OF THE SENATE.

MOTION.

Hon. Sir JAMES LOUGHEED moved:

That when the Senate adjourns to-day it do stand adjourned until Monday, the 8th April next, at three o'clock in the afternoon.

Hon. Mr. BOSTOCK: Would the honourable the leader of the Government have any objection to changing the hour of meeting on April 8th to 8 o'clock in the evening? I understand that some members of the Senate live on branch lines of railways, and, as under the present regulation of railways no trains run on Sunday, if members are to be here by 3 o'clock in the afternoon they would have to leave home on Saturday night.

The motion, amended as suggested, was agreed to.

RAILWAY ACT CONSOLIDATION BILL MOTION TO PRINT.

Hon. Sir JAMES LOUGHEED: With the leave of the House, I would move that authority be granted for the printing of 1,000 extra copies of Bill A, an Act to amend and consolidate the Railway Act. I think this is the same number printed by the House of Commons for distribution last year.

Hon. Mr. DANDURAND: Has the Bill been printed with the amendments?

Hon. Sir JAMES LOUGHEED: It has been printed practically as it came to us from the House of Commons, so we take it up de novo as it came from that House last session. The copies printed at that time have been distributed, consequently we need the same number of extra copies now.

Hon. Mr. WATSON: A number of important provisions in this Bill were adopted in another Bill last session. Will they come up again?

Hon. Sir JAMES LOUGHEED: Any amendments to the Railway Act that actually came into force through becoming law wil!, of course, be embodied in the Railway Act as it stands to-day.

Hon. Mr. DANDURAND: Is it the intention of the Government to move that the Bill be referred to the Committee on Railways, Telegraphs, and Harbours?

Hon. Sir JAMES LOUGHEED: That is the intention, the same as last year.

-Hon. Mr. DANDURAND: It seemed that we had exhausted the inquiry as to most of _ the contentious clauses, and that all the committee had to do was to deliberate and decide. Are we to start over again the whole hearing upon these decided clauses?

Hon. Sir JAMES LOUGHEED: That will be entirely at the discretion of the House. The second reading of the Bill appears on the Order Paper for April 8th, and when I move the second reading of the Bill upon that date it will be for the House to determine what procedure to pursue. It is my intention to move that the Bill be referred to the Standing Committee on Railways, Telegraphs and Harbours, as was done previously.

Hon. Mr. BELCOURT: I should think the committee ought to decide as to the points mentioned. There will be on the committee quite a number of gentlemen who were not here last year.

Hon. Sir JAMES LOUGHEED: But the reference of the Bill will be within the discretion of the House.

Hon. Mr. BELCOURT: But will it be a qualified reference, with definite instructions, or a general reference?

Hon. Sir JAMES LOUGHEED: There will be no qualification attached to it.

Hon. Mr. BELCOURT: Then the Railway Committee will decide if it ought to go on with the Bill clause by clause?

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. DANDURAND: I should take for granted that the Senate first will decide whether the Bill shall go to the committee or not. On the motion for reference the Senate will have to decide that.

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. DANDURAND: It seems that we might well discuss the advisability of sending the Bill to that committee. It is a public Bill and should be dealt with in Committee of the Whole. Of course, the Senate may decide otherwise, but, since we had such a thorough inquiry last session, I wonder if there is not now in this Chamber enough light on the question to inform the new members generally, without calling in experts and barristers from all over Canada to repeat what they gave us last year.

Hon. Sir JAMES LOUGHEED: It will be for the House to decide when the question of the reference comes up.

Hon. Mr. LANDRY: That cannot be decided before the second reading is moved.

Hon. Sir JAMES LOUGHEED: No.

Hon. Mr. BOSTOCK: Does my honourable friend (Hon. Sir James Lougheed) state that this Bill is already printed? I inquired for the Bill this morning and could not get a copy of it.

Hon. Sir JAMES LOUGHEED: I put a galley copy on the Table yesterday, but the printing of the bill is not complete and the Bill is not ready for distribution.

Hon. Mr. BOSTOCK: I think it might be well to have it printed so that members might study it during the recess.

Hon. Mr. BELCOURT: May I ask if instructions have been given to the printers to mark the clauses which are new, to distinguish them?

Hon. Sir JAMES LOUGHEED: I really cannot say as to that.

Hon. Mr. BELCOURT: It would be very desirable.

Hon. Sir JAMES LOUGHEED: The Bill has been in the charge of the Law Clerk of the committee, and whether he has done that or not I do not know. It would be very convenient to have it done.

Hon. Sir JAMES LOUGHEED.

Hon. Mr. WATSON: I think that instructions, should be given by the minister to have it done, because it would be a great advantage to be able to distinguish the old from the new parts of the Railway Act.

Hon. Mr. EDWARDS: There are no old and new parts now. It is practically a new Bill.

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. EDWARDS: I am surprised. As I understand, even during the same Parliament, if a Bill fails to pass at one session and is introduced again next session, it is taken up as an entirely new Bill.

Hon. Sir JAMES LOUGHEED: Yes, but what my honourable friend (Hon. Mr. Watson) referred to was the desirability of distinguishing the proposed amendments.

Hon. Mr. WATSON: Yes, from the present law.

Hon. Sir JAMES LOUGHEED: From the law as it stands to-day.

Hon. Mr. WATSON: What I meant to suggest was that the law as it stands should be distinguished from any proposed new legislation.

The motion was agreed to.

The Senate adjourned during pleasure.

The sitting having been resumed:

APPROPRIATION BILL No. 1.

FIRST, SECOND AND THIRD READINGS.

A message was received from the House of Commons with Bill 18, an Act for granting to His Majesty certain sums of money for the Public Service of the financial year ending the 31st March, 1919.

The Bill was read the first time.

Rule 63 having been suspended:

Hon. Sir JAMES LOUGHEED moved the second reading of the Bill. He said: I may say, honourable gentlemen, that the total estimated expenditure for the fiscal year ending March 31, 1919, is \$252,793,009.-97, of which \$95,100,144.12 is statutory. The amount, therefore, to be voted, is as follows: On consolidated fund account, \$129,231,965.-85; on capital account, \$28,460,900. The total amount of estimated expenditure on consolidated fund and capital account will therefore be \$157,692,865.85. The Bill now before

the House is for one-sixth of the total estimated expenditure, which amounts to \$26,282,144.31.

Hon. Mr. BOSTOCK: How long is this amount supposed to last?

Hon. Sir JAMES LOUGHEED: One-sixth of the year; that would be two months; but we will be able to struggle along, I think, until towards the close of Parliament.

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

Hon. Sir JAMES LOUGHEED moved the third reading of the Bill.

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

The Senate adjourned during pleasure.

The sitting having been resumed:

THE ROYAL ASSENT.

The Right Honourable Sir Charles Fitzpatrick, G.C.M.G., Chief Justice of Canada, Deputy Governor General, having come, and being seated on the Throne, and the House of Commons having been summoned, the Right Honourable the Deputy Governor General was pleased to give the Royal Assent to the following Bill:

An Act for granting to His Majesty certain sums of money for the public service of the financial year ending the 31st March, 1919.

The Senate adjourned until Monday, April 8, at 8 p.m.

THE SENATE.

Monday, April 8, 1918.

The Senate met at 8 p.m., Hon. Richard Blain, Acting Speaker, in the Chair.

Prayers and routine proceedings.

NEW SENATORS INTRODUCED.

Hon. George Henry Barnard, K.C., of Victoria, British Columbia, introduced by Hon. Sir James Lougheed and Hon. A. E. Planta.

Hon. Wellington B. Willoughby, of Moosejaw, Saskatchewan, introduced by Hon. Sir James Lougheed and Hon. H. W. Laird.

Hon. James D. Taylor, of New Westminster, British Columbia, introduced by Hon. Sir James Lougheed and Hon. L. W. Shatford.

CANADIAN NORTHERN RAILWAY SYSTEM.

INQUIRY AND STATEMENT.

Hon. Mr. CASGRAIN inquired of the Government:

1. Has the Government taken over the Canadian Northern Railway System or any part thereof?

2. If so, when?

3. If a part, which?

4. Has the Government taken over the Montreal Tunnel and Terminal Railway? If so, when?
5. Who is now paying for the works being carried on now and since last session on the last-mentioned undertaking?

6. Has the Government paid out any moneys on account of either of these two railway enterprises since last session?

7. If so, when? What are the various amounts thus paid and the dates of the various payments?

8. Has the Government paid any of the coupons of the bonds of the various subsidiary companies forming part of the Canadian Northern Railway System?

9. Has the Government paid any of the notes due by the Canadian Northern Railway Company or of any of its subsidiaries?

10. Has the Government given any undertaking or guarantee to pay any of the obligations of any of the said companies?

11. If so, what are the amounts thus paid or guaranteed? To whom, for what amounts, and at what dates?

Hon. Sir JAMES LOUGHEED:

1. No; the question is under investigation by the Board of Arbitration.

2. Answered by No. 1.

3. Answered by No. 1.

4. No.

5. The Montreal Tunnel and Terminal Railway Company.

6. Yes, in accordance with Act passed last session.

7. See statement attached.

8. No.

9. No.

10. No.

11. Answered by Nos. 9 and 10.

Statement re Sums paid C.N.R.

November	19th.	. 1917	 	 \$12,500,000	00
		1917		2,540,421	97
December	10th.	1917	 	 54,750	00
"	27th.	1917	 	 1,983,503	47
January 9				1,250,000	00
**	18th.	1918	 	 2,000,000	00
**	24th.	1918	 • • •	 2,000,000	00
"	30th.	1918	 	 2,017,460	77
February	4th.	1918	 	 653,863	79

\$25,000,000 00

Distribution of the above is as follows:		
Principal of Construction Loans: Central Trust Co., New York, Ioan repaid	\$ 1,750,000 300,000 1,500,000	00
Payment of Principal of Equipment Bonds Payment of interest on Equipment Bonds Interest and Sinking Fund on Mortgage Securities, ranking prior to Canadian Northern Railway 4 per cent debenture stock guaranteed by Dominion	4,976,500 1,075,002	
Government and interest on loans, etc.:— Canadian Northern railway. Canadian Northern Pacific railway. Canadian Northern Alberta railway. Canadian Northern Western railway. Qu'Appelle, Long Lake & Saskatchewan railway. Duluth, Winnipeg & Pacific railway. Canadian Northern Ontario railway. Central Ontario railway. Bay of Quinte railway. Mount Royal Tunnel & Terminal Company, Limited. Canadian Northern Quebec railway. Quebec & Lake St. John railway. Halifax & Southwestern railway.	$\begin{array}{c} 9,136,083\\ 2,117,301\\ 165,374\\ 622,619\\ 202,056\\ 570,552\\ 1,028,063\\ 57,012\\ 90,500\\ 582,741\\ 420,359\\ 172,363\\ 233,467 \end{array}$	76 91 83 00 87 80 99 00 58 76 32
	\$25,000,000	00
Cash Subsidies :		
 (a) Dec. 17th. 1917 (2) Canadian Northern Ontario railway—Ottawa and Port Arthur. (a) Dec. 17th. 1917 (2) Canadian Northe Pacific Ontario railway—Yellow 	\$ 15,000	0.0
Head Pass to New Westminster	338.893	63
	\$ 353,893	63
 (b) Payment under Guarantee Acts:— Sept. 1st. 1917. (1) Interest on Canadian Northern railway 4 per cent De- benture Stock guaranteed by Dominion Government 1914 	\$ 353,893	
 Sept. 1st. 1917. (1) Interest on Canadian Northern railway 4 per cent Debenture Stock guaranteed by Dominion Government 1914 January, 20th. 1918 (2) Interest on Canadian Northern Ontario railway, 34 per cent Debenture Stock guaranteed by Dominion Government, 1911. 	\$ 353,893	67
 Sept. 1st. 1917. (1) Interest on Canadian Northern railway 4 per cent De- benture Stock guaranteed by Dominion Government 1914 January, 20th. 1918 (2) Interest on Canadian Northern Ontario railway, 	\$ 353,893 \$ 628,166	67 92
 Sept. 1st. 1917. (1) Interest on Canadian Northern railway 4 per cent Debenture Stock guaranteed by Dominion Government 1914 January, 20th. 1918 (2) Interest on Canadian Northern Ontario railway, 3½ per cent Debenture Stock guaranteed by Dominion Government, 1911. March 1st. 1918 (3) Interest on Canadian Northern railway 4 per cent Debenture 	 \$ 353,893 \$ 628,166 599,024 640.666 \$1,867,858 	67 92 67 26

\$25,000,000 :- Authorized by Statutes, 1917, Cap. 24, Payment authorized by order in Council.

(a-1) Authorized by Statutes, 1913, Cap. 10.

Payment authorized by Order in Council. (a-2) Authorized by Statutes, 1912, Cap. 9. Payment authorized by Order in Council.

Payment authorized by Order in Council. (b-1) Authorized by Statutes, 1914, Cap. 20. Payment authorized by Order in Council. (b-2) Authorized by Statutes, 1911, Cap. 6. Payment authorized by Order in Council. (b-3) Authorized by Statutes, 1914, Cap. 20. Payment authorized by Order in Council. \$25,000,000—Authorized by Order in Council. (b-2) Avyamber 15th 1917

(a-1) \$15,000-Authorized by Order in Coun-(a-1)

cil, dated August 4th, 1916. (a-2) \$338.893.63—Authorized by Order in Council, dated November 13th, 1917.

(b-1) \$628,166.67—Authorized in pursuance of Sec. 29. of Chap. 20. of the Acts of 1914, Order in Council No. 1484, June 22nd, 1916.

(b-2) \$599,024.92-Authorized by Sec. 10, of

Chap. 6, of the Acts of 1911, Order in Council, No. 2440, October 7th, 1915. (b-3) \$640,666.67—Authorized in pursuance of Sec. 29, of Chap. 20, of the Acts of 1914, Order in Council No. 1484, dated June 22nd, 1916. Hon, Sir JAMES LOUGHEED.

PRINCE EDWARD ISLAND RAILWAY.

INQUIRY.

Hon. Mr. PROWSE inquired:

Is it the intention of the Government to standardize the Prince Edward Island railway or any part of it this year to make it correspond with the tracks on the mainland and on the Car Ferry? If the standardization is to be made on any part, what part?

Hon. Sir JAMES LOUGHEED: The answer to my honourable friend's inquiry is: No.

THE MINISTER OF JUSTICE.

RUMOUR OF RESIGNATION.

Before the Orders of the Day:

Hon. Mr. BOSTOCK: I would like to ask the leader of the Government if he is able to make any statement with regard to the rumour that the Minister of Justice has seen fit to resign.

APRIL 8, 1918

Hon. Sir JAMES LOUGHEED: I can only say that it is news to me. The rumour cannot have been circulating very widely, otherwise I think I should have heard of it.

PUBLIC SERVICE REARRANGEMENTS BILL.

FIRST READING.

Bill No. 2, an Act to authorize Rearrangements and Transfers of Duties in the Public Service.—Hon. Sir James Lougheed.

DAYLIGHT SAVING BILL.

FIRST READING.

Bill No. 4, an Act to provide for the time in Canada being in advance of the accepted Standard Time during the summer months. —Hon. Sir James Lougheed.

DEPARTMENT OF IMMIGRATION AND COLONIZATION BILL.

FIRST READING.

Bill No. 11, an Act respecting the Department of Immigration and Colonization —Hon. Sir James Lougheed.

MONTREAL HARBOUR ADVANCES BILL.

FIRST READING.

Bill No. 15, an Act to amend the Montreal Harbour Advances Act, 1914.—Hon. Sir James Lougheed.

DOMINION FOREST RESERVES AND PARKS BILL.

FIRST READING.

Bill No. 17, an Act to amend the Dominion Forest Reserves and Parks Act.—Hon. Sir James Lougheed.

RAILWAY ACT CONSOLIDATION BILL. SECOND READING.

Hon. Sir JAMES LOUGHEED moved the second reading of Bill A, an Act to consolidate The Railway Act. He said:

Honourable gentlemen, in moving the second reading of this Bill it is not my intention to review it. As honourable gentlemen know, the Bill is a very lengthy one. It deals almost entirely with the consolidation of the existing Acts respecting railways. I observed in the press a short time ago the statement that in this Bill there is a substantial departure from the Bill considered last session by the Standing Committee on Railways, Telegraphs and Harbours. Upon looking into the matter, and upon making inquiry of the Railway De-

partment. I find that that is not the case. The Bill now before us for consideration is practically the same Bill that came to us from the House of Commons last session. Certain amendments were proposed by the Standing Committee on Railways which . manifestly were advantageous, and which have been incorporated into the Bill which will come before us for consideration. As honourable gentlemen know, there were certain sections touching railways incorporated into the Bill which was before us for consideration last session that have since become law. Of course, those sections will appear in the Bill as part of the general law of Canada affecting railways.

When I had the honour to move the first reading of this Bill, immediately before the adjournment, it was suggested that it should be committed to the Committee of the Whole House instead of to the Standing Committee on Railways, Telegraphs and Harbours. The suggestion appealed to my judgment. It seemed to me a very desirable thing to do, inasmuch as it would give every honourable gentleman in the Senate an opportunity not only to familiarize himself with the Bill, but to take part in the discussions which must necessarily take place upon it. This Bill received such careful and complete consideration at the hands of the Standing Committee on Railways last session as almost to obviate any necessity of again sending it to that committee and having it dealt with in practically the same way as it was dealt with last session. It would simply involve a repetition of the labour which was done at that time. At that time we had the advantage of hearing many delegations and many gentlemen who appeared before the committee to present their views. In some cases effect was given to those views, and if this Bill were again committed to the same committee I doubt very much whether we would be favoured with any new views upon the subject, or whether we would become any more familiar with the legislation before us than we were then. Furthermore, even if the Bill were sent to the Standing Committee on Railways, and then returned to this Chamber, any honourable gentleman would have the right to move that the Bill-it being a public Billshould be considered by the Committee of the Whole.

It is to be hoped that Parliament will adjourn at a comparatively early period, and if this Bill is to go to the House of Commons at a reasonably early date, it seems to me that the better way of accel-

erating the passage of the Bill through this House will be to deal with it by the Committee of the Whole House.

I am having very full explanations of the different amendments to the existing law printed, which I am sure will prove of service and advantage to all honourable gentlemen who care to study the Act as it is proposed to consolidate and amend it. I hope that these explanations will be printed and ready for distribution by the time we proceed with the consideration of the Bill in committee.

For the information of honourable gentlemen who may not have been in the House or who may not have attended the meetings of the committee last session, I would say that the consideration of the Bill by the committee of last session was almost completed at the time of prorogation. I have no doubt that had there been two or three more sittings of the committee we should have been in a position to report to the Chamber the Bill in its entirety.

With these explanations, honourable gentlemen, and in anticipation of your being furnished with a brief as to all the changes we propose making in the Act, I intend to move that this Bill be referred to the Committee of the Whole House for consideration to-morrow.

Hon. HEWITT BOSTOCK: Honourable gentlemen, we spent-considerable time and did a great deal of work on this Bill last session. As honourable gentlemen know, it has a tremendous number of clauses and will likely require considerable time for consideration. The honourable leader of the Government has said that this session is not likely to be a long one, and the question has occurred to me whether the Bill is likely to become law this session or not. The honourable leader of the Government has not said anything about the Government's railway policy at the present time. This Bill, being a general railway measure, might have to be considerably amended if the policy which it has been suggested the Government might adopt with regard to the railways of the country should be put into force. After we had spent much time over a Bill requiring a great deal of consideration, we should find that the whole policy of the Act would have to be changed if the Government were to take over practically all the railways of the country and have them operated as Government railways or under Government control. The whole situation would be very different from that which we are consider-

Hon. Sir JAMES LOUGHEED.

ing to-day. It seems to me that the Government might have made some statement before asking us to proceed with this Bill. Since the Railway Bill was introduced last session the policy of the Government with regard to the Canadian Northern railway has been announced up to a certain point, but I do not think anybody is quite clear at the present moment as to what is the condition of things with regard to that railway--whether it is actually being run by the Government or is still managed by a board, the Government supplying the money for the purpose of carrying on the business of the railway. These are questions about which we really should have some information when we are considering the clauses of this Bill.

Another question that occurs to my mind is that regarding matters like telephones and telegraphs. These matters are dealt with in clauses of the Bill which apply to all telephone and telegraph companies, whether they are connected with railways or are separate companies altogether. It has occurred to me that this would really be better legislation if those companies that are simply operating telegraph or telephone lines, apart altogether from railways, . were governed by a general telegraph or telephone Act, and if the clauses of the Railway Act were to deal with telephone and telegraph companies only in so far as they are connected with railways. The same observation applies to the power companies. The tendency since the establishment of the Railway Commission seems to have been to bring all such matters under that commission and, inasmuch as they are brought under the one commission, to include all legislation of this kind in one Act. This tendency seems liable to lead to a certain amount of difficulty and confusion in dealing with legislation. A Bill is drafted with the idea, at the beginning, of legislating solely for railways, and then clauses are inserted which deal with companies having nothing to do with railways. It would be better to pass separate Acts, and to confine this legislation simply to railways and matters connected with railway work. Those are points which I think should be taken into careful consideration.

The honourable leader of the Government has said that he is giving us a statement showing the alterations and additions that are made in the Bill, but I do not find in this Bill as it is printed to-day any notification showing the actual changes made in the clauses. It would be easier for us to consider it if the clauses of the Bill were APRIL 8, 1918

printed on the same page as the corresponding clauses of the Act itself. We had a Bill printed in that way before, with the proposed alterations in italics. I think that for the purpose of the work of this House that would be a much more convenient and useful way of having it done. I do not know whether it is now too late to get that done or not, but, if it is not too late, I would suggest to my honourable friend that the alterations should be shown in that way.

With regard to the question of considering this measure in Committee of the Whole House, I think if we are going to dispose of it this session it is the most reasonable and satisfactory way of dealing with it. The Railway Committee heard last session, I think, all those who were interested in the different clauses of the Bill and who wished to be heard. They laid their cases very fully before the committee. I think we shall do much better by considering the present Bill in Committee of the Whole House rather than by referring it to the Standing Committee on Railways.

Hon. J. P. B. CASGRAIN: Honourable gentlemen, I want to commend and congratulate the honourable leader of the Government for at last coming around to my way of thinking. I have always advocated that public Bills should be considered in Committee of the Whole House, and have always deprecated the habit that has been followed in this House for the last ten or twelve years of sending public Bills to standing committees where they are considered by the members of the respective committees, but where other members are rather diffident about attending, although they have a perfect right to do so. As a rule, they do not attend, and the Bill is dealt with by a quorum of the committee, and then is railroaded through this House without the members of the Senate generally having an opportunity of studying it. I think it essential that public measures should be dealt with in this House. The standing committees were created for the purpose of dealing with private Bills; but when I entered the House, about eighteen years ago, public Bills were invariably referred to the Committee of the Whole. I am glad to observe that the Government is now coming back to the proper method. I suppose, now that the Government is well entrenched, with numerous followers, it is inclined to make a good display of its strength. With its big majority it is perfectly safe, and it feels perhaps that this matter can be dealt with more easily in Committee of the Whole House.

However, I would point out to the Government that there may be a few questions upon which certain persons who would be able to adduce some new evidence might like to be heard. Perhaps there may be something in the Bill not exactly on all fours with the Bill which we had last year. In the olden days, when public Bills were introduced, members were written to by persons affected by the proposed legislation, and their suggestions . were submitted in this House, with a view to having changes introduced or certain provisions taken out. I think, however, that provision should be made for hearing parties who, like the public, are very much interested-such companies, for instance. as the Canadian Pacific or the Canadian Northern, which is now between heaven and earth. We bought it last year, but we have not possession of it yet, and the arbitration is still going on. Or it may be that the Grand Trunk or the Grand Trunk Pacific would want to have their counsel heard. I would be, as I have stated, very much in favour of having the Bill considered by the Committee of the Whole, but would ask that the Government consider the advisability of referring particular points to some committee, say the Committee on Railways, Telegraphs and Harbours, if counsel desired to be heard as to certain points. Apart from such references, the Bill can be dealt with much more quickly in Committee of the Whole House than by a standing committee, which would meet at half-past ten o'clock and adjourn at one, whereas the House meets at two or three oclock in the afternoon and can meet again in the evening if necessary.

With reference to the suggestion made by the honourable leader of the Opposition (Hon. Mr. Bostock), the honourable leader of the Government will remember that when-in 1903, I think-the first Consolidated Railway Bill was introduced, the existing Act was printed on one page and the proposed changes on the opposite page, a number of blank spaces being left upon which senators could insert any amendments. That was a very convenient way. The consolidated Bill of that time was not as large a measure as the present one, but it was fully considered by the Senate. I think matters would be expedited if the Government would adopt the idea of having the existing clauses printed with the proposed new clauses. Once more, before taking my seat, I commend the Government for having come around to my way of thinking.

S-4

REVISED EDITION

Hon. F. L. BEIQUE: Honourable gentlemen, I think the honourable gentleman from De Lanaudière (Hon. Mr. Casgrain) has given the best reason why we should come to a conclusion other than the one which he suggests. He has stated that in his opinion it may be necessary to hear the parties interested. If such be the case, that is the best reason why the Bill should be referred to the Standing Committee on Railways, Telegraphs and Harbours. For my part, I regret, and I must say I am somewhat surprised at, the conclusion to which the honourable leader of the Government and the honourable leader of the Opposition have come in regard to this Blll. The Bill deals with a matter of the greatest importance, and with subjects which are exceedingly complicated and difficult to grasp unless proper time is given to their consideration and the necessary technical knowledge is obtained from the different parties interested. It is true that the committee spent a good deal of time last session in hearing the different interests; but it was not time wasted; it was time properly employed. I think that Bills of this kind cannot be dealt with properly in Com-mittee of the Whole. A large number of new members have entered the Senate since last session. These members will know nothing of the different views which were placed before the members of the committee last year. How will they be prepared to give a proper opinion upon any question which may be debated and contested and upon which a vote may be taken? I could perhaps have understood the proposed action if the Bill as presented in this House had incorporated in it all the amendments which were adopted by the Standing Committee on Railways, Telegraphs and Harbours last session. In that event there might have been some reason for dealing with the matter as proposed, but I understand that that is not the case and that a number of important amendments which were adopted by the committee-in many instances unanimously adopted, I think-are not to be found in the Bill as now presented. For my part, with the experience I have been able to gather regarding legislation from the time I entered this honourable House, I am satisfied that this is not the proper way to deal with a matter of such importance, and I regret exceedingly that the Bill is not referred to the standing committee as was done last year. I believe that time will be wasted instead of being saved. It will take a great deal more time to discuss the Bill in Com-

Hon. Mr. CASGRAIN.

mittee of the Whole. The discussion will not be satisfactory, and it will be more expensive, because it will unduly load our Debates.

Hon. ROBERT WATSON: Honourable gentlemen, I heartily concur in what has just been said by the honourable gentleman who has just taken his seat. I am strongly of the same opinion, and I think I voice the sentiments of the majority of this House when I say that this Bill could be more intelligently discussed by the Railway Committee than by the Committee of the Whole House. It is impossible for the members of this House to get such technical knowledge and information as we received last year from competent witnesses who appeared before the committee. It cannot be expected, and I venture to say that if this Bill had not been thoroughly discussed by the Railway Committee last year and a number of changes had not been made, the special Bill dealing with labour matters which was afterwards fathered by the honourable gentleman from Welland (Hon. Mr. Robertson) on behalf of railway employees would not have been passed. We had very competent witnesses. There are now in this House a number of new senators who did not hear the evidence presented by the witnesses who appeared before the committee last year, and these persons will not appear before them. While in a standing committee only members of the committee can vote on certain questions, it is well known that any other member of the Senate has the privilege of attending the committee meetings and asking any questions he may desire to ask any of the witnesses in order to obtain all the information possible.

Hon. W. C. EDWARDS: Or of taking part in the discussion.

Hon. Mr. WATSON: He can take part in the discussion, but he cannot vote. It seems to me that in the suggestion of my honourable friend from De Lanaudière (Hon. Mr. Casgrain), that on some particular subject we might have counsel appear at the bar, he is arguing in one way and appealing to the Government in another. I think that this Bill, or any other legislation dealing with transportation, is the most important kind of legislation that comes before Parliament, and we cannot have too much in-formation regarding it. We know that many persons came last year from all parts of Canada to appear before the committee and state their views. It seems to me that it would be in the best interests of this legislation and would enable the Senate to do more APRIL 8, 1918

competent and more expeditious work to refer the Bill to the Committee on Railways, Telegraphs and Harbours. The matters upon which witnesses have already been heard need not be taken up again. The committee would decide as to what persons it would be desirable to hear.

Hon. P. A. CHOQUETTE: Honourable gentlemen, with all due deference to my honourable friends on both sides of me, I would not go so far as to say that all public Bills should be dealt with in Committee of the Whole House, but I do say as to this particular Bill that there is no reason whatever why it should be referred back to the Railway Committee. The committee spent sitting after sitting last year in discussing the Bill. We heard the evidence of public men, lawyers, practical business men; we heard deputation after deputation of railway officials, trainmen, and other classes of persons employed in connection with railways. They gave us complete statements of their views, and I do not see why the Bill should be returned to the committee so that they might be heard again. The members of the Senate who were here last year do not need any more light on the question than they have at present. As to the new members, I suppose that they are men of intelligence; more than that, many of them were members of the House of Common's last session and took part in the discussions on this Bill and heard all about it.

Generally speaking, I am rather in favour of sending bills to the standing committees; but I agree with the honourable leader of the Government that we should take up this Bill here. The new members will easily understand the discussion; they can make themselves familiar with the arguments which were advanced before the Committee on Railways and Telegraphs last session, and if they desire any further information they can easily get it from those who were here last year. I agree with honourable gentlemen who think that the Bill ought to remain in this House and be discussed here.

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

Hon. Sir JAMES LOUGHEED moved that the Bill be referred to the Committee of the Whole House.

Hon. W. C. EDWARDS: It seems to me that those of us who were present last session and who heard the discussions upon this Bill and the witnesses who were called, may be very well satisfied to have the Bill considered in Committee of the Whole

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House; but my experience in Parliament -and it is a somewhat long one-is that a small committee deals more fully and more intelligently with technical questions such as are involved in this Bill. Of course, all members have a right to attend the committee meetings, and to speak if they choose; but to my mind it would be an infringement upon the rights of the new members to consider this Bill in Committee of the Whole. I think it would be far better to deal with the Bill as it was dealt with last session, so that if those interested desire to attend and give evidence the new members may be present to hear that evidence. I think the Bill could be more readily dealt with by the Committee on Railways, Telegraphs and Harbours than by a Committee of the Whole House.

. . .

Hon. Mr. CASGRAIN: In 1909, or in 1903, we dealt with the consolidation of the Railway Act in Committee of the Whole.

Hon. Mr. EDWARDS: It as not dealt with in Committee of the Whole.

Hon. Mr. BEIQUE: Oh, no.

Hon. Mr. EDWARDS: It was the very reverse.

Hon. Mr. BEIQUE: The work done at that time was exceedingly valuable. I remember that there were some seventy-two amendments made by our Railway Committee and sent to the House of Commons; we had to have a conference on five or six amendments, two or three of which were dropped and the balance adopted.

Hon. W. B. ROSS: I would like to know what inherent difficulty there is in dealing with this matter as fully and as effectively in Committee of the Whole as in the Committee on Railways, Telegraphs and Harbours. The Committee of the Whole House can call witnesses.

Hon. Mr. WATSON: It is not done.

Hon. W. B. ROSS: Why? It may never have been done here, but there is nothing to prevent it. If I am not mistaken, this House can bring witnesses before it at any time it likes; that is the right and the power of the House, and there is no rule against it. If that is so, I do not see why this Bill should be considered by the Railway Committee and then brought here to be considered again by this House. I think it would be better to deal with it section by section in Committee of the Whole. There is another thing to be considered. If the work is done in the Railway Com-

mittee, it is like work done in a well; if it is done in Committee of the Whole it is done in public, and goes to the public, and this House gets the credit for it. There is no doubt that some members of the committees take a great deal of interest in their work, but as a matter of fact they get no credit for it. If the Bill were dealt with in this Chamber there would be a different story to tell. If we can do in one trip what now takes two trips, I do not see why we should not do so. I have never heard yet any constitutional reason for saying that the Committee of the Whole cannot call all the witnesses they want.

Hon. Mr. EDWARDS: May I say just one word? Of course, witnesses can be brought to the Bar of the House; but what time would be made if such procedure were followed?

Hon. W. B. ROSS: Just as good time as in the Railway Committee.

Hon GIDEON ROBERTSON: Honourable gentlemen, for more than three months last year the House of Commons, through a special committee appointed to deal with this matter, gave special attention to it and made a most exhaustive investigation. The minutes of that committee, which give in detail the reason why each amendment was made, are in print, and are available. I believe, to every member who desires to peruse them. This Bill was before the Senate Committee on Railways, Telegraphs and Harbours for seven weeks last session, when it was scrutinized very closely, and scores of gentlemen appeared and advanced arguments in support of their various contentions. If that procedure is to be repeated this session, with the present prospects of an early closing, it is quite possible that his-tory-may repeat itself and that the Bill may not be finally disposed of in this House by the time of prorogation. May I be permitted to say that since last session I have heard very many criticisms of the slow manner in which the Senate dealt with this matter when it was before them. If this House repeats that offence-if I may call it such--it is going to bring more forcibly to the public mind the idea that we have not transacted the public business with as much dispatch as we should.

It seems to me, inasmuch as all but very few of the four hundred odd clauses of this Bill were dealt with by the Railway Committee last year, and gone over section by section, that there remains very little over which there is any dispute.

Hon. W. B. ROSS.

Hon. H. J. CLORAN: The point raised by the honourable gentleman from Nova Scotia (Hon. W. B. Ross) as to whether this House, sitting as a committee, has the right to call witnesses, is a serious one. That right has been challenged, and I think the honourable leader of the Government is the proper authority to appeal to; and I would suggest, if, under the rules, the Senate has not the power to call witnesses in connection with public Bills, that the honourable leader of this House should take steps to have us provided with a rule which would permit it. I am one of those who believe that light should be given to as many as possible. I believe in democracy from the root up to the highest leaf on the tree. I believe that it is easier for a small committee to deal with an investigation than it is for a large body like this to do so: but the inconvenience is not sufficient to justify a departure from the democratic rule that the majority should be listeners, as the majority is the deciding element. I think, under the circumstances that this Bill having received such an immense amount of consideration last year, it is now proper that the entire membership of this House should discuss the matter.

I am one of those who believe that this House has the right to call witnesses. I do not think that because a man is at the Bar it will be any harder to examine him than if he were standing at a table in a committee room; and, if the work is done here, everybody will be satisfied that he has had a real active part in the legislation. If a witness is at the Bar, every member of this House will have a right to put questions to him, and when he is through he will feel that he knows what he is going to vote on. It is true that in the vast mass of our legislation we submit our judgment to the judgment of committees, which are sometimes originally composed of fifteen or twenty-five members; but half a dozen or so members of each committee are really the guiding spirits in our legislation. There is only one question which I think should be submitted to a special committee, and that is the question of divorce, which ought to be hidden, and hidden well.

Hon. Mr. CASGRAIN: I said that in 1903 the Railway Bill was referred to the Committee of the Whole House, and my statement was flatly contradicted. Here is what appears in Hansard with reference to the Railway Law Consolidation Bill:

Hon. Mr. Scott moved that the Bill be referred to a Committee of the Whole House on Tuesday next.

And at another place:

The House resolved itself into a Committee of the Whole on Bill 21, an Act to amend and consolidate the law respecting railways.

In the Commitee, Hon. Mr. Scott said:

As this Bill is somewhat voluminous, I do not suppose it will be required that the Chairman of the Committee shall read every clause. I shall be glad to call attention to any new clauses of the Bill and any material alterations from the law as it is to-day.

Hon. Mr. CHOQUETTE: There must be no misunderstanding on this question. There is nothing there with respect to the calling of witnesses. There was no necessity for calling witnesses. The only question that can arise is this: If the solicitor of the Canadian Pacific railway or the Grand Trunk railway asks through a member of this House to be heard, we have to decide whether to hear him or not. I think there is no harm in hearing him. We have a right to hear him.

Hon. Mr. CLORAN: I agree with that, but the right is challenged by certain members of this House. I do not want any doubt in regard to this matter.

Hon. Sir JAMES LOUGHEED: There is no question about it.

Hon. M. CLORAN: I think the honourable leader of the Government should make it plain. I am told now that this procedure has never been followed, and tradition is stronger than common sense.

Hon. Mr. DAVID: I do not think it is the case that witnesses may be heard. May says at page 347:

The ordinary function of a Committee of the Whole House is deliberation, and not inquiry. All matters concerning the imposition of taxes, or the grant of public money, must be considered in committee, as a preliminary to legislation; and any other questions which, in the opinion of the House, may be more fitly discussed in committee, are dealt with in that manner. The provisions of public bills are usually considered in a Committee of the Whole House.

We have the right to bring witnesses in certain circumstances, but not to hear parties before the Senate.

Hon. Sir JAMES LOUGHEED: Honourable gentlemen, so that the impression may not go abroad that this will be anything like a Star Chamber consideration of the Bill, I may say that the Committee of the Whole undoubtedly has the power to call counsel and witnesses before the Bar of the House. The precedent has been established, and there are instances in which the Senate itself has called witnesses before it. If, in

the consideration of this Chamber, it is desirable that we should exercise that right, it lies entirely with the Committee of the Whole to so express itself.

There has been such a variety of opinions on this question that many honourable gentlemen will appreciate the difficulty in which one is placed in moving that this Bill be committed to the Committee of the Whole. This suggestion came from my honourable friends opposite upon the first reading of the Bill. The honourable gentleman from De Lorimier (Hon. Mr. Dandurand) suggested that, instead of the Bill being sent to a standing committee, it be committed to a Committee of the Whole House. To-night, the honourable gentleman from De Lanaudière (Hon. Mr. Casgrain) supports the suggestion. He also establishes by precedents that it was done in 1903.

Hon. Mr. BEIQUE: He is mistaken.

Hon. Sir JAMES LOUGHEED: It came before the Committee of the Whole House in 1903. Now, the honourable gentleman from De Salaberry (Hon. Mr. Beique) differs with him, and the honourable gentleman from Grandville (Hon. Mr. Choquette) supports the honourable gentleman from De Lanaudière (Hon. Mr. Casgrain), and thus we have it. My honourable friend the leader of the Opposition is in harmony with myself on the subject. Let us consider it in this light. As my honourable friend to my right (Hon. Mr. Robertson) has said, we spent some seven weeks in considering this Bill last session. The step which we are about to take means nothing more than that the Bill is now transferred from the Committee on Railways, Telegraphs and Harbours to the Committee of the Wholebecause we had practically concluded dealing with the Bill in that committee. I venture to say that if we had had a few hours more before prorogation, we would have been able to report the Bill. As the honourable gentleman from De Salaberry knows, when the Bill was before the Standing Committee on Railways, only eight orten members of this Chamber attended and gave close consideration to the entire Bill. I should like every member of this Chamber to feel that the duty is imperative of giving attention to the consideration and the passage of this Bill. Honourable gentlemen should not say, " Oh, you have referred the Bill to a standing committee and we are therefore relieved of all responsibility of participating in the consideration of the Bill." I think under the circumstances, considering that it is entirely at the discre-

tion of the committee to call witnesses and to hear counsel, if necessary, and that we practically concluded our consideration of the Bill last session, we can more advantageously deal with it during the present session in Committee of the Whole House. And I say this further, and say it advisedly, that if this Bill, during the present session, were referred to the Standing Committee on Railways and it were necessary to repeat what we did last session, namely, expend seven or eight weeks in its consideration. it certainly would not reach the House of Commons in time to become law during the present session.

The motion was agreed to.

The Senate adjourned until 3 p.m. tomorrow.

THE SENATE.

Tuesday, April 9, 1918.

The Senate met at 3 p.m., Hon. Richard Blain, Acting Speaker, in the Chair.

Prayers and routine proceedings.

STAFF OF THE SENATE.

STATUTORY INCREASES.

The Hon. the ACTING SPEAKER read a communication from the Clerk of the Senate reporting the officers, clerks and employees of the Senate eligible under section 8 of chapter 9 of the statutes of 1917 for the annual increase of salary, and the recommendation of the honourable the Acting Speaker that the part of the provisions of the Act referred to be made to apply to those members of the staff of the Senate who are entitled to the same.

Hon. Sir JAMES LOUGHEED moved that the recommendation of His Honour the Speaker be concurred in. He said: I understand that this is a recommendation for the increase provided for by the statute, namely, either \$50 or \$100, as the case may be. Until recently it has been the practice to concur immediately in the recommendation, but for some two or three years it has been referred to the Committee on Internal Economy. Owing to the delay that has taken place through the recent adjournment, the matter is now urgent, and for the further reason that the cheques for the staff will be issued this week, and it will not be possible for the committee to meet and report to the House before the 15th. As the matter is simply a formal one, and is provided for by statute, it seems to me

Hon. Sir JAMES LOUGHEED.

that it is unnecessary to further delay and complicate the matter by having to issue the cheques which will be issuable on Saturday next under the old arrangement, and afterwards to depend upon a readjustment for the purpose of giving the increases.

Hon. Mr. BOSTOCK: My honourable friend says that this matter has usually been referred to the Internal Economy Committee. There seems to be some desire now to put the matter through quickly. I suggest that the recommendation be allowed to go on the Minutes so that we can see just what we are doing, and we can pass it to-morrow.

Hon. Sir JAMES LOUGHEED: I have no objection to that. The Minutes will show what the recommendations are. and it is understood we will waive the reference to the Committee on Internal Economy and dispose of the matter to-morrow.

The motion stands.

RAILWAY ACT CONSOLIDATION BILL.

CONSIDERATION IN COMMITTEE.

Hon. Sir JAMES LOUGHEED moved that the Senate go into committee on Bill A, an Act to consolidate and amend the Railway Act.

He said: I represented yesterday to the House that I would to-day have ready for distribution a brief upon the different changes which it is proposed to make in this Bill. That brief, or explanation is not here yet, but I hold a corrected proof in my hands, and, with the permission of the House, I think we had better enter on the committee stage of the Bill. As soon as the printed explanation arrives, I shall have it distributed. There are certain sections of the Bill which we can dispose of without any reference to the explanation; but if explanations are desired, I shall be very glad to make them to the House.

The motion was agreed to, and the Senate went into committee on the Bill, Hon. Mr. Girroir in the Chair.

On section 1-short title:

Hon. Sir JAMES LOUGHEED: I move the adoption of section 1. I may say that with the exception of paragraph b, of section 2, we passed all the sections down to section 5.

Section 1 was agreed to.

On section 2-definitions:

Hon. Sir JAMES LOUGHEED: As I have just stated, we passed clause 2 last

APRIL 9, 1918

session, but paragraph b was struck out by the Senate committee, so as to conform with the striking out by the House of Commons of the substantive section relating to returns to the ministers. When the Bill was under consideration in the House of Commons, it was suggested that the statistical returns of the railways should be made to the Minister of Trade and Commerce. As that suggestion seemed to appeal to the sense of the committee, this paragraph was struck out. After reconsideration, it has now been decided that railway statistics should be made returnable to the Minister of Railways, consequently the clauses which were originally in the Bill, and which were struck out, have been restored for the purpose of permitting the returns to be made to the Minister of Railways instead of to the Minister of Trade and Commerce.

All the other paragraphs down to paragraph e of subsection 36 were apparently passed by us last session. In paragraph e of subsection 36 we added the following words:

—including any such compensation payable under the provisions of any Act of the Parliament of Canada or of any provincial legislature providing for compensation to workmen for injuries or in respect of an industrial disease.

Hon. Mr. CASGRAIN: What does "industrial disease" mean?

Hon. Sir JAMES LOUGHEED: That would be, I presume, a disease contracted by reason of the industry in which the man was engaged. That is, I understand, defined in every compensation Act. We have to give some chance to the medical men so that they may express their views on the subject. With the exceptions I have mentioned, we have apparently passed the whole of section 2, and I therefore move the adoption of that section, with its subsections and paragraphs as they appear in the Bill.

Section 2 was agreed to.

On section 3-construing with special Acts:

Hon. Sir JAMES LOUGHEED: We dealt with section 3 last session. Therefore I move its adoption.

Hon. Mr. CASGRAIN: We are going over these clauses rather hurriedly. May I ask the honourable leader of the Government if, as usual, it will be open to the committee to refer back to any points for reconsideration?

Hon. Sir JAMES LOUGHEED: I would be very glad to go back for reconsideration at any time. The reason I am moving the adeption of this section is that it was dealt with last Session, and I do not think there is any point of special interest in it.

Hon. Mr. BEIQUE: Subsection c of section 3 is, I am afraid, a very drastic section:

Provisions incorporated with any Special Act from any general railway Act by reference shall be taken to be superseded by the provisions of this Act relating to the same subject-matter.

Hon. Sir JAMES LOUGHEED: Before entering upon the discussion, may I ask the permission of the House for Mr. Fairweather, the solicitor of the Railway Department, to take a seat at the Table so as to give us any explanation which we may need.

Hon. Mr. BEIQUE: First, I must call attention to the fact that this provision is new-was not in the old Railway Act. I would point out that if, as happened in a great many cases, any railway company, instead of having incorporated verbatim certain provisions which are very often contained in the charters of railway companies, proceeded merely by reference to the general Railway Act, it would be deprived of the benefit of the provisions which had thus been incorporated by mere reference. It might very seriously affect the charters of railway companies incorporated in the past; they might be deprived of valuable rights which they have obtained with the consent of Parliament, and, in my judgment, this legislation would have a retroactive effect. I therefore doubt very much the advisability of adopting subsection c.

Hon. Sir JAMES LOUGHEED: May I point out to my honourable friend, and for the information of the House, that the object of the clause is that if apparently any provision in a special Act should be inconsistent with the provisions in the general Act, then the provisions of the general Act must prevail. Now, it seems to me that is good policy. If Parliament actually intends that the provisions of the special Act shall prevail as against the provisions of the general Act, then by express language the provisions of the general Act can easily be ousted; Parliament can readily say that, notwithstanding the provisions of the general Act, the provisions of the special Act shall prevail.

If that language is used, this provision does not apply.

Hon. Mr. BEIQUE: But the honourable gentleman will see that under subsection b it is the provisions of the special Act which prevail, and in subsection b of section 3 that principle is maintained. Now, if we maintain that principle, which is, I think, the proper principle, which is, I think, the proper principle and the one upon which legislation has always been enacted, I doubt very much the advisability of enacting subsection c, because I am quite sure it will have a retroactive effect and deprive railway companies of rights which they have obtained by special Acts.

Hon. Mr. THOMPSON: By charter.

Hon. Mr. BEIQUE: If a railway company takes the precaution of copying into its special Act the general provisions, as has been done in a number of cases, then that company will retain the power granted, and that power would supersede that of the general Act; but if, as in other cases, the railway company has not taken the precaution of incorporating the wording of the general Railway Act, but has merely incorporated it by reference, that company will lose the benefit of that provision.

Hon. W. B. ROSS: I do not quite agree with the honourable gentleman who has just taken his seat with regard to the meaning of subsections b and c. Subsection b provides that the terms or provisions of the special Act shall prevail over the provisions of the general Act; but under subsection c it is not the terms and provisions of the special Act itself that prevail, but clauses from the general Act that are carried into the special Act. The wording of the special Act prevails under and by force of subsection b, but I think it a wise and fair provision that, if a special Act is passed and then sections 3, 4 and 5 of a general Railway Act are tacked on, and if it happens that such general Railway Act is changed by subsequent legislation, then the special Act should be changed along with the general Railway Act. To my mind the proposal is perfectly fair and perfectly workable.

Hon. Mr. CASGRAIN: But when is the tacking on to be done? Will it be in the future?

Hon. W. B. ROSS: The tacking on is done at the time the special Act is passed.

Hon. Mr. CASGRAIN: In the future?

Hon. W. B. ROSS: No.

Hon. Sir JAMES LOUGHEED.

Hon. Mr. CASGRAIN: Will you want to make the Bill retroactive?

Hon. W. B. ROSS: Take a special Act of incorporation passed, say, five years ago, and consisting of ten clauses. There may be a general clause at the end saying that sections 50, 51 and 100 of the general Railway Act shall be deemeed incorporated in it. Now, subsection c deals with these clauses of which I speak.

Hon. Mr. CASGRAIN: And they will not be incorporated.

Hon. W. B. ROSS: The ten clauses that I speak of as constituting the special Act are left intact; under subsection b they prevail as against this Act.

Hon. Mr. CASGRAIN: Then they are taken away.

Hon. W. B. ROSS: No, we are not taking away those ten clauses at all.

Hon. Mr. CASGRAIN: Not the ten, but the last.

Hon. W. B. ROSS: Certainly, the general Railway Act. That is the only way in which special Acts can be (worked. It strikes me that this is perfectly fair and perfectly intelligible.

Hon. Mr. CASGRAIN: It seems to me that if a company has obtained certain rights under the Railway Act as it has existed in the past, and if a new Act, with different provisions, is passed and made to apply, you are breaking faith, for instance, with the bondholders, who have put money into an enterprise. It is not fair to make it retroactive and apply it to companies who have obtained special privileges under special clauses of the old Railway Act. If this clause is intended to apply for the future and to require that any Act that is granted must be in accordance with this Act, well and good, but do not change the status of companies who have enjoyed provileges and induced people to lend money or invest money in their enterprises because they enjoyed certain rights under the old Act.

Sir JAMES LOUGHEED: Let me further explain. It seems to me my honourable friend (Hon. Mr. Casgrain) does not quite appreciate the object that we have in view. Under b the provisions of the special Act are to prevail; that is made quite clear. Then under c, in the event of certain of the provisions of the general Act having been incorporated into the special Act, it is admitted, and it must be admitted, that

APRIL 9, 1918

the general Act with those general sections is to prevail. We are amending the whole railway law of the Dominion, and the consequence is that the incorporation of general clauses into a private Act must be brought into harmony with what we are doing to-day.

Let me give an instance by way of illustration. Under the old Act there was a limitation of six months for bringing action. That provision was introduced into certain special Acts. Since that time we have increased the period, so that to-day an action may be brought at any time within two years. Now, the idea is that that period of limitation shall be governed by the general Act of to-day, not by the general Act of the year when the special 'Act was passed. That is an illustration of how this section will work out. In other words, where general clauses are introduced into a special Act, the general law of to-day must prevail as to the effect of those clauses.

Hon. Mr. BEIQUE: I take the very instance mentioned by the honourable leader of the Government. Take the case of two different railway companies that have been incorporated in the past. In the charter of one of them, the charter to which the honourable gentleman has referred, the provision was incorporated verbatim that all action must be brought within one year. In the case of the second railway company. instead of that part of the Railway Act being incorporated in its charter, it was incorporated merely by reference. What will be the effect of this provision? It will be that in the case of the first company the period of one year will stand, while in the case of the second company the period will be two years. Is that fair?

Take another instance, which I know has been of common occurrence in railway charters. Take, for instance, section 247 of the present Railway Act, requiring that the consent of the municipality must be obtained by the railway company, and stating the conditions under which that consent may be obtained. There are dozens of railway companies into whose charters that section has been incorporated verbatim, and there are dozens of other railway companies in whose charters it has not been incorporated; therefore, if section 247 is changed in this new Railway Act, those who have taken the precaution of having the section incorporated verbatim will continue to have the benefit of it, whereas other companies will not have the benefit of it, but will be subject to the new legislation. I do not object to the provision if it is to apply

only in the future; but what I object to is that it has a retroactive effect, and to such an extent that, for my part, I cannot see what the full effect of the change will be. I would therefore suggest that the paragraph should stand for further consideration.

Hon. Mr. MACDONELL: The matter is very simple, and surely it can be disposed of as we go along. Provision is made for two classes of clauses in railway Bills. One is the special clause, which would fall under subsection b; that is, a clause giving a company certain extended or additional powers other than the Railway Act generally affords, and in which these powers are set out in full. Then subsection c deals with another class of clauses in any private railway Act; it deals with the class of clause that is not set out in detail in any Act whatever, but which is simply legislation by reference, or legislation by inference. "Reference" is the term used in subsection c. Suppose a railway company ten years ago obtained here a charter, or act of incorporation, and provision was made in that charter that certain sections, enumerated, of the then Railway Act should apply to that company, those sections would be provided for and would be covered by subsection c of this Bill. There were sections of the general Railway Act which were from time to time incorporated in special Acts by reference to their numbers or otherwise. This contemplated change simply provides that, where that has happened, and where the general Railway Act has been changed from time to time, this general Railway Act shall govern, and that clauses as they stood in the general Railway Act at the time the private company got its charter shall not be taken in the sense or meaning of the words of the general Railway Act at the time of the incorporation. That is very reasonable and very proper, for this simple reason, that any general Act, especially a general Railway Act, is intended to create uniformity and simplicity in its application to all companies or persons affected by it. That is the primary foundation of any general law, and this subsection c simply contemplates the creation of perfect uniformity. Instead of companies being incorporated every year as they have been in the past, with certain clauses of the general Railway Act incorporated in their charters by reference, resulting, as we may say. in a crazy quilt of legislation railway companies, with regard to that is intented to be changed by substituting uniformity, and having the

SENATE

provisions of this Act govern where it was intended to have the general Railway Act apply at the time the company got its Act of incorporation. At the time of its incorporation, every company was bound by the provisions of the general Railway Act, except where they came under subsection b. It is where the general Railway Act has been changed that the rights and powers of these corporations have changed, so that they shall comply with the alterations of the law. That is all that paragraph c means. It is apparently the old section which has been acted upon in the past.

Hon. Mr. BEAUBIEN: Retroactivity is always a very dangerous thing, and should be entered upon with a great deal of caution. The charter of a company consists of two things, the special charter and the general Act. Now, such a company has certain powers, and it seems to me it is entitled to keep those powers. If you are going to make changes in the general law that will change all the charters which have been granted in years past, where are you going to end? And what guarantee do you give to the companies which have had these powers in the past, for the permanency of the rights that you do grant? When we study this Act, are we to be all the time in a state of anxiety as to what extent it affects acquired rights? You can readily see that to modify the general law is a very grave and serious thing for all the companies that have been incorporated up to the present time. It seems to me that you will be working a great hardship. The companies which have been in existence for years have certain rights, and are dependent upon them, and our legislation may take many of those rights away from them.

Hon. Mr. P.RINGLE: Without entering into the question of retroactivity, it would seem to me that the adoption of such a clause would be paying a high premium to the draftsman of the days gone by, whoembodied in his special, legislation the words of the general Act so that the power clauses or the telegraph clauses of his Bill would be unaffected by subsequent general Acts, whereas the slipshod draftsman who referred to the clauses by number would have his clauses demolished by subsequent general legislation. The anomaly that would thus appear to be created, if I am correct, would be very undesirable. Would it not be better to let this section stand?

Hon Sir JAMES LOUGHEED: We will allow this section to stand. However, I would like to say that unless we can give Hon. Mr. MACDONELL. effect to this clause it would be idle to pass legislation affecting railways. Let us assume for the moment that when the Canadian Pacific Railway Company was incorporated the whole body of the railway law was carried into their charter. The contention of my honourable friends would be that, notwithstanding all the amendments or consolidations of the Railway Act that have taken place, none of them could touch the Canadian Pacific railway. It is manifest that it is good policy, and the only policy, that general clauses incorporated into special Acts must march in step with the revisions which we make from time to time.

Section 3 stands.

Section 4 was agreed to.

On section 5-to what persons, companies, and railways applicable:

Hon. Sir JAMES LOUGHEED: In moving the adoption of this section, I may say that it was not disposed of last session. I see no reason why it should not be disposed of now. The changes in the old law are as follows: In the second line the word "railway" precedes the word "companies." Then, in the fourth line of the section, the following words are new: "whether heretofore or hereafter, and howsoever, incorporated or authorized."

Hon. Mr. BEIQUE: I think that section 5 was reserved on account of the new provisions having reference to the difficulties between the Hydro-Electric Commission and certain companies. However, I do not see any objection to it.

Hon. Sir JAMES LOUGHEED: As honourable gentlemen will see, this is limited strictly to railway companies.

Section 5 was agreed to.

On section 6—application to foreign companies, companies running trains into Canada, railways controlled or operated by Dominion companies:

Hon. Sir JAMES LOUGHEED: When this Bill was before us for consideration in 1917 we struck out paragraph c. It has been re-inserted in the Bill. In the meantime I would move the adoption of paragraphs a and b, which were passed last session.

Hon. Mr. BEIQUE: I think that paragraph a was amended last session by adding, after the word "Canada," the words: "within the jurisdiction and au-

APRIL 9, 1918

thority of the Parliament of Canada," and adding, at the end of paragraph a the words: "as regards such trains or rolling stock, and the owning, controlling or running thereof." I think that would be on proper lines. I do not think this Parliament' can go any further than that. It would be in accord with the principle of this Act. The principle hitherto observed is that if there is a connection between a railway incorporated by this Parliament and a provincial railway, the works appertaining to the connection are governed by this Parliament, but the provincial railway itself is not affected, and cannot be affected. This Parliament cannot assume jurisdiction over the whole railway. If this applies to a railway, it should likewise apply to the trains or rolling stock on a railway which do not fall within the jurisdiction of this Parliament. Then I would understand that the provision would affect that part of the rolling stock or the trains which were thus placed under the operation of a railway which was governed by this Parliament.

Hon. W. B. ROSS: Will the honourable gentleman read the words again?

Hon. Mr. BEIQUE: It says:

The provisions of this Act shall, without limiting the effect of the last preceding section, extend and apply to,— (a) every railway company incorporated

(a) every railway company incorporated elsewhere than in Canada and owning, controlling, operating or running trains or rolling stock upon or over any line or lines of railway in Canada—

Then I say:

within the juridiction or authority of the Parliament of Canada.

If that rolling stock is not placed on the railway line within the jurisdiction of the Parliament of Canada, but upon a provincial railway, surely this Parliament has not the power to deal with it. Then the Bill goes on to say:

either owned, controlled, leased or operated by such company or companies, whether in either case such ownership, control, or operation is acquired by purchase, lease, agreement, or by any other means whatsoever—

Then the following words were added:

as regards such trains or rolling stock, and the owning, controlling, operating or running thereof.

Hon. W. B. ROSS: Does the addition of those words make a section that is any different in meaning? You have to read this Act as you read all of our Acts, subject to this qualification, that the Act applies only to subject-matter over which the Parliament of Canada has jurisdiction. If it has not jurisdiction, I do not see that you improve the situation at all by adding the words.

Hon. Mr. BEIQUE: I am inclined to agree with the honourable gentleman; but, on the other hand, why are these very words in section 5? I take it that it is for the purpose of avoiding the idea that this Parliament is laying its hands on all the railways of the Dominion. I think that if it is wise to use these words in section 5, it would be equally wise to use them in section 6.

Hon Sir JAMES LOUGHEED: This is substantially the language of the law as it stands to-day, and as it has stood since the statute of 1909 was passed. It reads as follows:.

The provisions of this Act shall apply to-

(a) any and all railway companies incorporated elsewhere than in Canada and owning, controlling, operating or running trains or rolling stock upon or over any line or lines of railway in Canada, either owned, controlled, leased or operated by such railway company or companies, whether in either case, such ownership, control or operation is acquired by purchase, lease, agreement, control of stock, or by any other means whatsoever.

(b) Any and all railway companies operating or running trains from any point in the United States to any point in Canada.

We certainly must assume that we are legislating, and can only legislate, upon subjects coming within the jurisdiction of the Parliament of Canada.

Hon. Mr. BEIQUE: The honourable gentleman is reading from the Act of 1909. I am quite aware that the provision is to be found there, but I am aware also that the question came up before the Railway Board, and that Board was tempted to assume jurisdiction because of the wording of that Act. I was quite sure that the Railway Board had no such right, and I have waited to see if they would attempt to enforce the views which they expressed. I think it is of considerable importance that we should close the doors to litigation of that kind. If it is the intention of this Parliament to affect rolling stock of the kind referred to in this section, which is placed on a provincial railway, let us have the courage to say so; but I assume that that is not our intention, and, if it is not, then let us say, as we do in section 5, that we are dealing merely with railways within the jurisdiction of this Parliament.

Hon. W. B. ROSS: Section 5 makes the Act applicable to one class of railways-

railways that are within the legislative authority of the Parliament of Canada. Section 6 deals with companies which are incorporated outside of Canada, but which are doing business in Canada. A railway which is incorporated in the United States, ≈ 0 far as it is doing business in Canada and running over lines in Canada, is made subject to the Act, which is perfectly fair. It is treated exactly as an American citizen is treated. When you legislate with regard to an American citizen, you legislate only with regard to him when he comes within our borders.

Hon. Mr. BEIQUE: I am afraid the honourable gentleman does not apprehend the point that I am trying to make. I draw his attention to the fact that in section 5 we take the precaution to say that this Act applies to all railways within the legislative authority of the Parliament of Canada. In section 6, subsection a:

Every railway company incorporated elsewhere than in Canada and owning, controlling, operating or running trains or rolling stock upon or over any line or lines of railway in Canada—

This wording is broad enough to include provincial railways as well as railways incorporated by this Parliament, and it is to that I object. I say that these words are too broad.

Hon. W. B. ROSS: "Elsewhere than in Canada"—that would not apply to Nova Scotia, Alberta, or Manitoba.

Hon. Mr. BEIQUE: It would be a line of railway in Canada surely.

Hon. W. B. ROSS: "Every railway company incorporated elsewhere than in Canada."

Hon. Mr. BEIQUE: I do not object to those words, but to the words, "any line or lines of railway in Canada." Surely that wording includes all provincial railways.

Hon. W. B. ROSS: No, it does not touch the provincial railways.

Hon. Mr. BEIQUE: A provincial railway is a railway line in Canada.

Hon. Sir JAMES LOUGHEED: But my honourable.friend will see the words: "incorporated elsewhere than in Canada."

Hon. Mr. BEIQUE: I am not'referring to that at all. There are two points. The first is as to a "railway company incorporated elsewhere than in Canada;" that is, the railway company which owns the rolling stock. But it is the rolling stock that

Hon. W. B. ROSS.

is operated "upon or over any line or lines of railway in Canada." The section deals with two different companies: first, a company owning stock and incorporated elsewhere than in Canada, and, second, a railway company, which may be a provincial railway company, upon whose line that rolling stock is operated. I agree that if the rolling stock is operated on a federal railway, a railway incorporated under the jurisdiction of this 'Parliament, there is no objections, but if the rolling stock is operated on a provincial railway, surely we have no right to touch it.

Hon. Mr. MACDONELL: The memorandum on which subsection c is based contains an explanation of the reason for its insertion. The reason for this amendment, it states, is to prevent evasion of control by the Railway Board over lines incorporated by provincial Act and acquired and operated by federal companies. The reason is very apparent and very cogent for having the case covered by the language of this subsection.

Hon. Mr. BOSTOCK: My honourable friend (Hon. Mr. Macdonell) refers to subsection c, I understand?

Hon. Mr. MACDONELL: Yes.

Hon. Mr. BOSTOCK: I would suggest that we had better dispose of subsection a first of all.

Hon. Mr. MACDONELL: I followed the honourable gentleman from De Salaberry (Hon. Mr. Béique), whose remarks were directed towards subsection c.

Hon. Mr. BEIQUE: Not at all.

Hon. Mr. BOSTOCK: No, he was talking about subsection a.

Hon. Sir JAMES LOUGHEED: May I point out the policy involved in this? Why should foreign railway companies be permitted to send their cars into Canada without being required to have them equipped with the most efficient appliances, etc., as would be required of Federal railways? Why should they be able to claim exemption from the enforcement of that order because the rolling stock is simply being operated upon some provincial road? It seems to me that that would be anything but good policy. The policy of Canada should be that of bringing within the jurisdiction of the Dominion Parliament as far as possible all roads and all rolling stock for the purpose of enforcing efficiency. If the policy which would be the outcome of my honourable friend's (Hon. Mr. Béi-

que's) suggestion were put into force, it would mean that any foreign cars might be operated upon Canadian railways and the foreign railway company could claim exemption from the provisions of this Act.

Hon. Mr. BEIQUE: But the honourable gentleman see that that is not the object of the law. What will take place if that wording is maintained and if this Parliament has the power to pass legislation of this kind, which I claim we have not? It would follow that a provincial railway, which is altogether under the jurisdiction of the province, would be under two jurisdictions if it were to borrow or lease an engine or cars from an American railway and operate those cars or that engine on its own lines. Those engines and cars would be under the jurisdiction of the provincial authority and under that of the Dominion Parliament. Surely that would not be logical, and the door should not be opened to any contention of that kind. I quite agree with the policy which was adopted in 1903, when we revised the Railway Act, that all connections between a Federal and a provincial railway should be governed by the legislation of this Parliament; but the moment we go beyond that and attempt to deal with a provincial railway itself, or a portion of it, which is not at all connected with a Federal railway, we are, I think, overstepping our jurisdiction.

Hon. W. B. ROSS: I would like to point out to the honourable gentleman the effect of the two last lines at the foot of page 6. Those lines show very clearly what this subsection a means. Suppose the New York Central leases a railway in Nova Scotia or in Ontario. Under this subsection it is made subject to this Act. This Act does not deal with the provincial railway at all; it deals only with a foreign company which owns, controls, leases or operates a railway in Canada. So long as the provincial railway is being operated by the company incorporated, this Act does not touch it; it touches only a foreign company that acquires a provincial railway, and in that respect there can be no want of jurisdiction.

Hon. Mr. BEIQUE: But take the case where there are only a dozen coaches rented and they are operated on a provincial railway.

Hon. W. B. ROSS: No, the subsection does not state coaches. It mentions "trains or rolling stock upon or over any line or lines of railway in Canada either owned, controlled, leased, or operated by such company." Hon. Mr. BEIQUE: Coaches are rolling stock.

Hon. W. B. ROSS: Now, to come within subsection a, the line or lines of railway must be owned or operated by the foreign company.

Hon. Sir JAMES LOUGHEED: I move the adoption of this subsection, and I would suggest to my honourable friend (Hon. Mr. Béique) that if, when the discussion took place on the passage of the general law in 1909, any good reason existed, we can reconsider it. I move its adoption in the meantime.

Subsections a and b of section 6 were agreed to.

On subsection c of section 6-railways controlled or operated by Dominion companies:

Hon. Sir JAMES LOUGHEED: Subsection c was stricken out last session and has now been restored. The wording is the same as it was last session. The object of this subsection is to exercise Federal control over, say, two railway systems, one of which is Federal and the other provincial, so as to bring within the authority of this Act such a condition as that to which I have referred. The abuse which has been experienced under such a condition is that two rates of freight can be charged and collected. It is very desirable that a through freight rate be obtained where a railway is operating say a Federal and a provincial system. Therefore it is desirable to bring the provincial road under the authority of the Board for the purposes mentioned in the subsection.

Hon. Mr. BOSTOCK: Does it not do more than that? The end of the clause says:

And every railway or portion thereof now or hereafter so owned, controlled, leased or operated shall be deemed and is hereby declared to be a work for the general advantage of Canada.

It is made entirely a Federal road.

Hon. Sir JAMES LOUGHEED: Yes, it makes it a Federal road.

Hon. Mr. BEIQUE: I do not think that this Parliament has the right to declare that every railway or portion thereof shall be deemed a work for the general advantage of Canada. I understand that under the British North America Act we have the right to declare railways to be works for the general advantage of Canada; but that implies that Parliament shall exercise its judgment in deciding that the particular railway is a work for the general advantage of Canada. If we can do this, we can declare that practically all works are for the general advantage of Canada and can extend our jurisdiction over the whole Dominion.

Hon. Sir JAMES LOUGHEED: I would ask my honourable friend if this is more extraordinary than what we do at every session of Parliament. In dealing with small provincial roads, even street railways, we say they are for the general advantage of Canada and thus make Federal systems of them.

Hon. Mr. BEIQUE: I think that some declarations that have been made are extraordinary, but at any rate we should remain within the powers given by the constitution, and I respectfully submit that we cannot declare in a general way, without specifying the particular railway, that every railway or portion of railway is for the general advantage of Canada:

Subsection c of section 6 was agreed to.

On section 7-railways declared to be for the general advantage of Canada:

Hon. Sir JAMES LOUGHEED: The committee passed section 7 last session. I move that it be adopted.

Section 7 was agreed to.

On section 8—provisional railways connecting with or crossing Dominion railways:

Hon. Sir JAMES LOUGHEED: I move that section 8 be adopted. I may say that in the Bill of 1917 there was a proviso at the end, reading as follows:

In the case of railways owned by any provincial government the provisions of this Act with respect to through traffic shall not apply wihout the consent of such government.

The same proviso is in section 8 of the Railway Act. The Senate committee struck it out. I would move the adoption of section 8 as it is now.

Section 8 was agreed to.

On section 9-constitution of Board of Commissioners:

Hon. Sir JAMES LOUGHEED: That section the committee passed last session. It is the existing law excepting the words: "upon address of the Senate and House of Commons." I move its adoption.

Hon. W. B. ROSS: Those words are in subsection 3.

Hon. Sir JAMES LOUGHEED: Those are the only new words—in lines 8, 9 and 10, subsection 3: "but may be removed at any time by the Governor in Council upon Hon. Mr. BEIQUE. address of the Senate and House of Commons."

Section 9 was agreed to.

Section 10 was agreed to.

On section 11-powers of commissioners: Hon. Mr. PRINGLE: There are no changes in any of these clauses?

Hon. Sir JAMES LOUGHEED: Subsection 4 of section 11 is new, but it is the same as we considered last session.

Section 11 was agreed to.

Sections 12 and 13 were agreed to.

On section 14-commissioners and officers

not to hold interest in stock or equipment:

Hon. Sir JAMES LOUGHEED: I move the adoption of section 14.

Hon. Mr. BOSTOCK: There are new words in that section, are there not?

. Hon. Sir JAMES LOUGHEED: Line 10 of section 14 is new; that is, this section is the existing law, with the exception of these words: "or of any other work or undertaking subject to this Act."

Section 14 was agreed to.

Sections 15 to 19, inclusive, were agreed to.

. On section 20-arrangement of sittings and business:

Hon. Sir JAMES LOUGHEED: Section 20 is a new section, but it was before us for consideration last session and we passed it. I therefore move the adoption of section 20.

Section 20 was agreed to.

Sections 21 and 22 were agreed to.

On section 23-duties of secretary:

Hon. Sir JAMES LOUGHEED: Slight changes have been made in section 23, but they are not substantial. I move the adoption of section 23.

Section 23 was agreed to.

Sections 24 to 30, inclusive, were agreed to.

On section 31-annual report:

Hon. Mr. BOSTOCK: There is an alteration in this section?

Hon. Sir JAMES LOUGHEED: Yes, the words, "for the year ended on the 31st day of December," are substituted for the words "next preceding," which were used in the former Act.

Section 31 was agreed to. Section 32 was agreed to.

On section 33-jurisdiction:

Hon. Sir JAMES LOUGHEED: With the exception of the last six lines of subsection 4, this is the old law. These lines were contained in the Bill of 'ast session.

Hon Mr. BEIQUE: The railway companies objected to subsection 2 of section 33.

Hon. Sir JAMES LOUGHEED: Yes, but apparently it was passed as it is.

Section 33 was agreed to.

Sections 34 to 38, inclusive, were agreed to.

On section 39-works ordered by the Board:

Hon. Mr. BOSTOCK: There is some new wording in section 39.

Hon. Sir JAMES LOUGHEED: Yes, it was in the Bill of last session. It is in line 31, and is as follows: "Except as otherwise expressly provided." That is repeated in the first line of subsection 2 of this section.

Section 39 was agreed to.

Section 40 was agreed to.

On section 41-extension of time specified by Board:

Hon. Sir JAMES LOUGHEED: This section is the same as that of last session, but the following words were added to section 50 of the Railway Act of 1917—Bill D of last session, which we passed:

But where such regulation, order, or decision requires any act, matter or thing to be done for the safety of the public or the employees of the railway company, extension shall be granted without hearing on notice.

Section 41 was agreed to.

Sections 42 to 48, inclusive, were agreed to.

On section 49-rule of court:

Hon. Sir JAMES LOUGHEED: Last session subsection 5 was struck out by the Railway Committee, 'but it is now reinserted. It is new, but in the judgment of the Government it should stand as it is.

Hon. Mr. BEIQUE: The question which arose before the committee was how the Board would enforce any decision. It was not thought that the Board could do otherwise than do it by the courts. If the honourable gentleman desires to maintain subsection 5, he should tell us how the working of it will be effected.

Hon. Sir JAMES LOUGHEED: It would seem to be unnecessary to tell my honourable friend that the resourcefulness of the Railway Board will have to be exercised to find out how it will be done. There is no use in having a railway board unless it exercises its ingenuity in discovering how to enforce its own orders. I think possibly the word "motion" might have been used instead of the word "action." They are synonymous. However, if the Railway Board is helpless, it will not do any harm to have this provision in the statute. It throws upon the Board the responsibility of working out its own orders.

Hon. Mr. BEIQUE: Does the honourable gentleman think that we should pass a Bill which, on its face, does not provide for its own working? If he desires to make it clear, I would suggest that the words "of its motion" be added in subsection 4. You surely would not add subsection 5 without making provision for its enforcement. Subsection 4 is to be enforced through the courts, and I think subsection 5 should be enforced in the same way.

Hon. Sir JAMES LOUGHEED: It seems to me that the question has not resolved itself into how the Board is going to enforce it so much as whether it is in the public interest that the Board should give effect to the order rather than rely upon the courts to do so. That is to say, the Board may make a certain order, and a court may not have the machinery to give effect to it, or it may be dilatory. Under the provision, the Board may take action, and it seems to me that the object is a commendable one.

Section 49 was agreed to.

Sections 50 and 51 were agreed to.

On section 52—Governor in Council may vary or rescind:

Hon. Mr. BEIQUE: It was suggested that the appeal under paragraph 3, instead of being allowed by the Board, should be allowed by the Supreme Court, leave having been first obtained from the Board. I would move that subsection 3 be amended by substituting for the words "the Board " in line 20 the words, "the Supreme Court or three judges thereof."

Hon. W. B. ROSS: Why not make it one judge?

Hon. Mr. BEIQUE: I do not know that it would be well. It might be going too far.

Hon. Mr. CASGRAIN: I think the point is well taken. The Board might not always be willing to allow an appeal. After all, they are human and like to have their

judgment maintained. Why put temptation in their way?

Subsection 3 of section 52 stands; the remainder of the section was agreed to.

Sections 53 to 79, inclusive, were agreed to.

On section 80-registration of transfers:

Hon. Sir JAMES LOUGHEED: This section embodies an amendment which was made by the Railway Committee last year, at the instance of the honourable gentleman from De Salaberry (Hon. Mr. Béique).

Section 80 was agreed to.

Sections 81 to 100, inclusive, were agreed to.

On section 101-failure to pay call; suit:

Hon. Sir JAMES LOUGHEED: That is the law as it stood.

Hon. Mr. BEIQUE: Would you change the rate of interest?

Hon. Sir JAMES LOUGHEED: Not at the present moment.

Section 101 was agreed to.

Sections 102 to 112 inclusive, were agreed to.

On section 113-directors, disability of officers, etc.:

Hon. Sir JAMES LOUGHEED: Section 113 embodies the amendment which the Senate committee added to the Bill last session.

Section 113 was agreed to.

Sections 114 to 132, inclusive, were agreed to.

On section 133-securities:

Hon. Mr. CASGRAIN: Is that the same as the old section?

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. CASGRAIN: The same as the old one?

Hon. Sir JAMES LOUGHEED: Well, there are some immaterial words added. The date has been changed.

Hon. Mr. CASGRAIN: Is that as to the re-issue of securities? There is always trouble when bonds have been pledged and new bonds-have to be issued.

Hon. Sir JAMES LOUGHEED: We have not made any change in that direction.

Section 133 was agreed to.

Hon. Mr. CASGRAIN.

Sections 134 to 146, inclusive, were agreed to.

On section 147—purchase of railway securities:

Hon. Mr. BEIQUE: I would ask that section 147 be allowed to stand.

Hon. Sir JAMES LOUGHEED. Let it stand.

Section 147 stands.

Sections 148, 149 and 150 were agreed to.

On section 151—agreements for sale, lease and amalgamation:

Hon. Mr. BEIQUE: Subsection 6 has been added?

Hon. Sir JAMES LOUGHEED: Yes. We struck out subsection 6 last year, but it has been re-inserted. It has been considered desirable that it should be so.

Hon. Mr. CASGRAIN: Does that mean that every provincial road can be taken over?

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. CASGRAIN: That every provincial road may be taken over simply by the minister?

Hon. Sir JAMES LOUGHEED: My honourable friend will see that it is by agreement:

Every railway and undertaking, or part thereof, in respect of which such an agreement is made, upon such agreement being sanctioned by the Governor in Council,—

Hon. Mr. CASGRAIN: Oh.

Hon. Sir JAMES LOUGHEED: I move its adoption.

Hon. Mr. BEIQUE: Why was it struck cut last year?

Hon. Sir JAMES LOUGHEED: I really do not know.

Hon. Mr. BEIQUE: We should try to find out. We should like to know. I have not had time to read the section. We must have had some good reason for striking it out in committee last year.

Hon. Sir JAMES LOUGHEED: Sometimes a committee thinks it must do something.

Hon. Mr. BEIQUE: Sometimes, but should we disregard the work entirely that was deliberately done by the former committe, without understanding the reason why it was done? Hon. Sir JAMES LOUGHEED: If my honourable friend will look at the section, he will see by its construction that there is the best reason in the world why it should be restored.

Hon. Mr. BEIQUE: I have not had time to read it.

Hon. Sir JAMES LOUGHEED: I would suggest that my honourable friend read it.

Hon. Mr. BEIQUE: I would suggest that the honourable leader of the Government allow it to stand.

Hon. Sir JAMES LOUGHEED: Well, we will let it stand. If my honourable friend had asked for that in the first place, it would have been granted.

Hon. Mr. CASGRAIN: The reason is given in this memorandum. It states :

These amendments suggested by the judgment of the Board in the Quebec Central Railway Company Case. There the provincial company leased its line to the Canadian Pacific Company for nine hundred and ninty-nine years. The Board held that, notwithstanding the lease and the control and operation of the provincial line by the Federal Company thereby effected, the line was still a provincial line and not under its jurisdiction.

The CHAIRMAN: Are you going to dispose of subsection 6?

Hon. Sir JAMES LOUGHEED: No. Let that stand.

Subsection 6 of section 151 stands; the remainder of section 151 was agreed to.

Sections 152 and 153 were agreed to.

On section 154—directors may make traffic agreements:

Hon. Sir JAMES LOUGHEED: That is the old law without any change except the words in the first line: "of the company."

Section 154 was agreed to.

Sections 155 to 161, inclusive were agreed to.

On section 162—powers of company:

Hon. Sir JAMES LOUGHEED: Section 162 is the old law with the exception of paragraph q and subsection 2, at the top of page 58. Subsection 2 reads:

The tracks of every railway, the construction of which is hereafter commenced, shall be of the standard gauge of four feet eight and onehalf inches, unless otherwise permitted by the Board.

Hon. Mr. CASGRAIN: They are all of that gauge now, anyway.

S-5

Hon. Sir JAMES LOUGHEED: So this is practically declaratory of the standard as it is.

Section 162 was agreed to.

Sections 163 to 166, inclusive, were agreed to.

On section 167-location of lines:

Hon. Mr. CASGRAIN: Does the requirement not come in there that the company must ask the Government before going on? Or is it there that the requirement comes in that before applying for a charter the company's application must be approved by the Board, and so on?

Hon. Sir JAMES LOUGHEED: Oh, no. This deals with the location of the line.

Hon. Mr. CASGRAIN: But it would very properly come under that. They would make application before they located their lines.

The hon. the CHAIRMAN: The company must submit a map.

Hon. Sir JAMES LOUGHEED: My honourable friend (Hon. Mr. Casgrain) will see in subsection 4:

Where the Board approves the whole or any portion of such map and location such approval shall be signified upon the map, and the duplicate thereof accordingly.

Hon. W. B. ROSS: The honourable gentleman (Hon. Mr. Casgrain) will find his point dealt with in section 166.

Hon. Mr. CASGRAIN: That requirement is after the company has obtained its charter. As far as we have gone, we are stating what the company shall do after obtaining its charter; but my honourable friend will remember that a Bill was before this House for quite a while, introduced by the late Senator Davis—

Hon. Sir JAMES LOUGHEED: Look at section 166.

Hon. Mr. CASGRAIN: Then, we are putting the cart before the horse; we are locating the lines before we grant the charter. Section 166 deals with the commencement of construction but the idea was that the company must first apply to Parliament and get its approval for a charter.

Hon. Sir JAMES LOUGHEED: Oh, no; we threw that out.

Hon. Mr. CASGRAIN: But we passed it in this House; I am positive of that. I do not know about the House of Commons.

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Hon. Sir JAMES LOUGHEED: But it never became law. It was very strongly opposed.

Section 167 was agreed to.

Sections 168, 169 and 170 were agreed to.

On section 171-time for acquiring land:

Hon. Mr. BOSTOCK: There are some changes in section 171, are there not?

Hon. Sir JAMES LOUGHEED: This is now as we passed it in committee last session. The last four lines were introduced into the Bill last session by the Senate committee.

Section 171 was agreed to.

Sections 172 and 173 were agreed to.

On section 174-corrections of plans, etc.:

Hon. Mr. BOSTOCK: We made some alterations last session, did we not?

Hon. Sir JAMES LOUGHEED: We struck out subsection 4, and the section remains as we then dealt with it.

Section 174 was agreed to.

Sections 175 to 186, inclusive, were agreed to.

On section 187—removal of branch lines or spurs:

Hon. Mr. BEIQUE: I move that section 187 be amended to read as follows:

Any company or person who, without consent or order of the Board, removes any spur or branch line constructed under or pursuant to the provisions of sections 185 and 186 of this Act, shall be liable on conviction to a penalty not exceeding \$1,000.

It would take the place of section 399 of this Bill, and it deals with the same matter.

Hon. Sir JAMES LOUGHEED: Would that amendment not be more applicable to the penalties clauses than at this point?

Hon. Mr. BEIQUE: Then, strike out section 187 of the Bill. The object of the amendment is this: It is very well to deprive the company of the right to remove any spur line which had been constructed with the authority of the Board, but if a spur line is constructed, as is very often the case, by arrangement between the company and another company or an individual, I think it is only right that the company should be able to remove the spur line. The matter is governed by contract, and if section 187 were to stand as it is, it would have the effect of preventing railway companies from entering freely into

Hon. Mr. CASGRAIN.

contracts of that kind. I think the honourable gentleman might take that point into consideration.

Hon. Mr. MACDONELL: The honourable gentleman will bear in mind that there was a great deal of discussion upon this section in the Railway Committee of the Commons last year. People came there and were heard, not only on the question of the acquisition of spurs where necessary, and the use of spurs by new industries, but also as to the safeguarding of spurs by this provision. If section 187 were not included in the Bill all that is being done in regard to requiring railway companies to establish spurs or to extend existing spurs would be of no effect. If the railway companies could take a spur out after it has been put in, as they could do if the honourable gentleman's amendment carried, the whole law would be nugatory. The mere imposition of a fine would not in any way meet the public requirements. Let us assume that a large industry with a large investment of capital is established and a spur built, or an existing spur extended. If the railway company had the option of removing the spur at any time, the industry would have to be discontinued, and there would be a tremendous loss and waste. Under this provision the Railway Board is to judge whether it is proper or improper to continue a spur.

Hon. Mr. CASGRAIN: What would be the idea of the railway company in removing a spur of that kind? They would have no incentive to do that.

Hon. Mr. MACDONELL: They should not have the right to do it; but if this section is left out, the whole law with regard to the building and extending of spurs would be of no effect.

Hon. Mr. CASGRAIN: Section 399 is like the one suggested.

Hon. Mr. MACDONELL: Section 185, 186, and 187 all relate to spurs their maintenance, and the Railway Board. This provision is needed. It was asked for by large public interests and I think in all fairness it should be maintained.

Hon. Sir JAMES LOUGHEED: My honourable friend might have further pointed out a limitation to section 187. This section does not refer to all spurs; it refers only to spurs constructed under the agreement outlined in the two preceding sections. These sections cover spurs which have been ordered by the Railway Board, and which have been paid for by the industrial concerns for whom they have been APRIL 9, 1918

constructed. As my honourable friend will see, under section 185, an amount may be deposited with the board to ensure payment for the construction of the spur; consequently the railways would have no right to remove such a spur; and, as a limitation pursuant to either of the last two preceding sections is incorporated in this section, it is manifest that the section should remain as it is.

Hon. Mr. BEIQUE: The point which was raised by the railway companies before the committee last session was that industrial spurs are built either by agreement between the parties or by order of the board. It is quite proper that a spur which is constructed by the order of the Board should not be removed except with the consent of the Board; but there would seem to be no good reason why spurs constructed by agreement between the parties, without reference to the Board, many of them of a temporary character, should not be removed if the owner of the industry is agreeable. It is for these reasons that the amendment is submitted. You see, it deals with sections 187 and 399 at the same time. The suggestion made by the railway companies was as follows:

Any company or person who, without consent or order of the Board, removes any spur or branch line constructed under or pursuant to the provisions of this Act for the purpose of affording railway facilities to or in connection with any industry or business established or intended to be established, shall be liable on conviction to a penalty not exceeding one thousand dollars.

Hon. Sir JAMES LOUGHEED: My honourable friend will observe that this deals with spurs that have been constructed by order of the Railway Board. That being the case, an order of the Board should certainly be obtained before such a spur is removed.

Hon. Mr. BEIQUE: Of course, under section 33 of this Act the Railway Board has ample powers to protect the public. For instance, subsection 2 of section 33, to which the railway companies objected, is the old law, but it is very drastic. Under that provision, the Railway Board has full power to order the construction of spur lines. The railway companies should not object to that power being exercised by the Railway Board, but they do object to the company being prevented from removing a spur which is built according to the terms of a contract between the railway company and the individual or industry concerned.

Hon. Sir JAMES LOUGHEED: Does not my honourable friend appreciate the fact S-51

this section deals only with spurs concerning which an agreement has not been arrived at and may not be arrived at? If my honourable friend will look at line 12 of section 185, he will see that it deals with spurs upon which the parties cannot agree. It says:

When any industry or business established or intended to be established, within six miles of the railway, and the owner of such industry or business, or the person intending to establish the same, is desirous of obtaining railway facilities in connection therewith, but cannot agree with the company as to the construction and operation of a spur or branch line from the railway thereto, the Board may, on the application of such owner or person, and upon being satisfied of the necessity for such spur or branch line in the interests of trade, order the company to construct, maintain and operate such spur or branch line.

Then the Board adjudicate upon the subject and make an order, and they require the party interested to deposit an amount for the building of the spur, and so on.

Hon. Mr. BEIQUE: Take section 186 now.

Hon. Sir JAMES LOUGHEED: Section 186 deals with the same kind of spur, but one that may be used by more than one party.

Hon. Mr. CASGRAIN: It may be used by some one further on.

Hon. Sir JAMES LOUGHEED: Yes, some one beyond. Then, section 187 is limited to spurs which are constructed under sections 185 and 186, namely, spurs that have been constructed ,by order of the board and concerning which the parties cannot agree between themselves.

Hon. Mr. MACDONELL: The reasons advanced by the Railway Board in favour of this section are as follows. This is a new section intended to make the control of the board in such matters more complete, because, as has been pointed out by the honourable leader of the Government, this section applies only to that class of spurs which are built or are extended by order of the Railway Board. If a railway company, after being ordered to put down or to extend a spur, under section 185 or 186, can remove it the next day, as they can unless section 187 is in the Bill, the whole thing is nugatory.

Hon. Mr. BEIQUE: I withdraw the amendment.

Section 187 was agreed to.

Sections 188 to 218, inclusive, were agreed to.

fered not accepted:

Hon. Mr. BEIQUE: This is a very important section. The committee concluded to substitute the following for the section as it is printed:

(1) If within ten days after the service of such notice, or, where service is made by ad-vertisement, within one month after the first publication thereof, the opposite party does not give notice to the company that he accepts the sum offered by it, either party may apply to the judge of the county court of the county in which the lands lie, or, in the Province of Quebec or in any other part of Canada where there is no county court, to a judge of the Superior Court for the district or place in which the lands lie, to determine the com-pensation to be paid as aforesaid.

(2) Six days' notice of such application shall be given by the company to the opposite party, or vice versa. (3) If the opposite party is absent from the

district or county in which the lands lie, or is unknown, service of such six days' notice may be made by advertisement as in section two hundred and seventeen authorized: Pro-vided that the judge may dispense with, or shorten the time or times for, the publication of the notice in any such case in which he deems it proper.

The honourable gentleman will see that this substitutes a judge for arbitrators. I think it is the experience of every member of the legal profession that arbitrations are very unsatisfactory and very expens-The work should be done by the ive. courts. I think that is the unanimous conclusion of the committee, and I would ask the honourable leader of the Government to seriously consider whether this proposal should not be adopted. I am speaking in the presence of a number of colleagues who, I am sure, have had the same experience that I have had. There are three arbitrators, who invariably make it their business to hold as many sittings as possible, in this way piling up the costs to one or two thousand dollars in cases involving small pieces of land. This practice, in reality becomes a denial of justice; whereas if the matter were left to a judge, the judge would of course have to hear expert evidence, and it would be open to the railway company and the party whose property was being expropriated to adduce such evidence as they desired. I am quite sure that would be more just to all parties concerned than the old mode of arbitration. It is a method which is followed as regards Government property; it is the mode which is in operation in the Exchequer Court of Canada, and I think it should be applied to railway companies. I would therefore ask the honourable gentleman to substitute

Hon. Mr. BEIQUE

On section 219-arbitrators; if sum of- for subsection 1 of section 219 the subsection which I have read. Then, for section 220 the following would be substituted:

> (1) Such judge shall, upon application being made to him as aforesaid, become sole arbitrator for determining such compensation : Provided that where such judge is personally interested in the land or in the amount of the compensation or damages in question, or where for any other reason it is necessary, either party may, on six days' notice to the opposite party, apply to a judge of a Superior Court to appoint, and such judge may appoint, a county or Superior Court judge to be arbitrator, and in such case the judge so appointed shall be arbitrator for the purposes aforesaid.

> (2) The arbitrator shall proceed to ascertain such compensation in such way as he deems best, and, except as hereinafter provided, his award shall be final and conclusive.

> Hon. W. B. ROSS: Speaking generally, I agree with the remarks of the honourable gentleman who has just taken his seat. The method of assessing damages by arbitrators of course only belongs to a past age. It is a costly way of doing the thing; it is slow, ponderous and very inefficient. You cannot go over the country and get three men in any two sections who will have the same method or principle in their minds when they come to assess damages. It is highly desirable that there should be some person who is conversant at least with the ordinary rules of law, who is capable of taking the books and proceeding upon some principle to assess the damages. So, for the purpose of getting a correct decision and getting it as cheaply as possible, I am in favour of substituting a judge for arbitrators. Then, I think if you adopt that principle in the sections with which you are dealing, you will have to work your way forward through the other sections and see if it will be sufficient to substitute in every instance the word "judge" for "arbitrators." I am not quite sure that it can be done all the way through.

> Another thing: I think that these sections also provide that the decision of the arbitrators, that is, the three men, is to be final. Now, I do not think that the decision of the judge ought to be final; I think there ought to be an appeal from the judge to the Superior Court; but it ought to be on a question of law; that is to say, if he proceeds on a wrong principle in assessing the damages there ought to be a method for putting him right. But I would not be in favour of appealing from the judge if he showed that in exercising his judgment he had proceeded on the correct principle. I would suggest that instead of making the decision of the judge final we

should provide an appeal, but only as to a question of law.

Hon. Mr. BEIQUE: I quite agree with the honourable gentleman.

Hon. W. B. ROSS: That is one way of stating it-or against the principle upon which the judge proceeded to assess the damages. I had something to do in an indirect way with an assessment of damages within the last six months. It was in the city of Halifax. The judge who assessed the damages did so on certain principles. I need not go into the details. The matter went into the full court, and it was pretty well demonstrated that the judge had proceeded on a wrong principle altogether. The judge was told: "That will not do; the case must be reconsidered, you will proceed to assess on the following principle." He did so, and that was the end of the matter. There are many different points of view from which an assessment may be approached. Sometimes it is a dwelling which is to be assessed; or it may be a dwelling and business place combined; or it may be purely a place of business. The English and the French courts do not assess damages on the same principle for so many feet of land for a dwelling and so many feet of land taken as a business stand, because a dwelling house can be replaced without great difficulty, but property that has been used as a place of business for perhaps fifty years is a good business holding. I think we ought to provide that there shall be an appeal from the judge.

Hon. M. CASGRAIN: If there is to be an appeal, would you not limit the amount? Surely you should not allow an appeal if the amount is only trifling.

Hon. Sir JAMES LOUGHEED: There is a limit now: it is \$600 and over. Look at section 232.

Hon. Mr. CASGRAIN: I thought that last year we had taken out the word "arbitrators."

Hon. Sir JAMES LOUGHEED: We did.

Hon. Mr. CASGRAIN: And here they turn up again. We cannot get rid of them, apparently. The committee unanimously decided that there should be no arbitrators, and here they are—the same old arbitrators. I do not see why the judge does not remain a judge—why he should become an "arbitrator." The judge of the Exchequer Court does not become an arbitrator; he remains a judge. Let the case be tried by a judge, and take the word "arbitrators" out.

Hon. W. B. ROSS: There is a section which says that the decision of the arbitrators shall be final.

Hon. Mr. CASGRAIN: Where is the six hundred dollar limit mentioned?

Hon. Mr. BOSTOCK: In what section did my honourable friend (Hon. Sir James Lougheed) say that six hundred dollars was mentioned as the limit in connection with the appeal?

Hon. Sir JAMES LOUGHEED: Section 232. I was going to suggest that inasmuch as the Senate Committee last session gave a great deal of attention to the amendment of these clauses, we should accept the amendments made by the Senate Committee. Of course, when the Bill goes to the Commons, if they differ with us, they are at liberty to do so.

Hon. Mr. CASGRAIN: That is satisfactory, so long as we take out the word "arbitrators."

Hon. Mr. BEIQUE: But I should like to have an expression of opinion from members of this House, so that when the matter is taken up by the House of Commons they will understand our position fully.

Hon. Sir JAMES LOUGHEED: I may say that when this Bill was before the special committee of the House of Commons last year, they favoured having the arbitration done by a judge, but when the Bill went into the House of Commons it was altered; the House of Commons did not accept that proposal, but adopted the old method of having three arbitrators. Thus we have that difference of opinion, the House of Commons determining one thing and the special committee of the House of Commons determining another. The Senate committee very carefully elaborated these amendments as to the appointment of judges.

Hon. Mr. CASGRAIN: The Bill as drafted by the Minister of Railways last year contained the word "judge," and the committee let it stand at that. When the Bill came to the House of Commons the word "arbitrators" was inserted.

Hon. Sir JAMES LOUGHEED: I would suggest now as a solution of the question that in the meantime we should accept the amendments which were worked out by the Senate committee last session as to the principle of the arbitration being by a judge, and then any honourable gentlemen will have the right to move reconsideration of the section before we make our

report. Has my honourable friend (Hon. Mr. Béique) put in the amendment to section 219?

Hon. Mr. BEIQUE: I think it was understood that the Law Clerk of the committee was to work out the other sections.

Hon. Sir JAMES LOUGHEED :: I have those before me now, and, if my honourable friend wishes, I will read the clauses as prepared by the Law Clerk, carrying out the views of the committee.

Hon. Mr. BEIQUE: I have 219 and 220. but section 221 I have not had time to prepare.

Hon. Mr. MACDONELL: Section 221 deals only with determining compensation. Section 221 would remain as it is.

Hon. Mr. BEIQUE: It would not men-tion "the arbitrators." The honourable gentleman will see that it cannot remain as it is.

Hon. Sir JAMES LOUGHEED: Even if the plural form were adopted, it would be governed by the Interpretation Act.

Hon. Mr. BEIQUE: But it would be the judge who would be the arbitrator.

Hon. Sir JAMES LOUGHEED: Yes. The amendment to be substituted for section 219 would read as follows:

(1) If within ten days after the service of such notice, or, where service is made by ad-vertisement, within one month after the first publication thereof, the opposite party does not give notice to the company that he accepts the sum offered by it, either party may apply to the judge of the county court of the county in which the lands lie, or, in the Province of Quebec or in any other part of Canada where there is no county court, to a judge of the Superior Court for the district or place in which the lands lie, to determine the com-pensation to be paid as aforesaid. (2) Six days' notice of such application

(2) Six days' notice of such application shall be given by the company to the opposite

(3) If the opposite party is absent from the district or county in which the lands lie, or is unknown, service of such six days' notice may be made by advertisement as in section two hundred and seventeen authorized: Pro-vided that the judge may dispense with, or shorten the time or times for,—

Hon. W. B. ROSS: "Shorten the time?"

Hon. Mr. BOSTOCK: It should be "lengthen the time."

Hon Sir JAMES LOUGHEED: I should think so.

-the publication of the notice in any such case in which he deems it proper.

Hon. Mr. CASGRAIN: We do not want to shorten the time. It should be lengthened. Hon. Sir JAMES LOUGHEED.

Hon. Sir JAMES LOUGHEED: We will substitute the word "lengthen."

Hon. Mr. MACDONELL: Why not make it ten days? A man living in a country district might not be able to get in touch with his lawyer within the six days allowed. It would be fairer to give him more time.

Hon. Sir JAMES LOUGHEED: I will accept that.

Hon. Mr. MACDONELL: Where the word "six" occurs make it read "ten."

Hon. Sir JAMES LOUGHEED: Now, it seems to me that the words " county court " should be changed.

Or, in any other part of Canada where there is no county court, to a judge of the Superior Court-

I think the words " district court " should be added. There are no county court judges in the provinces of Alberta and askatchewan; there are district judges.

Hon. Mr. BEIQUE: The word "judge" is interpreted. Let us see.

Hon. Sir JAMES LOUGHEED: Honourable gentlemen, it is approaching six o'clock and we have made very satisfactory progress to-day. I shall give attention to having these proposed amendments properly drafted for the purpose of carrying out the policy which the Senate Committee adopted last session, and at our next sitting I will bring down the amendments properly drafted.

Hon. Mr. BEIQUE: I would point out to the honourable gentleman that the meaning of the word "judge" is defined.

Hon. Sir JAMES LOUGHEED: In the interpretation section of this Bill?

Hon. Mr. BEIQUE: Yes. .

(13) "Judge" means a judge of a superior or county court.

We might add to that "or district court." I am altogether in accord with the suggestion made by the honourable gentleman from Middleton (Hon. Mr. Ross) that there should be a right of appeal on questions of law only, and I would suggest that the proper amendments be also prepared for the purpose of carrying out that suggestion. I do not think it is advisable that the findings of the judge as to facts should be submitted to appeal; but on a question of law only, if the judge acts upon a wrong principle, there should be an appeal.

Hon. Mr. CASGRAIN: The honourable leader of the Government said that in the heading he would leave the word " arbitra-

tor." If the arbitrator is to be a judge, why not put in "judge?"

Hon. Sir JAMES LOUGHEED: It is an arbitration.

Hon. Mr. CASGRAIN: Why not say "arbitration?" Do not say "arbitrator." There will be no arbitrators.

Hon. Sir JAMES LOUGHEED: I will have that properly corrected.

Hon. Mr. CASGRAIN: Another thing. In the old law it was provided that if the party who was offered the money for his land did not protest or refuse within a certain time, the company took possession for that amount of money. It is not exactly that; but, of course, I have not the text of the law before me. You see, the company made the offer to the other party, stating in its notice: "If you do not accept this amount within ten days, the company hereby appoints so-and-so an arbitrator, and you will have to appoint your arbitrator within ten days." If the other party failed to appoint an arbitrator within the ten days, the company entered into possession of the land and the other party kept the money. The company foreclosed without any further action. That matter will have to be adjusted, because, as the wording appears in the Bill, the farmer would be required to notify the company within a certain time. That is not the way it is done. The section should provide that the company shall notify the farmer first, and then, after the lapse of a certain number of days, say twenty days, or whatever period is considered proper, if the farmer does not accept the amount offered, the company shall serve him with legal papers and notify him that the matter will be taken to court. I do not know if I am making myself clear.

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. CASGRAIN: If the other party did not say anything, the company took it for granted that he accepted the money. If his answer notified the company of the appointment of his arbitrator, that implied that he did not consider the amount offered sufficient. But, as the section in this Bill is worded, the procedure is reversed; it is the farmer who would have to notify the company, which might be embarrassing.

Hon. Sir JAMES LOUGHEED: No; either party may apply.

Section 219 stands.

Progress was reported.

The Senate adjourned until 3 p.m. tomorrow.

THE SENATE.

Wednesday, April 10, 1918.

The Senate met at 3 p.m., Hon. Richard Blain, Acting Speaker, in the Chair.

Prayers and routine proceedings.

BUSINESS OF THE SENATE.

PUBLIC BILLS IN COMMITTEE.

Before the Orders of the Day:

Hon. W. B. ROSS: I would like to ask a question in respect to the procedure adopted with regard to the last consolidation of the Railway Act. I have not very full information—some senator may have fuller—but I am informed that the last consolidation took place in Committee of the Whole House and a large number of amendments were made. I would like to know if that is the case.

Hon. Mr. CASGRAIN: Perhaps the honourable gentleman refers to what I was saying on Monday, when the question came up.

Hon. Mr. ROSS: Yes, that is the subject. Before we proceed to order No. 1, I would like to know something about it.

Hon. Mr. CASGRAIN: I may explain now that it was in 1903 that the Railway Act was consolidated, and in the Senate the Bill was dealt with by the Committee of the Whole House. It was not referred to the Standing Committee on Railways, Telegraphs and Harbours at all. When I made that statement the other evening I thought my memory was serving me rightly, but I was contradicted. I heard several members behind me saying, "No, no." I do not know exactly who they were. I have taken the trouble to look up the question very carefully, and I find that in 1903, on August 20, as shown in Hansard of that year, at page 799, Hon. Sir Richard Scott, then leader of the Government in this House, moved:

That the Bill be referred to a Committee of the Whole House.

There was considerable discussion as to whether that was the proper procedure or not. The late Sir Mackenzie Bowell, who was then leading the Opposition, suggested, with his 'usual alertness, 'that the 'Bill might be sent to the Railway Committee; but the large majority of the House, without a vote, decided that, it being a public Bill, the proper place for it to be discussed was right here in the House. At that time I advocated that as it was a public Bill it SENATE

should be discussed in Committee of the Whole, and that only private Bills should be referred to standing committees, where the interested parties could be heard, so that it could be seen whether a private Bill should be approved or amended or otherwise dealt with. A public Bill is a different matter, and it is not fair to the public generally to refer it to a standing committee, because the whole of the people cannot appear before such a committee, and they are the ones who are interested in the Bill. Two classes of people can appear before the committee-those who have influence with the committee and those who have not. If the former appear before the committee, influence is brought to bear by interested parties; if the latter, they have no influence, and it is no use hearing them. Either way we are on the horns of a dilemma. In my view it is much better to discuss public Bills in Committee of the Whole. Last Monday it was argued also that the Bill would be expedited if it were referred to the Standing Committee on Railways. I do not know that that committee could have done much better than we did yesterday. We passed over two hundred sections of the Bill, only two or three being allowed to stand. In support of this I may refer to what occurred in 1903. I have before me a copy of Hansard of that year, which will bear out everything I say. On the 20th of August the Bill was introduced, and on the 25th of September it was read the third time and passed by this House. Hundreds of pages of Hansard are covered by the discussion which took place. In that session the Senate took recess from the 4th of September until the 24th and the usual business of the House was carried on; therefore, I doubt whether any standing committee could do any better. This Chamber sits from three o'clock in the afternoon until any hour of the night, if necessary. The consolidation of the Railway Act in 1903 was a very important one. The Railway Board was at the same time created, and the necessary machinery provided for carrying on its work, and I think I am safe in saying that the Board so created has given great satisfaction. This all goes to show that the legislators who put through that Bill acted in the best interests of the country. At that same session we dealt with highway crossings, and also with a small matter which may be of interest to some of the later arrivals in this House. I refer to the Bill which gave us the right to travel free on all railways under Federal jurisdiction, by merely presenting our identification cards. In pass-

Hon. Mr. CASGRAIN.

ing, I might say that previous to that time I had presented a Bill with the same object; and, whether the granting of these passes was right or not, it did not interfere with the independence of Parliament. It was no hardship for the railways, in view of the fact that they were already giving passes, and it was thought better that they should do it according to law.

Hon. Mr. CHOQUETTE: I wish to call the attention of the Speaker to the fact that there is nothing before the Chair. My honourable friend is entirely out of order.

The Hon. the ACTING SPEAKER: I think it was the understanding of the House that this discussion came up before the Orders of the Day were called.

Hon. Mr. CASGRAIN: I just wish to finish my remarks. I was answering a question put to me by the honourable gentleman from Middleton (Hon. W. B. Ross). I understand that the honourable gentleman behind me-(Hon. Mr. Choquette) was one of those who said, "No, no," and perhaps he does not like me to prove that I was right.

Hon. Mr. CHOQUETTE: I did not say no.

Hon. Mr. CASGRAIN: The Senate made no less than seventy amendments to the Railway Bill at that time, although it was in sympathy with the other House, there being a majority in both Houses on the same side; and fifty-seven of those seventy amendments were unanimously concurred in by the House of Commons. The House of Commons dissented from the other thirteen amendments, which were referred back here. A conference between the two Houses was held. The Senate, very properly standing on its dignity, would not ask for a conference; so the House of Commons appointed managers, who appeared in room No. 8 of the old Parliament Building; and, after they had taken their seats, with solemnity, the Usher of the Black Rod came and informed the Speaker of the Senate that they were waiting for the pleasure of the senators. The managers for the Senate were appointed, including the late Sir Mackenzie Bowell, Hon. Mr. David, and some others. The representatives of the two Houses did not entirely agree, so they returned each to their own House. Another conference took place, and finally an agreement was come to. I am stating this to show that we might very well make amendments in this Bill without any fear of killing it.

PUBLIC SERVICE REARRANGEMENTS BILL.

SECOND READING.

Hon. Sir JAMES LOUGHEED moved the second reading of Bill 2, an Act to authorize Rearrangements and Transfers of Duties in the Public Service. He said: The object of this Bill is to give power to the Governor General to transfer any duties or functions of any existing department to some other department. Honourable gentlemen can very well appreciate, probably, the desirability of consolidating departments if, in the interests of efficiency and public welfare, that can be done. There is nothing on the statute-book to permit of the Government giving effect to transfers of this character. It has been done with reference to certain departments, but at this particular time it is desirable that there should be an investigation in the interests of economy and efficiency, with a view to combining the different departments of Government, if it is in the public interest.

Hon. HEWITT BOSTOCK: Honourable gentlemen, I think the Government is to be congratulated upon taking these powers in connection with this Bill. Any honourable gentleman who has studied what is going on in the country at the present time must realize that a great deal of good work can be done by bringing together certain departments and trying to co-ordinate the work of the country. There is unfortunately, I think, a great deal of overlapping, not only amongst departments, but amongst some of the commissions which the Government has thought well to appoint within the last year or two. This overlapping is causing a great deal of expense and unnecessary work throughout the country, which I think might be avoided, and I hope, as a result of this Bill, that this whole question will be very thoroughly looked into and that improvements will be made.

I might take this opportunity of drawing the Government's attention to the position in the Department of Mines at the present time. That department is one that I think has never received proper consideration at the hands of the Government since it was established. It is a most important department, because it deals with one of the most important natural resources of this country. The mines supply a great deal of traffic and business to the railways. Our Department of Mines was established six years ago, since which time it has been under the charge of no less than eight

different ministers. That is not a good thing for an important department of this kind. If it is possible to put the department under a strong minister, and to keep him in charge of it, the result must greatly help the work of the department and help the officials to carry on their investigations with more satisfaction. The Department of . Mines is to-day a large department, having a large number of highly paid officials who are competent to do a great deal of excellent work for the country; but if the department is shifted about as it has been in the past, and is not placed under a minister who will be solely responsible for it, I fear it will suffer in consequence. After the war is over, the question of the development of the natural resources of the country is going to be a serious one, and the Department of Mines has more to do with the natural resources of Canada, and will continue to have more to do with them, than almost any other department. At the present time we have, in addition to the Department of Mines, one or two commissions dealing with questions which come under the jurisdiction of the department, and we have also a branch of the Interior Department which deals with mines. I think that, when this Act is put into force, this whole matter should be taken into consideration, and the Mines Department should be made an independent department under a responsible minister.

As an indication of the importance of the mineral industry from a national standpoint, I might state that in 1915 the tonnage supplied to the railways by different industries was as follows: Products of mines 37.89 per cent; products of agriculture. 18.79 per cent; products of the forests, 16.3 per cent; and manufactured products. 14.76 per cent. Honourable gentlemen will see from these figures that the tonnage supplied to the railways is about fifty per cent of the total tonnage which they receive, which bears out the statement which I have made with regard to the importance of the development of mines in this country. In addition, 50,393 men were employed in mineral industries furthering the manufacturing of products of the mines; 104,425 men were employed in mining, smelting and related industries. In the year 1915, the value of the products of those industries was \$265.046.000.

We have to-day to consider the question of finding work for a large number of men after the war is over, and the Department of Mines can do more probably than any other department to find suitable work for

SENATE

men who come back from the front, and for men who are to-day employed in other industries. Now is the time for this matter to be taken into consideration, and, in my opinion, it cannot be commenced too soon. I therefore hope that when this question comes to be dealt with, the Government will give great consideration to the question of dealing with the Department of Mines.

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

DAYLIGHT SAVING BILL.

SECOND READING.

Hon. Sir JAMES LOUGHEED moved the second reading of Bill 4, an Act to provide for the time in Canada being in advance of the accepted Standard Time during the summer months. He said: Honourable gentlemen, in moving the second reading of this Bill, it may be thought necessary for me to make some lengthy explanation as to the nature and policy of this measure. However, this matter has been discussed fully by the public, on platforms and in the press, and has been before Parliament during several previous sessions; so that it is unnecessary for me to occupy any great length of time in presenting the merits of the measure. Suffice it to say that the intention is during certain months in the year to advance the time by one hour.

It is unnecessary to point out that throughout the whole of Canada standard time is either fixed by statute, or is accepted as standard time by the different provinces. Commencing on the Atlantic coast, we have the Maritime Provinces adopting what is known as Atlantic time. I understand that in the province of Quebec there is no statutory provision fixing a standard time, but there is an accepted standard time which I believe is known as eastern standard time. The other provinces of Canada, I understand, have statutory provisions regulating or determining what shall constitute standard time. We have eastern standard time, central stand-. ard time, mountain standard time, and Pacific standard time. Canada is therefore divided into certain zones, and within each zone there is a recognized standard time. The purport of this Bill is to advance that standard time by one hour within such period as may be prescribed by the Governor in Council.

This measure is not entirely experimental. A great deal of attention has been given to the subject both in the United States Hon. Mr. BOSTOCK.

and in Europe. In the United States the interstate Commerce Commission made a very extended inquiry into the subject, as did also a committee of the House of Representatives. Evidence was taken from persons interested in various activities in the United States, and I am justified, I think, in saying that in all the activities of life in that country approval has been given to the adoption of this measure. The representatives of commerce, of labour, and of agriculture, and not only the individual representatives but also the different institutions or organizations representing those great divisions of industrial life in the United States, have approved of it. It has been in force in that country for some time, and the longer it is in operation the more satisfactory it becomes. It is desirable that Canada should adopt such legislation as will be coterminous with that passed by the United States, and the powers given to the Government by this Bill would permit of this being done.

All the nations of Europe, with the exception, I understand, of Russia, have adopted similar measures. Great Britain for some time past has had a similar measure in force. In 1916, I think it was, a British parliamentary committee was appointed and made an extended inquiry into the entire subject, consulting the various branches of commerce and industry in the United Kingdom, with the result that the Imperial Government adopted a daylightsaving measure, which has since been most satisfactorily in operation. The same policy has also been carried out, as I have already said, by most of the nations of Europe. Germany, I think, was the first to adopt daylight-saving, which it did in 1914. It was likewise adopted in Austria, Italy, France, and the smaller nations, but not in Russia.

We have therefore before us such abundant evidence as to the satisfactory character of the measure as to warrant Canada in adopting it also. I need not point out to honourable gentlemen that transportation and communication have brought the different parts of the world into such close contact that international legislation is becoming almost a necessity. Canada cannot afford to lag behind the nations of Europe and the United States in the adoption of both aggressive and progressive measures of this character; and, entirely apart from the merits of such a measure, on the broad grounds of public policy and the desirability of our co-operating with the more progressive nations of Europe and

APRIL 10, 1918

America and co-ordinating our legislation with theirs, it becomes desirable that we should adopt legislation similar to that which obtains in those countries.

I need scarcely point out that a very restricted experiment has been made in Canada for three or four years past with a measure of this character, but it has lacked that statutory authority which was necessary to make it a success. It is of course manifest that a change in time such as is proposed cannot be carried out unless it be made obligatory upon the entire community-unless it has statutory authority behind it-unless it becomes part of the general law of the land. It is felt, from representations made to the Government by representatives of the different activities of life in Canada, that the Government will be justified in falling into line, not only with the United States, but with the nations in Europe to which I have referred, in adopting this measure. I have the honour, therefore, to move the second reading of the Bill

Hon. W. C. EDWARDS: Can the honourable gentleman say how long the change is to be effective? As I understand it, there is to be an immediate advance of one hour, but may I ask for what length of time it is proposed that the time shall continue as so fixed?

Hon. Sir JAMES LOUGHEED: The Bill leaves it to the Governor General in Council to decide that; but I may say to my honourable friend that in all probability we shall have to follow whatever may be adopted in the United States—

Hon. Mr. EDWARDS: That is right.

Hon. Sir JAMES LOUGHEED—on account of the very close relations between ourselves and the United States in matters of business and of transportation. In the United States the Act took effect on April 1, and continues, I think. till October 31.

Hon. Mr. EDWARDS: I quite agree with what my honourable friend (Hon. Sir James Lougheed) has said, that, the United States having adopted the measure, it is really essential that Canada should do likewise, because transportation, to which he referred, will be dislocated and very seriously disturbed until we make the change. There is no doubt that the sooner the change is made the better. Though I dislike to say it, after hearing of the experience of those various countries in Europe and of our great neighbour to the south, I am afraid

that a very serious mistake is being made, not in changing the time now, but in changing the time back on the 31st of October. I speak as one who has practised what is now being suggested for over fifty yearsnot in advancing the time at this period of the year, but in advancing it at the very period when, according to this proposal, it is to be set back. The primary object of this Bill is daylight-saving. No saving whatever can be made until the autumn months arrive. The practice of our firm has been to change not at this time, but on the 1st of September. After that date we begin to put our time ahead and by the 30th or perhaps the 15th of November it is one hour ahead. No saving of daylight can be made to the farmer. The change will be of no advantage whatever to the farmer, nor will it be any detriment to him. I cannot imagine any class that will be prejudicially affected by putting the time ahead now; but the great saving in electric lighting can be made in the autumn of the year, and if ever there has been a time in the history of Canada and the United States when the saving of power has been requisite that time is now. The whole object of this Bill will be lost if the time is put back in the autumn months. An enormous saving can be made if the time is advanced then or is not put back. So, while it may seem rather absurd for one like myself to speak in this manner after various countries have in their wisdom decided otherwise, I am judging by an experience of fifty years, for it is fifty years since our firm began to put the time ahead on the 1st day of September. When the month of September arrives work can be started at 6 o'clock in the morning, and by changing the time to one hour ahead of that period no artificial lighting is required in the morning and the effect is to lessen the artificial lighting for one hour in the evening. By this means an enormous saving would accrue to the United States and Canada.

This is a very serious question, but Canada cannot deal with it as I have suggested unless the United States does likewise.

Hon. H. J. CLORAN: If this honourable House will bear with me, I would offer a few suggestions to the Government or to the minister who is responsible for this Bill. In the first place, the title is not correct; it is not in line with the facts. The title of the Bill is, "an Act to provide for the time in Canada being in advance of the accepted standard time during the summer

SENATE

months." Now, whoever drafted this title has made it a misnomer. If the time is to be put forward during the summer months, the change applies for only three months. We have four seasons in Canada. The summer months are from June 21 to September 21; therefore the title is not in accord with what the Government intends. What the Government wants is an advance of the time for six months. The Bill should so state, but the title limits the period to the summer months-July, August and September. Nobody in this Canada of ours will call this a summer month. There is zero weather and snow in Winnipeg and the temperature here in Ottawa is at freezing point.

As to the interpretation of expression of time, I would point out to the minister responsible for this Bill that section 4 contains a provision which limits the efficiency of the Bill. It says wherever any statute, Order in Council or any other document coming within the legislative jurisdiction of the Parliament of Canada contains any reference to the element of time, the time mentioned or referred to shall be subject to the provisions of this Act. Then in section 2 the words, "for general purposes in Canada," appear. That phrase limits the efficiency and the adequacy of the Bill to Federal matters. In the province of Quebec-and I suppose it is the same in other provinces-there are general purposes of the province which are not controlled by Federal legislation at all, and which this Bill will not cover. For instance, the provinces have the right to say when courts shall sit and how long they shall sit, when they shall open and when they shall close. These matters are within provincial jurisdiction. Another general purpose of the provinces is the maintenance of jails, the control of prisoners, etc. I understand that penitentiaries come under the Federal law and will be affected by this Bill, but there are provincial institutions serving a general purpose which should come under this Bill and for which no provision is made. So far as I can see, the different provinces will be required, under the circumstances. to supplement this Bill in order to make it absolutely constitutional. Anybody who wanted to take exception to this clause of the Bill could effectively do so from a legal point of view, and I would not like to see that done. This Bill, as the honourable gentleman from Rideau (Hon. Mr. Edwards) has stated, is in line with the march of events throughout the world, especially in line with the march of events in the Hon.' Mr. CLORAN.

United States, and whether we like it or not, the change must be accepted. Once the Government has decided to make the change, a law should be passed whereby the change would become effective and universal. If it is necessary to get the consent of the provinces to changing the hour for their general purposes, let that be done. It would not be necessary to call the legislatures to assemble; the different provincial cabinets could meet and pass orders in council in accordance with this measure.

These are suggestions I would offer so that the Bill may be made effective and efficient and not be tampered with by any legal proceedings.

Hon. Brigadier General MASON: I heartily approve of the principle of this Bill, believing that not to have such a law in our Dominion would seriously incomvenience the community generally, and particularly the travelling public, and our banks and stock exchanges, which are in direct communication with the United States. It would be exceedingly difficult to do business. Looking over the Bill, however, I find that section 3 provides:

This Act shall be in force during the present year for such time as may be prescribed by the Governor in Council.

Section 5 provides:

The Board of Railway Commissioners for Canada shall have power to advance by one hour the standard time used by railway companies, including Government railways, in' Canada for such period as may be prescribed by the said Board, and to make such orders as may be necessary for the convenient carrying out of the provisions of this Act in so far as railway companies may be affected thereby.

The question would naturally arise: which would have superior power, the Governor in Council or the Board of Railway Commissioners? Perhaps that point might be explained. The Governor in Council prescribes the period for the enforcement of the Act, and apparently the Railway Board may alter that.

Hon. Sir JAMES LOUGHEED: They will have regard to whatever Order in Council may be passed.

Hon. V. RATZ: Honourable gentlemen, this Bill may have its good points, I suppose, as my honourable friend has just said; but I have been speaking to a good many farmers in my section of the country, and almost all of them appear to be opposed to the principle of it. I have just glanced over the Bill, and I do not see that there is any penalty if its provisions are not carried out—if any one chooses to leave the time as it is now. But the argument which

APRIL 10, 1918

has been advanced to me by some of the. farmers is that during the summer months they are not accustomed to go out to the fields and do very much work before 8 or 8.30 or sometimes 9 o'clock, on account of the dew-that their hired man may say: "I am ready, and I am going to start to work at 7 o'clock, and quit at 6." What is to be done? The farmers want to know whether they can say to the man: "Well, we cannot do anything in the morning until 8 o'clock; and we do not want you to work more than ten hours." They want to know if they can compel the hired man to do that. They are afraid that they are going to have trouble, and some of them think that perhaps they will be liable to a penalty, even though they have made an agreement with their man to work ten hours a day commencing at a later time. I should like to know whether they are or not.

Hon. Sir JAMES LOUGHEED: May I say, for the information of my honourable friend, and also for the purpose of removing any apprehensions which he may have as to the attitude of the farming community on the subject, that at a large representative gathering of western farmers held in Saskatchewan, at which those present included reeves and representatives of municipalities, the question of daylight saving came up, and a resolution was passed favouring the Bill.

Hon. Mr. RATZ: They have no dew out there.

Hon. Mr. THOMPSON: There is no penalty clause attached to the Bill.

Hon. Sir JAMES LOUGHEED: No.

Hon. W. B. ROSS: I favour this Bill in view of the fact that it will not necessarily be enforced for more than one year. A year from now we shall know more about it than we do at present. To my mind, there is possibly one weak spot in the Bill: it touches only one class—the wives of labouring men. A man who has to be out at work at 7 o'clock in the morning now has to have his breakfast at 6 o'clock, and his wife has to be up at five o'clock in order to prepare it for him. If the time is advanced, this may be a very serious thing for her, unless she is given an hour in the evening.

Hon. Mr. DANDURAND: She will go to bed an hour earlier.

Hon. Mr. ROSS: What I am told, and what I have been led to understand from

the letters written by the wives of labouring men to the newspapers, is that they have no rest until the children go to bed, and the children cannot be put to bed in daylight; therefore the women will not get that hour. The Bill may work out all right, but if we were asked to vote it in perpetuity, I would vote against it. As I have already said, if it is to be effective for only a year, I am in favour of giving it a fair trial.

Hon. Mr. BOSTOCK: The honourable gentleman says the Bill will only be effective for a year; but if we pass the Bill, it is put on the Statute book and stays there until it is repealed. Whether this measure will remain in force for more than a year is a question which is in the hands of the Governor in Council. The honourable gentleman would have to apply to the Governor in Council to make a regulation each year to suit him. Of course, at the present time we are accustomed to having things done by Order in Council.

Hon. W. B. ROSS: Will the honourable gentleman read section 3 of the Bill ?

Hon. Mr. BOSTOCK: Section 3 only applies to the present year.

Hon. W. B. ROSS: It says the Act shall only be in force during the present year.

Hon. Mr. BOSTOCK: It says :

This Act shall be in force during the present year for such time as may be prescribed by the Governor in Council.

That refers to the present year, but of course it can be put in force by the Governor in Council in another year. It is left in his hands. But, as I said before, we are now accustomed to legislation by Order in Council, so we understand the situation.

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

DEPARTMENT OF IMMIGRATION AND COLONISATION BILL.

SECOND READING.

Hon. Sir JAMES LOUGHEED moved the second reading of Bill 11, an Act respecting the Department of Immigration and Colonisation. He said: Honourable gentleman, the object of this Bill is to empower the Government to establish a Department of Immigration and Colonization. I need scarcely point out the importance to Canada, particularly at the present time, of concentrating its attention upon this very im-

portant subject, more particularly in view of the hoped for termination of the war at a comparatively early date. It is well known that a very large tide of immigration will sweep into this country—at least, it is so expected—and furthermore, it is desirable that every effort should be put forth to colonise the immense areas of land which we have not only in the western provinces but in other sections of the Dominion.

This particular branch of the public service has been for years attached to the Department of the Interior. I need not point out to you that that department is one of the largest in the public service. It is charged with responsibilities probably far beyond what it is able efficiently to administer; it is therefore very desirable that this subject should be handled by a separate department, inasmuch as its importance fully warrants it.

Hon. HEWITT BOSTOCK: Honourable gentlemen, the leader of the Government has not given us any very lucid explanation of this Bill. It would seem to any one who has studied the situation that this department is not so very urgently needed at the present time. Immigration work in this country has been carried on by the Department of the Interior for a great many years. That department has had other branches connected with it; but, as I understand the situation, at the present time the work of the department is decreasing rather than increasing, and as long as the war continues I do not suppose that we can look forward to a great deal of immigration into this country. Moreover, at the present time the work of handling the lands of the Dominion is getting less rather than more, as the Government disposes of the lands in the West, where it has probably the largest extent of land to deal with. In consequence of this the Interior Department should necessarily have less work to do in the future than it has at the present time. For the reasons I have stated, it does not seem to be a reasonable move on the part of the Government to create this Department of Immigration. Possibly under Bill No. 2, which we have already discussed this afternoon, dealing with the rearrangement of departments, the Government may consider it necessary to make a change which will better organize the work of the departments.

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

Hon. Sir JAMES LOUGHEED.

MONTREAL HARBOUR ADVANCES BILL.

SECOND READING.

Hon. Sir JAMES LOUGHEED moved the second reading of Bill 15, an Act to amend the Montreal Harbour Advances Act, 1914. He said: Honourable gentlemen, the object of this Bill is to empower the Montreal Harbour Commission to pay off debentures maturing during the present year, amounting in all to \$300,000. It is necessary that there should be statutory authority to do this. The Harbour Commission is in possession of funds for the purpose of carrying this out.

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

DOMINION FOREST RESERVES AND PARKS BILL.

SECOND READING.

Hon. Sir JAMES LOUGHEED moved the second reading of Bill 17, an Act to amend the Dominion Forests Reserves and Parks Act. He said: Honourable gentlemen, when the Statute known as the Dominion Forest Reserves and Parks Act was passed, it prevented any alienation by the Crown of the lands so reserved. It would appear that previous to the carving out of those reserves certain roads had been surveyed or established through the land which is now forest reserves, and by statute those roads became vested in the province in which they lie. In many cases it has been found that owing to the peculiar configuration of the land the particular sites selected for those roads, which were established, cannot be improved to such an extent as to make them useful. The object of this Bill is to give authority to the Government to lay out new roads to supercede existing roads, and to accept from the provincial authorities a transfer of land which is now vested in them. The effect will not be to lessen the area of the land reserved, inasmuch as roads which will hereafter be laid out will be substitued for the present ones.

The second section of the Bill makes provision to authorise grants of minerals in the reserves in the province of British Columbia. I think that the question was adjudicated upon in 1890, and it was determined by the Privy Council that in the railway belt, and in fact in any Dominion lands in British Columbia, the precious metals were vested in the Crown as represented by the province, and the base metals in the Crown as represented by the Dominion. An agreement was accordingly entered

APRIL 10, 1918

into at that time between the Government of British Columbia and the Federal Government that mining lands in the railway belt, and also lands where mines were being operated, would be administered by the provincial government; but in establishing those forest reserves, as I have already pointed out, authority was not given to the Crown to alienate any of the lands, and it will become necessary to alienate to the miner the surface rights that may be involved in the claims which he may have taken up and to which he will be entitled. This Bill therefore empowers the Crown to alienate to him those surface rights to which he would be entitled under the regulation, and will permit of effect being given to the agreement entered into between the Government of British Columbia and the Federal Government.

Hon. Mr. BOSTOCK: I notice that the clause in this Bill with regard to British Columbia applies only to the question of forest reserves. Can my honourable friend tell me what the position would be in the case of Dominion parks? Is all mining precluded in Dominion parks?

Hon. Sir JAMES LOUGHEED: I understand that, when we established the forest reserves, we expressly precluded by statute the making of grants by the minister; that is to say, none of the lands in the forest reserves could be alienated. This authority will permit of the agreement between the two Governments being carried out. It does not apply to parks.

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

STAFF OF THE SENATE. STATUTORY INCREASES.

Hon. Sir JAMES LOUGHEED moved concurrence in the recommendation of His Honour the Speaker with respect to statutory increases of salary to the Senate staff and officials. He said: It will be seen that automatically, upon the recommendation of the Speaker, under section 8 of chapter 9 of the statutes of 1917, known as the Civil Service Act, the officials are entitled to an increase of salary ranging from \$50 to \$100. The amount of the increase is determined in each case by the class to which the member of the staff belongs, and also by the recommendation.

The motion was agreed to.

RAILWAY ACT CONSOLIDATION BILL. FURTHER CONSIDERATION IN COMMITTEE

The Senate again went into committee on Bill A, an Act to consolidate and amend the Railway Act.—Hon. Sir James Lougheed. Hon. Mr. Girroir in the Chair.

On section 219-arbitrators:

Hon. Sir JAMES LOUGHEED: When the committee rose yesterday we had reached section 219 and were discussing certain amendments which had been moved. I intimated that we would accept those amendments, inasmuch as they were approved last session by the Senate committee, and if the Bill had been reported by the committee to the Senate they would undoubtedly have been adopted by the House. Section 219 and the sections following deal with the appointment of arbitrators. It is proposed by an amendment that the arbitrator should be a county court or district court judge, or a judge of the Superior Court, as the case may be. I will accept the amendment to section 219.

The CHAIRMAN: It is proposed that for section 219 of the Bill the following be substituted:

219. (1) If within ten days after the service of such notice, or, where service is made by advertisement, within one month after the first publication thereof, the opposite party does not give notice to the company that he accepts the sum offered by it, either party may apply to the judge of the county court of the county in which the lands lie, or, in the Province of Quebec or in any other part of Canada where there is no county court, to a judge of the superior court for the district or place in which the lands lie, to determine the compensation to be paid as aforesaid. (2) Ten days' notice of such application shall

(2) Ten days' notice of such application shall be given by the company to the opposite party, or vice versa.

or vice versa. (3) If the opposite party is absent from the district or county in which the lands lie, or is unknown, service of such ten days' notice may be made by advertisement as in section two hundred and seventeen authorized: Provided that the judge may dispense with, shorten or lengthen the time or times for the publication of the notice in any case in which he deems it proper. R.S., c. 37, s. 196; 1907, c. 37, s. 1. Am.

Hon. Sir. JAMES LOUGHEED: May I ask Mr. Fairweather and Mr. Blair to come to the Table? Mr. Blair is the counsel for the Railway Board.

Hon. Mr. BOSTOCK: My honourable friend (Hon. Sir James Lougheed) referred yesterday to the question of the judges, and I understood that he was going to have the interpretation clause amended so as to cover the case of a district judge in Saskatchewan, where there are no county court judges. Does my honourable friend consider that this amendment covers it?

Hon. Sir JAMES LOUGHEED: I have looked into the matter and find that in 1907

the Interpretation Act was amended to cover the point which I mentioned yesterday.

Hon. Mr. BOSTOCK: The matter we are now dealing with is that of having the arbitration come before a judge in place of an arbitrator?

Hon. Sir JAMES LOUGHEED: The judge will be the arbitrator.

Hon. Mr. BOSTOCK: And he will decide matters himself. He will not appoint outsiders, as has been done in the past.

Hon. Sir JAMES LOUGHEED: No.

Hon. Mr. BOSTOCK: Therefore the arbitration, we hope, will be carried on in a better and more satisfactory way. I think that is a great improvement on the condition of things which existed before, under the old Act as we had it before us last session. The arbitration should be as reasonable, and carried on along the same lines, as the work of a court; but heretofore, unfortunately, in arbitration proceedings there has been too much tendency to add to the expense, which has been a great burden upon the country. I think we are proceeding along the right lines in dealing with the question in this way.

The amendment was agreed to.

On section 220—arbitrators, duties, awards, procedure:

The CHAIRMAN: For section 220 of the Bill the following is proposed to be substituted:

220. (1) Such judge shall, upon application being made to him as aforesaid, become the arbitrator for determining such compensation: Provided that where such judge is personally interested in the land or in the amount of the compensation or damages in question, or where for any other reason it is necessary, either party may, on six days' notice to the opposite party, apply to a judge of a superior court to appoint, and that judge may appoint, a county or superior court judge to be arbitrator, and in such case the judge so appointed shall be the arbitrator for the purposes aforesaid.

(2) The arbitrator shall proceed to ascertain such compensation in such way as he deems best, and, except as hereinafter provided, his award shall be final and conclusive. R.S., c. 37. s. 197 Am.

The amendment was agreed to.

On section 221 — determining compensation:

The CHAIRMAN: It is moved that section 221 be amended by substituting in lines 10 and 29 for the word "arbitrators" the word "arbitrator."

The amendment was agreed to.

Hon. Sir JAMES LOUGHEED.

On section 222—company may offer easement, etc.:

The Hon. the CHAIRMAN: It is proposed that at page 80 in lines 38, 39, 40 and 47, for the word "arbitrators" the word "arbitrator" be substituted.

Hon. Mr. BOSTOCK: Do I understand that we are passing these sections now, as we go along? There are questions other than these amendments to be considered in connection with these sections; for instance, the question of substituting the word "judge" for the word "arbitrators."

Hon. Sir JAMES LOUGHEED: They are all changes consequent upon our amendment of section 219. I do not know of any other.

Hon. Mr. BOSTOCK: The sections are not affected in any other way?

Hon. Sir JAMES LOUGHEED: No; we are adopting the sections as they are, with the exception of the change of the word "arbitrators" to "arbitrator."

The amendment was agreed to.

On section 216 (reconsidered)—certificate of surveyor or engineer:

Hon. Mr. CASGRAIN: Would the honourable leader of the Government agree to our referring back to section 216? The system adopted for arbitration will be somewhat like that of the Exchequer Court or of the Government. Instead of having the certificate of one sworn land surveyor, the principle has always been to have certificates from two or three. Section 216 states:

Such notice shall be accompanied by the certificate of a sworn surveyor for the province in which the lands are situated.

"A sworn surveyor." It is perhaps a matter to be dealt with by the court. In the Exchequer Court, for instance, or in the case of expropriation by the Public Works Department, or the Government, there are two or three certificates furnished. I think there is a better guarantee in the certificates of two or three. The legal gentlemen who are here representing the Government could, I think, corroborate what I say as to the expropriation of any lands by the Public Works Department or the Government. The Government appoints two or three men to make the offer, and if it is not accepted the case goes to the Exchequer Court.

Hon. Sir JAMES LOUGHEED: Section 216 has been the law for such a considerable length of time that unless—

Hon. Mr. CASGRAIN: I know, but if you would make it read "two" it would be safer.

Hon. Sir JAMES L JUGHEED: —that unless injury to private parties has occurred it would not be desirable to change it. The change would only add to the cost, for you cannot employ a land surveyor without paying him a considerable sum—

Hon. Mr. CASGRAIN: No, no; very little.

Hon. Sir JAMES LOUGHEED: —as my bonourable friend knows.

Section 216 was agreed to.

On section 222—company may offer easement, etc.:

The CHAIRMAN: It is proposed at page 81, in line 1 of section 222, to substitute for "arbitrators approve" the words "arbitrator approves."

• The amendment was agreed to, and section 222, as amended, was agreed to.

On section 223-cost of arbitration:

The CHAIRMAN: Page 81, line 9-for "arbitrators" substitute "arbitrator." Page 81, line 10-for "they allow" substitute "he allows." Page 81, line 11, for "arbitrators" substitute "arbitrator." Page 81, line 19, add the following as subsection 3:

(3) The arbitrator shall not be entitled to any fee or reward for his services as arbitrator, but shall be paid, as part of the costs of the arbitration, all his actual necessary and reasonable travelling and other expenses incurred in or in connection with the arbitration.

Hon. Mr. OASGRAIN: Surely it is not expected that the judge will travel about the country to inspect land. It would be inferred from the wording of that subsection that the judge would travel. The judge is not supposed to do that; the judge sits in court and the parties come before him, as in any ordinary case.

Hon. Sir JAMES LOUGHEED: Not necessarily. The judge may consider it desirable to look at the site itself.

Hon. Mr. CASGRAIN: You do not get the judge to do that.

Hon. Sir JAMES LOUGHEED: An arbitrator would.

Hon. Mr. CASGRAIN: Yes, but a judge would not.

Hon. Sir JAMES LOUGHEED: But the judge simply acts in the capacity of an arbitrator, not in that of a judge.

S-6

The CHAIRMAN: Page 81, line 11-for "their" substitute "his."

The amendments were agreed to.

On section 224-proceedings of arbitrators:

The CHAIRMAN: It is proposed to amend section 224 as follows: Page 81, line 20 for "arbitrators" substitute "arbitrator." Page 81, line 21—for—"them" substitute "him." Page 81, line 23—for "arbitrators" substitute "arbitrator."

The amendments were agreed to.

On section 225-powers of arbitrators:

The OHAIRMAN: Page 81, line 29-for "arbitrators" substitute "arbitrator." Page 81, line 41-for "they" substitute "he."

The amendments were agreed to.

On section 226-notes of evidence:

The CHAIRMAN: Page 82, line 13-for "arbitrators" substitute "arbitrator." Page 82, line 14-for "them" substitute "him." Page 82, lines 16 and 18-for "arbitrators" substitute "arbitrator."

The amendments were agreed to.

On section 227-notice of award to be given:

The CHAIRMAN: Page 82, line 23-for "arbitrators" substitute "arbitrator."

The amendment was agreed to.

On section 228—arbitrator to proceed speedly:

The CHAIRMAN: It is proposed to substitute for section 228 the following:

228. After the making of the application constituting him arbitrator, or in the case of appointment by order of a judge of a superior court after the receipt of such order or a copy thereof, the arbitrator shall proceed with and complete the arbitration and award as speedily as possible, having regard to the interests of the parties, and he may give any directions respecting the proceedings which he deems proper to prevent delay. R.S., c. 37, s. 204. Am.

The amendment was agreed to.

On section 229-preventing delay:

The CHAIRMAN: It is proposed that the following be substituted for subsection 1:

229. (1) If the anbitrator dies before the award is made, or is incapacitated, disqualified or unable_to act, either party may, on six

REVISED EDITION

days' notice to the opposite party, apply to a judge of the superior court to appoint, and such judge shall appoint, any county or superior court judge to be arbitrator in the place of the arbitrator who has died, become incapacitated, disqualified or unable to act, R.S., c. 37, s. 206. Am.

The amendment was agreed to.

Section 230 was agreed to.

On section 231—arbitrator not disqualified by—opinion; kindred:

The OHAIRMAN: Page 83, line 20-for "an" substitute "the."

The amendment was agreed to.

On section 232-appeal from award:

The CHAIRMAN: Page 63, lines 28, 33, 38 and 42—for "arbitrators" substitute "arbitrator."

The amendments were agreed to.

On section 218-notice:

The CHAIRMAN: Page 78, line 14, and page 79, line 8—for "arbitrators" substitute "arbitrator."

The amendments were agreed to.

On section 232-appeal from award:

Hon. Sir JAMES LOUGHEED: The honourable gentleman from Middleton (Hon. Mr. Ross) was going to move an amendment.

Hon. Mr. ROSS: I was going to move that the appeal be confined to questions of law. The section as it stands provides for appeals on question of law or of fact. I would move that the words "or fact," in line 35, be struck out.

Hon. Sir JAMES LOUGHEED: As this has been the law for a great number of years, unless there be some good reason why such a change should be made, I do not think the section ought to be amended. I would ask my honourable friend (Hon. Mr. Ross) to point out where it is desirable to depart from the law as we have had it for so many years. I am not aware that the public opinion is against it, or that there have been any individual cases in which the present law has proved unsatisfactory.

Hon. Mr DANDURAND: I draw the attention of my honourable friend to the fact that he has abolished arbitrators and has replaced them by judges. If a judge of the superior court is appointed, you will be allowing an appeal to another judge of the same court.

Hon. Sir JAMES LOUGHEED: There is that about it.

Hon. Mr. CHAIRMAN.

Section 232 stands.

On section 233—payment of compensation into court in some cases:

Hon. Sir JAMES LOUGHEED: This is the law as at present on the Statute Book.

Section 233 was agreed to.

Sections 234 to 245, inclusive, were agreed to.

On section 246—bridges to be properly floored:

Hon. Mr. CASGRAIN: I do not know whether any provision can be made for it, but if overhead bridges in cities were properly floored, people travelling beneath them would not receive the droppings of oil from them. This is really great inconvenience wherever there are overhead crossings. It is quite common for people to have their clothes destroyed by the dropping of oil from overhead bridges. I suppose it is a matter for the Railway Board.

Hon. Sir JAMES LOUGHEED: The tailors would probably object to any amendment.

Section 246 was agreed to.

Sections 247 to 250, inclusive, were agreed to.

On section 251—where length exceeds 18 feet:

Hon. Mr. BOSTOCK: Would my honourable friend allow that section to stand over? There has been a question raised about it, but I am not prepared to discuss it at the present moment.

Hon. Sir JAMES LOUGHEED: When we return to it, I suppose my honourable friend will be prepared to suggest the amendment that should be made, if any?

Hon. Mr. BOSTOCK: Yes.

Section 251 stands.

Sections 252, 253 and 254 were agreed to.

On section 255-railway on highway:

Hon. Mr. BEIQUE: I think there was some objection to this clause last year.

Hon. Sir JAMES LOUGHEED: I do not find any notation of it in my book.

Hon. Mr. MACDONELL: There is something new added, that is all.

Hon. Mr. BEIQUE: The objection was to the last part of the first subsection—the words, "if any."

Section 255 was agreed to.

Sections 256 to 270 inclusive, were agreed to.

On section 271-power, mining and irrigation works:

Hon. Mr. DANDURAND: Has the honourable leader of the Government before him the amendments suggested in committee?

Hon. Sir JAMES LOUGHEED: Yes. We have adopted a number of them, and as I have read the sections I have pointed out to the House what amendments have been adopted, so that immediately we come to any sections where the Government has not accepted the Railway Committee report—

Hon. Mr. DANDURAND: I feel that it is due to the members who gave so much time last session, to be reminded of the amendments.

Hon. Sir JAMES LOUGHEED: We have embodied many of them in the Act.

Section 271 was agreed to.

Sections 272 to 280, inclusive, were agreed to.

On section 281—fire protection:

Hon. Mr. EDWARDS: May I ask a question here, Mr. Chairman? Under existing conditions, so far as fire protection is concerned, the railways are under the jurisdiction of the Conservation Commission. Are Government railroads to be brought under a similar control?

Hon. Sir JAMES LOUGHEED: Does my honourable friend ask if Government railways have been brought under the jurisdiction of the Conservation Commission?

Hon. Mr. EDWARDS: In so far as fire protection is concerned.

Hon. Sir JAMES LOUGHEED: I am not aware of it.

Hon. Mr. EDWARDS: Oh, yes.

Hon. Sir JAMES LOUGHEED: The Railway Act makes provision for them, but I am unaware of the legislation to which my honourable friend refers. If he will point it out afterwards I shall be pleased to see it.

Hon. Mr. EDWARDS: Excuse me, I made a mistake. They are under the Railway Board, and the Railway Board has a connection with the Conservation Commission so far as this matter is concerned. -There is a joint officer.

Hon. Sir JAMES LOUGHEED: Yes. I understand that the officer who acts for the Railway Board in the protection of property S-6i from fire along the line of railways, also acts for the Conservation Commission.

. Hon. Mr. EDWARDS: That is true; but Government roads are not under that control.

Hon. Sir JAMES LOUGHEED: Possibly not; I cannot say. But, of course, latterly I think the Intercolonial is to be brought under that control.

Hon. Mr. EDWARDS: No.

Hon. Sir JAMES LOUGHEED: This Act will permit of the Intercolonial coming within its provisions.

Hon. Mr. EDWARDS: I hope it does.

Section 281 was agreed to.

Sections 282 to 284, inclusive, were agreed to.

On section 285—notice of accident to Board:

Hon. Mr. BOSTOCK: There were amendments to that section.

Hon. W. B. ROSS: Are the amendments embodied in this section?

Hon. Mr. BEIQUE: The objection taken by the railways to this section, subsection 1, was this:

The last sentence in subsection 1 is new. It requires a conductor making a report to the Company to notify the Board of the same by telegram.

It is submitted that it is improper that an individual employee of the Company should have imposed upon him the obligation of dealing with the Board. That is the duty of the Company itself, through its superior officers, who are responsible to the Board and to the public for the carrying out of the provisions of the Act. No difficulty has arisen under the present practice which requires a detailed report to be furnished to the Board, and also that the Board should be informed of the result of the investigations made by the Company's officers and experts, and of the action taken by the Company in consequence of the accident—in fact the Company's files are open to investigation by the Board's Inspectors and the fullest information is obtained by them. It must not be forgotten that a grave responsibility rests upon the managers of railway companies, and that this is being honestly and sincerely discharged, as the Board will no doubt testify. In these circumstances the burden of disclosing the causes of accidents should rest upon the Company itself rather than upon individual employees who, if not responsible for the occurrence, are almost of necessity bound to be implicated personally in it.

That was the objection taken by the railway companies to that section, and when the committee rose it had not, I think, passed upon that objection Hon. W. B. ROSS: The honourable gentleman may remember that a short Act was passed.

Hon. Mr. BEIQUE: Is it part of the short Act?

Hon. W. B. ROSS: Yes.

Hon. Sir JAMES LOUGHEED. So that it is now law.

Hon. Mr. ROSS: It is now law.

Section 285 was agreed to.

Section 286 was agreed 'to.

On section 287—orders and regulations of Board:

Hon. Mr. BEIQUE: Is this part of the Act that was passed last year?

Hon. Sir JAMES LOUGHEED: Yes, most of section 287 is already part of chapter 37, 1917; that is, the Act we passed last year.

Hon. Mr. BEIQUE: Paragraphs h, i and j?

Hon. Sir JAMES LOUGHEED: Paragraphs h, j and k-

Hon. Mr. BOSTOCK: Paragraph i is not.

Hon. Mr. DANDURAND: Not paragraph i.

Hon. Sir JAMES LOUGHEED—according to the memorandum which I have.

Hon. Mr. ROBERTSON: That is correct.

Hon. Mr. BEIQUE: Some objection was made to paragraph i-

(i) Designating the number of men to be employed upon trains, with a view to the safety of the public and of employees.

The Railway Board have full power to deal with that matter, so far as the public is concerned, but this is putting upon them a duty which they would surely not think it advisable to be obliged to fulfil.

Hon. Sir JAMES LOUGHEED: Does my honourable friend take exception to giving authority to the Board to designate the number of men who should be employed upon trains?

Hon. Mr. BEIQUE: I take exception to its being given in that way. The Board have full power to deal with matters of that kind, but it imposes upon the Board the special duty of seeing that this paragraph i is complied with in all cases. I do not think it is advisable to do that.

Hon. Mr. CASGRAIN: Would not this paragraph make it mandatory upon the Board to fix the number of men to be employed upon trains?

Hon. Mr. BEIQUE.

Hon. Sir JAMES LOUGHEED: No.

Hon. Mr. CASGRAIN: There may be light trains that could be run with a limited number of men, but in such cases the Board would have to say that on such and such a train there shall be so many men.

Hon. Sir JAMES LOUGHEED: It is simply a permissive power given to the Board; it is not mandatory. My honourable friend will see that the section provides: "the Board may make orders and regulations;" so if the Board does not make an order or regulation, the company is entirely free to determine how many men it should employ.

Section 287 was agreed to.

Sections 288, 289 and 290 agreed to.

On section 291-penalty may be prescribed:

Hon. Sir JAMES LOUGHEED: That section was passed last session. It is in chaptet 37.

Hon. Mr. BOSTOCK: Yes.

Section 291 was agreed to.

Sections 292 to 311, inclusive, were agreed to.

On section 312-accommodation for traffic:

Hon. Mr. BEIQUE: Was not section 312 amended by the committee? Was not the last paragraph of subsection 1 struck out?

Hon. Sir JAMES LOUGHEED: Paragraph e as it now appears in section 312 was struck out of the Bill last session by the Senate committee.

Hon. Mr. BEIQUE: Yes.

Hon. Sir JAMES LOUGHEED: But it has been restored by the Government for further consideration.

Hon. Mr. BEIQUE: I do not think that this paragraph should be restored. I would call attention to the fact that this is a very broad question and one which is difficult of settlement:

(e) Furnish such other service incidental to transportation as is customary or usual in connection with the business of a railway company.

It this paragraph remains in the Act it opens the door to anybody to claim that it is incumbent upon the railway to render certain service. It should be left to the Board to decide what service shall be rendered, and not be left to the judgment of any individual who may take action against the company to have it declared APRIL 10, 1918

by the court that such or such a service should be rendered. It is on this ground, I understand, that objection was taken by the railway companies' last year, and I think the objection is well taken.

Hon. Sir JAMES LOUGHEED: I would point out to my honourable friend that this section simply provides for the carrying out by the company of its powers. In the first line of the section it is stated: "The company shall, according to its powers," furnish such other service, etc.

Hon. Mr. BEIQUE: But the honourable gentleman will see that the wording is not the same as in the other section to which I objected, and as to which the honourablegentleman pointed out that it was merely subject to regulation by the Board. Under this section it is incumbent upon the company to furnish such other service incidental to transportation as is customary or usual in connection with the business of a railway company. So it opens the door to anybody—

Hon. Sir JAMES LOUGHEED: Suppose we make the provision: "As may be ordered by the Board."

Hon. Mr. BEIQUE: Add at the end of the paragraph the words, "as may be prescribed by the Board."

Hon. Sir JAMES LOUGHEED: "As may be ordered by the Board."

Hon. Mr. BEIQUE: Yes.

The CHAIRMAN: It is proposed that subsection 1 of section 312 be amended by adding at the end thereof the words, "as may be ordered by the Board."

The amendment was agreed to, and section 312, as amended, was agreed to.

On section 302-running of trains:

Hon. Mr. DANDURAND: Would the honourable leader of the Government allowme to refer back to section 302? I notice that a clause which was inserted in the Bill as it came from the House of Commons has been dropped and does not appear in this section. The clause is, I think, a very fair one. I would ask the honourable leader of the Government why it has not been included in the Bill. It concerns my province. There was in section 302 a third subsection, which reads thus:

(3) After the first day of January, one thousand nine hundred and nineteen, the Board may from time to time make such orders and regulations as it may deem advisable to provide that all or any railway employees on local passenger trains running in the province of Quebec shall be conversant with the English and French languages.

The Senate committee amended this by adding after the words "after the first day of January, one thousand nine hundred and nineteen, the Board may," the following words:

"after hearing on such notice and to such persons as the Board may determine."

There are hundreds of municipalities in the province of Quebec where not a word of English is spoken, for the simple reason that there are no English settlers in those municipalities, and obviously a large proportion of the inhabitants of the province speak only their own language, French. The House of Commons and the committee considered it was only fair to the province of Quebec that the law should provide that when an employee on a local train does not understand the language of the majority of the population, a complaint may be made to the Railway Board and a ruling may be obtained from that Board that only employees speaking both languages shall be engaged on such local trains.

Hon. Sir JAMES LOUGHEED: I am informed that representations were made to the Railway Department by organizations of railway employees that the adopting of that subsection would operate seriously. against the promotion of senior employees and possibly interfere with the retention of those employees in the service of the railway. It was thought that it would be a very grave injustice to them; consequently it was left out. But I shall be very glad to make further inquiries as to the particular representations which have been made to the Railway Department or to the Board, and communicate them afterwards to my honourable friend. I would suggest that in the meantime the section should stand.

Hon. Mr. DANDURAND: Yes. I would call my honourable friend's attention to the fact that though some employees might thereby be inconvenienced, the railways and their employees are in the service of the public, and the public must first be served. It has happened in my presence that passengers could not carry on a conversation with the railway employee because he did not understand a word of French. A third person might intervene, as I did once, and explain the inquiry-perhaps an important inquiry-of the passenger. Due regard should, it seems to me, be paid to the conditions in my province, where the two languages are legal.

SENATE

Hon. Mr. BEIQUE: I would appreciate the objection mentioned by the honourable leader of the Government (Hon. Sir James Lougheed) if the matter had not been left to be determined by the Board after hearing the parties. That would surely prevent any injustice being done to railway employees. The Board would see that such employees were transferred to other railways, or to other sections of the railway. As the honourable-gentleman from De Lorimier (Hon. Mr. Dandurand) has stated. it is really a very serious thing that on railway trains running through sections of the country where the people do not understand the English language, passengers cannot make themselves understood by the conductor on the train.

Hon. Sir JAMES LOUGHEED: We will let that stand until the next sitting of the committee. I shall make further inquiries into it.

Section 302 stands.

Sections 314 to 324, inclusive, were agreed to.

On section 325-disallowance:

Hon. Sir JAMES LOUGHEED: I desire to add a subsection, which will be subsection 5, as follows:

The powers granted to the Board by this section shall not be restricted or limited by the provisions of any special Act heretofore enacted, or of any agreement heretofore or hereafter made.

Hon. Mr. BEIQUE: I would ask the honourable gentleman to let this stand. To carry it, I think, would be repealing valuable acquired rights.

Hon. Sir JAMES LOUGHEED: I move the amendment, and we will take it up at the next sitting. We can pass the section with the exception of the amendment.

Hon. Mr. WATSON: Will the honourable minister consider this question and reply to it; what effect will this section have on the special rate between the province of Manitoba and the Canadian Northern railway? Would the Board be permitted to deprive the province of the rights secured under that agreement after they had given substantial aid?

Hon. Sir JAMES LOUGHEED: I think the recent increase in rates gave effect to the powers of the Board, notwithstanding the agreement between the railway and the province.

Hon. Mr. CASGRAIN: That was done by Order in Council, as a war measure. Hon. Mr. DANDURAND. Hon. Sir JAMES LOUGHEED: No, that increase was made by the Railway Board. Of course, there was an appeal to the Governor in Council.

Hon. Mr. WATSON: Is that appeal standing yet?

Hon. Sir JAMES LOUGHEED: No.

Hon. Mr. McMEANS: That road belongs to the Government now.

Hon. Sir JAMES LOUGHEED: The order of the Board was confirmed upon appeal to the Governor in Council. It affects all railroads in Canada.

Hon. Mr. WATSON: Are the rights of the province, for which they have paid, to be taken away from them by the passage of an Order in Council?

Hon: Sir JAMES LOUGHEED: If the province enters into an agreement with a railway company, that does not necessarily remove the company from the jurisdiction of the Board; and if it can be shown, as it was shown in this particular case, that for the very existence of the road it is necessary that an increase in rates should be allowed, it is public policy to so enact.

Hon. Mr. WATSON: I think the province of Manitoba produced sufficient evidence to show that the portions of the railroad operating in Manitoba did pay, and that the increase was necessitated by reason of unprofitable portions of the road in eastern Canada.

Hon. Sir JAMES LOUGHEED: The order went into effect some weeks ago.

Hon. Mr. BEIQUE: I think the Parliament should know what rights the Government has in view and what provisions in the charters of railway companies may be affected by this, because it is an interference with vested rights.

Hon. Sir JAMES LOUGHEED: The whole trend of legislation has been more or less to ignore special acts and to bring organizations such as transportation companies under general legislation. For instance, when the Railway Board was created, all the railways in Canada were brought under its jurisdiction. Now, if my honourable friend's contention holds good, every railroad could say: "We protest against this being done, because it is an interference with the rights given to us by Parliament." Notwithstanding rights which may be given under special charter, public policy requires that the general law of the land must be complied with. If we were to omit APRIL 10, 1918

from this general legislation this, that and the other railway, who may claim that they do not come under it, my honourable friend can readily see that it would be impossible to have a Railway Act and to enforce it.

Hon. Mr. CASGRAIN: The Railway Board simply replaced the Railway Committee of the Privy Council.

Hon. Sir JAMES LOUGHEED: No, they have extraordinary powers.

Hon. Mr. BEIQUE: The first subsection is very broad. It says:

The Board may disallow any tariff or any portion thereof which it considers to be unjust or unreasonable, or contrary to any of the provisions of this Act, and may require the company, within a prescribed time, to substitute a tariff satisfactory to the Board in lieu thereof, or may prescribe other tolls in lieu of the tolls so disallowed.

This provision affects all railway companies, and as the suggested amendment goes further than that, it seems to me that there must be some special object in view, and that is what I should like to know.

Hon. Sir JAMES LOUGHEED: The case pointed out by the honourable gentleman from Portage la Prairie (Hon. Mr. Watson) is just such a case as would come within this proposed amendment. It was contended by the province of Manitoba that. owing to an agreement between the province and the Canadian Northern Rail-way Company, they would be exempted from any interference or any increase in rates-at least if they were bound by that agreement. There may be other cases of the same kind. Doubts have arisen from time to time as to whether companies of that class came within the jurisdiction of the Board. Now, it is not an unreasonable thing to say that all railways should come under the jurisdiction of the Board in the matter of rates, unless it can be shown that the Dominion Government exempted any of them at any particular time. Then it would be within the discretion of the Board to say whether that particular provision should be overridden. The railways are protected by an appeal to the Governor in Council. The object of this proposal is simply to bring about uniformity.

Hon. Mr. BEIQUE: The honourable gentleman was quite right a moment ago in saying that, because a railway company has obtained certain powers in its charter it does not follow that these powers will not be interfered with for all time to come.

Such legislation is always subject to the power of Parliament to change the charter of any company that it has incorporated. But that is a very different thing from interfering with agreements made between private parties or between a company and a government. Surely agreements made by governments should not be 'interfered with any more than agreements between private parties. Here, without any notice at all, is a very important amendment sprung upon Parliament. It is done without notice to the companies, or the municipalities, or the provinces which may be seriously affected, because they will be deprived of vested rights. Suppose a railway company, under a special agreement with a government builds a railway and spends a large amount of money, relying upon the terms of the agreement, and a law is passed whereby the agreement is set aside-the public receiving the benefit of the railway that has been built on the faith of advantages to be derived from the agreement-what then? I have sat in this Parliament for sixteen years, and until to-day have not seen an amendment of such a nature as that suggested by the Government.

Hon. Sir JAMES LOUGHEED: Before we meet again, will my honourable friend be in a position—I hope he will—to point out to the House wherein any injustice would be done with respect to the rights of any company under legislation which has been passed by this Parliament, or which may have been passed by any provincial legislature? If he can do so, his argument will be better illustrated, it seems to me, and the alleged injustice can in that way be pointed out very much more forcefully to the House than by a general denunciation such as he has indulged in.

Hon. Mr. BEIQUE: My argument is not based on knowledge of any special agreement it is based on the very text of the amendment, which evidently contemplates wiping out agreements entered into between governments and railway companies. It is not my business to inquire about that, but I think it is the duty of the Government to state what are the objects in view so that no one may be taken by surprise.

Hon. Mr. MACDONELL: The honourable gentleman (Hon. Mr. Béique) has made an argument which is quite in line

with all that he makes here—purely from the standpoint of the corporation involved; and if the honourable gentleman's principles were crystallized into law, it would mean that there would be no such thing as progress or advancement of public rights. It would mean that none of the Acts as far back as those of the first legislature of Upper or Lower Canada should be interfered with, and that no rights which have been given should ever be taken away.

The CHAIRMAN: I suggest that we allow this section to stand for the present.

Hon. Mr. MACDONELL: I am objecting to the honourable gentleman's method of argument, because there is no reason in it, and it is contrary to the public interest and to justice.

Hon. Mr. WATSON: I am objecting in the case of a specific agreement between the province of Manitoba and the Canadian Northern railway. This question was seriously argued before the Railway Board. and I say that it is an injustice to the province of Manitoba to pass such legislation. The province of Manitoba entered into an agreement with the railway company, that in consideration of giving certain aid they were to get certain rights for all time. Now. you are empowering the Board to take away those rights. That is a specific case, and I fear that this amendment is to be inserted. at this late date to give the Board full power to interfere with that agreement. I think the province of Manitoba should be given an opportunity of being heard before this legislation is passed.

Hon. Mr. CASGRAIN: Will the honourable gentleman from Toronto (Hon. Mr. Macdonell) listen to this? This is what the proposed amendment says:

The powers granted to the Board by this section shall not be restricted or limited-

There is no limit-

-by the provisions of any special act especially enacted, or of any agreement heretofore or hereafter made.

In future there will be no use in making agreements. A municipality may give a million dollars to a company, but the agreement will be no good. I should like to know if my honourable friend could draft a more sweeping clause than this one.

Hon. Mr. MACDONELL: It is in direct line with public opinion and the public interest.

Hon. Mr. MACDONELL.

Hon. Sir JAMES LOUGHEED: Let it stand; it can be investigated in the meantime.

Hon. Mr. WATSON: Will the honourable gentleman allow it to stand until we have time to hear from Manitoba?

Hon. Sir JAMES LOUGHEED: If the honourable gentleman will telegraph tonight and we can have an answer to-morrow.

Hon. Mr. WATSON: I will telegraph tonight.

Section 325 stands.

Sections 326 to 352, inclusive, were agreed to.

On section 353—passengers refusing to pay fare:

Hon. Mr. BOSTOCK: I think we did not deal with that question last session.

Hon. Sir JAMES LOUGHEED: No, we did not dispose of it. It was simply discussed. There was no amendment moved.

Section 353 was agreed to.

Section 354 was agreed to.

On section 355—seizure and sale of goods subject to tolls:

Hon. Mr. BEIQUE: Mr. Chairman, I beg to move that the following words be added to subsection 3 of section 355:

And may recover the deficiency, if any, by action in any court of competent jurisdiction.

That is, if perishable goods are unsold. If they bring a surplus—if the proceeds exceed the charges—of course, the surplus has to be paid to the person entitled to it, but if the goods do not bring sufficient to pay the charges, the shipper should pay the difference.

Hon. Sir JAMES LOUGHEED: My honourable friend will give notice of that amendment and we will take it up to-morrow. That may lead to some discussion. We will consider it in the meantime.

Hon. Mr. CASGRAIN: Will there likely be very much discussion? A shipper sends fruit, for instance, and it is bad when it arrives at destination. Of course, nothing can be realized on rotten fruit. The shipper would surely have to pay the charges anyway, unless he could prove that the company took too long in carrying the goods.

Hon. Sir JAMES LOUGHEED: The company would have its remedy at common law for the collection of the freight charges.

Progress was reported.

VAN BUREN BRIDGE COMPANY BILL

FIRST READING.

Bill No. 14, an Act to confirm an agreement between His Majesty the King and the Van Buren Bridge Company.—Hon. Mr. Robertson.

SUPREME COURT ACT AMENDMENT BILL.

FIRST READING.

Bill No. 27, an Act to amend the Supreme Court Act—Hon. Mr. Robertson.

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

THE SENATE.

Thursday, April 11, 1918.

The Senate met at 3 p.m., Hon. Richard Blain, Acting Speaker, in the Chair.

Prayers and routine proceedings.

SUPREME COURT AMENDMENT BILL. PROPOSED APPOINTMENT OF AN AD HOC JUDGE.

Before the Orders of the Day:

Hon. Sir JAMES LOUGHEED: I desire, if possible, to accelerate the passage of Bill 27, an Act to amend the Supreme Court Act, which is on the Order Paper for the second reading to-morrow. I think we might take it up to-day with a view to its receiving the assent of the Deputy Governor to-morrow. The Supreme Court has not been able to sit for some time past, from a lack of. the necessary number of judges to hear cases. Owing to the fact that Hon. Justice Duff has been giving his time exclusively to the administration of the Military Service Act, and owing to the precarious condition of health of two of the other judges, the court has been so seriously handicapped as not to be able to hear cases, notwithstanding the fact that many counsel have been in the city waiting to be heard. For the purpose of remedying the present situation, the Government has brought in the Bill now referred to, which provides for the appointment of an ad hoc judge; that is, to permit of a judge of another court being transferred to take the place of any judge

of the Supreme Court who may be absent. The Supreme Court is adjourned until Monday next. There is a very long list of cases to be heard—some twenty-five, I think—and I understand that counsel from all parts of the Dominion are in the city in connection with those cases, and, if action is not taken, very serious inconvenience and expense will result. It is therefore desirable that we should relieve the situation.

Therefore, with the leave of the House, I move that the second Order of the Day for to-morrow, for the second reading of Bill 27, an Act to amend the Supreme Court Act, be now taken up.

Hon. Mr. BOSTOCK: I do not think there is any objection by any member of this House to this Bill; in fact, I think honourable gentlemen would desire to assist the Government so far as possible in forwarding the business of the country; but, unfortunately, this Bill was placed on the Order Paper for a second reading to-morrow, and it is rather difficult to make the desired alteration without coming into conflict with the rules of the House. Would it not be possible to take the Bill up to-morrow? We could meet a half an hour earlier if necessary. One honourable gentleman told me that he had some remarks to make about this Bill and that, not knowing that it would be mentioned to-day, he was not prepared to go on.

Hon. Mr. POWER: We have a rule of the Senate which prevents the reconsideration or the rescinding of a resolution which has already been passed. I agree with the honourable gentleman to my right (Hon. Mr. Bostock) in thinking that the better way would be to let the matter stand, with the understanding, which I think the whole House is willing to come to, that the Bill may be read a third time to-morrow, immediately after the second reading. If that is done, we will not violate the rules of the House, but we will attain the object which is desired. I understand that there will be no opposition to the measure. The honourable leader of the House can give notice to-day to suspend the rule so that the Bill may be read the third time to-morrow, and in that way we shall be just as far ahead.

Hon. Mr. DANDURAND: Of course, by leave of the House, everybody closing his eyes to the rule, we could proceed on the lines suggested by the leader of the Government; but it is such a dangerous precedent that it seems to me that my honourable friend could well accept the offer made on this side of the House to pass the

Bill to-morrow so that it may be assented to during the afternoon.

Hon. Sir JAMES LOUGHEED: I quite appreciate the fact that what I propose can only be done by leave of the House, and, in view of the suggestion which honourable gentlemen have made, I shall let the matter stand until to-morrow. In the meantime I move that the Bill be the first Order of the Day to-morrow, and will give notice of a motion to suspend the rules so that the Bill may be put through the committee stage and read the third time tomorrow. I do not think it will be necessary to meet at half-past two.

The motion for taking up the Order now was withdrawn, and the motion making it the first Order of the Day to-morrow was agreed tto.

PUBLIC SERVICE REARRANGEMENTS BILL

CONSIDERED IN COMMITTEE AND REPORTED.

On motion of Hon. Sir James Lougheed the Senate went into committee on Bill 2, an Act to authorize Rearrangements and Transfers of duties in the Public Service. Hon Mr. Daniel in the Ohair.

On section 1-transfers from one minister to another, and from one department to another:

Hon. Mr. BOSTOCK: Can the honourable the leader of the Government tell us whether any decision has been come to as to the rearrangement of departments?

Hon. Sir JAMES LOUGHEED: Nothing definitely yet. The removal of the Copyright Branch from the Department of Agriculture and the amalgamation of the Inland Revenue Department with the Customs Department have been suggested, but up to the present time nothing has been done. I am not prepared to say what the Government will do.

Hon. Mr. BOSTOCK: At the present time the Post Office Department is without a head. The Postmaster General has been absent for a long time-one honourable gentleman here says that he has resigned. I was not aware of that; I thought he still occupied his position; but for a long time the department has been under the administration of an acting minister. Can the leader of the Government give us any information with regard to that?

Hon. Sir JAMES LOUGHEED: I am not aware that the minister has resigned; I Hon. Mr. DANDURAND.

have not as yet been apprised of his resignation, and, inasmuch as he is engaged in the defence of his country at the present time, it would be undesirable to take any action

Hon. Mr. CLORAN: The present Postmaster General has no seat in the lower House, I understand. Does the Government intend to retain indefinitely a minister who has not the confidence of the people?

Hon. Sir JAMES LOUGHEED: Not indefinitely.

Hon. Mr. CLORAN: Mr. Blondin has been defeated-very seriously.

Hon. Mr. WATSON: He lost his deposit.

Hon. Mr. CLORAN: That is a bagatelle. I think the country is entitled to a little information on this point. It is one that affects the democratic service of the country. Why should the Government foist at the head of an important department, such as the Post Office is, a man who has lost the confidence of the electorate of the country? There is no necessity for him to resign; he has been beaten. I think that asking for this information is not opposition to a Government war measure; it is simply asking the Government to deal fairly, honestly and openly with the electoratethat is all. I quite approve of paragraph b, which authorizes the Government to amalgamate two or more departments into one. That is an evidence of their intention to be economical in the future. Economy has not been practised up to the present in regard to departments, because the Government have been splitting single departments into two or three. How far they will go with regard to the others I do not know, but certainly Parliament can have no objection to the Government putting as many departments as possible under one head. That is a wise clause. To come back to the point in regard to the Postmaster General, who is no longer at the head of the department, how long is the Government going to retain that position vacant awaiting for the so-called resignation? No resignation is necessary. I think the Government owe an explanation of their attitude in this matter. It is only fair and honest, and the people want to know.

Hon. Mr. BOSTOCK: My honourable friend (Hon. Sir James Lougheed) states that the Postmaster General has not resigned, but I understood-

Hon. Sir JAMES LOUGHEED: I am unaware of it.

APRIL 11, 1918

Hon. Mr. BOSTOCK ——that he was occupied in another capacity—representing the Government somewhere in Europe, I think.

Hon. Sir JAMES LOUGHEED: He is not representing the Government; he is fighting for Canada.

Hon. Mr. BOSTOCK: I understand that he is lieutenant-colonel of a regiment; therefore I presume he is drawing the salary of a lieutenant-colonel. In the event of his not having resigned, would he be drawing the salary of the Postmaster General as well? If he had resigned, I presume he would not; but he not having resigned, it looks as if he were acting in a dual capacity.

Hon. Sir JAMES LOUGHEED: I cannot tell the honourable gentleman as to that.

(Hon. Mr. OLORAN: Seeing that the honourable leader of the Government has not answered my question, I give notice of my intention to put a formal inquiry to the Government. The Government should have no objection in informing the public as to what is going on.

Hon. Sir JAMES LOUGHEED: If my honourable friend objects to a representative from Quebec being Postmaster General in the meantime, of course there is nothing to prevent his asking for information or giving notice of inquiry, and I should be very glad to furnish the information.

Hon. Mr. OLORAN: I have no objection to a representative from Quebec being in the Government on condition that he has the confidence of the people.

Hon. Mr. LAVERGNE: There is no question about want of representation.

The Bill was reported without amendment.

DAYLIGHT SAVING BILL.

CONSIDERED IN COMMITTEE, 'REPORTED, READ THE THIRD TIME AND PASSED.

On motion of Hon. Sir James Lougheed, the Senate went into Committee on Bill 4, an Act to provide for the time in Canada being in advance of the accepted Standard Time during the summer months. Hon. Mr. Poirier in the Chair.

Sections 1 and 2 were agreed to.

On section 3-annual enforcement:

Hon. Mr. BEIQUE: I take it that this Bill is, so to speak, a trial Bill, for the purpose of seeing how it will work in prac-

tice and whether it should be continued from year to year. From my reading of the Bill it is not quite easy to understand. If the Bill were to pass as it is, the effect of section 3, it seems to me, would be limited to the present year, and the Bill would be in force from year to year thereafter. I would suggest that section 3 be replaced by the following wording:

The Governor in Council may by proclamation prescribe or limit from year to year the time during which this Act shall be in force during each year.

This wording would give to the Government all the latitude possible to see whether the Bill should be continued from year to year and during what period of the year it should be in force. It would make the Bill much more elastic and I think would be much more satisfactory than the present wording. If my suggestion were adopted, I would suggest also that, when the preamble and the title of the Bill are taken up, the words, "during the summer months," which I do not think are a proper expression to use either in the title or in the Bill, should be stricken-out. I think it would be much better to put into this Bill a provision giving power to the Government to prescribe by proclamation from year to year within what time the Act shall be in force.

Hon. W. B. ROSS: The objection to the suggested amendment is this: I think that an understanding was arrived at in another place, and 'it was also understood in the country, that this is not to be a permanent Act--that it is only to be good for this year. It is a trial Act. The effect of the amendment proposed would be to put it permanently on the statute-book, the Government having the power year after year to bring it into force or not, as it saw fit. I do not think that the labour unions and many other persons who are opposed to or in some doubt about this Bill would agree to that. Nearly everybody has been satisfied with the statement that it is a Bill for one year only.

Hon. Mr. POWER: An experiment.

Hon. W. B. ROSS: And next year, if we desire to continue the change, a new Bill will be introduced. I think it is much better to leave this Bill as it is. Let us have one year's trial. If I were asked to vote on this as a permanent Bill I would vote against it. I am voting for it only on the ground that it is to be in effect for one year only. The whole matter will be again open for discussion if such a Bill is introduced next year.

Hon. Mr. BEIQUE: There are two things to which I would like to call the attention

of the honourable gentleman (Hon. Mr. Ross). Does he see anything in this Bill tending to show that it is not a permanent Bill?

Hon. W. B. ROSS: Yes, section 3: "This Act shall be in force during the present year "—that is all.

Hon. Mr. BEIQUE: "This Act shall be in force during the present year for such time as may be prescribed by the Governor in Council." That is, during this year. That is so worded because this year has commenced. But when the Bill becomes law it will remain on the statute-book until it is repealed. The Bill is a permanent Bill on its face, and I think should be interpreted as such.

There is a second reason to which I desire to call the attention of the honourable gentleman. I would not have any objection personally to making this Bill effective for only one year, except this. Great inconvenience and disturbance are being caused the railways connecting with the United States; so much so that, on account of the change of time in the United States, railways have been kept waiting for one hour at the international boundary all this week and will be kept waiting in this way until this Bill is adopted. I think the Government should try to come to an understanding with the Government of the United States whereby the railway transportation system will be protected in order that such a disturbance as that to which I have drawn attention may not occur in the future. For that reason I think it would be much wiser to give the necessary power to the Government by Order in Council to decide the time during which the Bill should remain in force.

I might cite an additional reason-the reason which was very properly stated by the honourable gentleman from Rideau (Hon. Mr. Edwards) yesterday. For my part. I entirely agree with him that it would be much better not to stop the operation of the Bill on October 1. I think that the advance of the time would be much more useful during the fall months than during the summer. And there is an additional reason for giving to the Government the necessary power to take whatever action may be deemed advisable, when it is seen how the Act is working. If it is deemed advisable next year to repeal the Act, it can be repealed; but if this Bill is to become effective for only one year, and if Parliament does not assemble early next year, there is danger of the same difficulty

Hon. Mr. BEIQUE.

and trouble occurring at the international boundary as we are now experiencing.

Hon. Mr. CHOQUETTE: I have no objection to the Bill personally, and, so far as my province is concerned, the advancing of the time by one hour will make no difference whatever. Family life will continue in the usual way whether the Bill is passed or not. We shall rise as early as usual and go to bed at the usual hour. The Bill will not change our mode of living in the least. But I think there is something in what has been said by the honourable gentleman on my right (Hon. Mr. Béique), that this Bill seems to be a permanent one, especially in view of the words in the second section: "During the prescribed period in each year." If the Act is intended to be effective for only one year. I do not see why the words "in each year" should be included. The interpretation placed upon these words by the honourable gentleman from De Salaberry (Hon. Mr. Béique) is that the Bill is permanent. On the other hand, my honourable friend from Middleton (Hon. W. B. Ross) states that if it were a permanent Bill he would vote against it. Here there is a difference of opinion between two very brilliant lawyers, with great legal minds. It shows that the Bill has been very badly drafted and should be made clear before it is passed. I have no objection to the Bill itself; but judging by the second section it is intended to be a permanent Bill, while judging from the third section it would appear that it was intended to be a Bill for the present year only. I think the Bill should state for what length of time it is to be enforced in any year, and that it is to be put into effect by order of the Governor in Council, thus leaving the responsibility of advancing the time upon the Government.

Hon. W. B. ROSS: If honourable gentlemen have the Bill as it was introduced into the House of Commons, and will read section 3, and then read section 3 of the Bill as it emerged from the House of Commons, they will see that what I say is correct. As introduced into the House of Commons, section 3 says:

This Act shall be in force in each year during such time as may be prescribed by the Governor in Council.

That means that it is to be a permanent Act. Now, what does section 3 of the Bill as it stands say? It says:

This Act shall be in force during the present year-

Hon. Mr. BEIQUE: "For such time "-

APRIL 11, 1918

Hon. W. B. ROSS: The words "in each year" are struck out, and the words "during the present year" are inserted in their place.

Hon. Mr. DANDURAND: I would like to examine this Bill as it is before us, not as it was introduced into the House of Commons. As it is before us, there is no doubt that it is to be applied this year and following years. This is what it says:

During the prescribed period in each year in which this Act is in force, the time, for general purposes in Canada, in each province, shall be one hour in advance of the time which under the law of the province is the time prescribed for such province, and, if there is no time so prescribed, of the accepted standard time.

Undoubtedly this section was meant to cover years to come. Section 3 says that it shall only be applied during the present year for such time as the Governor in Council may prescribe, and if you look through the Bill you will find no way of applying it for following years. As the Bill is drafted, it might apply forever; but there is only one year that is clearly mentioned in which it may be applied by the authority of the Governor in Council. If we want to make it a workable instrument for all time, it has to be amended. If it is only intended for one year, my view is that as it is now spring, it can only be applied for this year. It is true that there are general clauses which would allow of the application of the Act for years to come; but if the Bill goes on the statutebook as it is, what will happen next year? If it goes into force as it is, have we not the right to say that clause 2 will prevail? What will this mean? Let clause 3 disappear, and the Act will remain with us next year. I think then the Bill may almost be said to apply absolutely. If it is applied absolutely it applies from the 1st of January to the 31st of December. Then we are face to face with section 2, which says:

During the prescribed period-

The word "prescribed" is very vague-

—in each year in which this Act is in force, the time, for general purposes in Canada, in each province, shall be one hour in advance of he time which under the law of the province is the time prescribed for such province, and, if there is no time so prescribed, of the accepted standard time.

The Bill might then be applicable during the whole year.

Hon. Mr. THOMPSON: It says during the summer months.

Hon. Mr. CROSBY: If you want a Bill to be so that no one will understand it, you

should have two or three lawyers draw it up. If you want to make a perfect success of it, get twelve or fifteen of them to discuss it, and when they are through not a man in the country will understand it. This Bill certainly has been drafted by a lawver; any one can see that, because it is so complicated. Nevertheless, it is quite clear that, before it can go into effect, the Governor in Council must say when it is to become effective and when it is to cease to be effective. If the Governor in Council next year does not say when the Bill is to come into force for that year, it will not come into force at all. That is quite simple, but the lawyers have it fixed up so that no person can understand it. That is the result of their education, and they cannot help it.

Hon. Mr. WATSON: I think it would be well for the Government to watch the operation of this Bill closely, and to consider the results carefully. There is no doubt that the Bill goes into force by order of the Governor in Council. I am inclined to think that if it were not for the fact that the United States has adopted this advanced time it would be a mistake for Canada to do so, because the most important thing that we have to consider, next to getting men to the front, is the getting of men for production, and I think this measure will be detrimental in that respect. I see my honourable friend who represents labour (Hon. Mr. Robertson) shaking his head. It is all right so far as the mechanic is concerned-the boys will be able to get out and play baseball before dark; but the farmer is in a different position. We all know that farming operations cannot be undertaken when there is dew on the ground, and that the best hour of the day -between five and six o'clock in the afternoon-will be cut off by reason of this Bill. Farm labour is so scarce at the present time that farm hands can practically fix the hours during which they will work. In Manitoba farmers are paying as high as \$75 a month for help, and when labourers are so scarce, they will dictate to the farmers when they will work and for how long; and I am satisfied that in the vicinity of villages the young fellows who belong to baseball teams and so on will quit work at the same time that the boys quit in the city. In this way you are practically cutting off an hour from the farmer's day. If it were not for the fact that we have to conform more or less with the time in the United States-

Hon. Mr. CASGRAIN: We are looking to Washington.

Hon. Mr. WATSON: My honourable friend says that we are looking to Washington. I do not object to that; but I think the Government should give close attention to the working of this Bill this year, and if it works to the detriment of the farmer and to the detriment of the production of cereals and foodstuffs, we should go back to the old time. There is another thing to be considered. Take the case of the workingman who wants to rest. Every one knows that probably the best hours for resting are in the cool of the morning. not the hot hours of the evening; but under this Bill a man has to rise earlier in the morning. It is claimed that this change of time will increase the production of garden plots; but people do not do garden work in the evening; it is done in the morning. Children will have to rise earlier. As we all know, it is difficult to get them to go to bed before it is dark, and they will not get as much sleep under the proposed system as they do at the present time. As I have said, if it were not for the fact that the United States have moved the clock ahead an hour, I would oppose the Bill.

Hon. Mr. RICHARDSON: I have always understood that in the Northwest in the winter time the weather was so dry that people did not feel the cold. This is an emergency measure intended to increase production. We all know that we are going to pass it. I agree with the honourable gentleman from Halifax (Hon. Mr. Crosby) that this House sometimes strains at gnats and swallows camels. This is a war measure and we are going to pass it. Let us go ahead and do it.

Hon. Mr. CLORAN: The remark made by the honourable gentleman from Middleton (Hon W. B. Ross) should not be lost sight of. This Bill passed the House of Commons on a certain understanding. There is no doubt that there was considerable opposition to it in that House; but it was calmed and set aside by the understanding that the Bill was to be effective for only one year. As I understand, the minister who was responsible for the Bill said that in the future they would be able to speak of it in the light of the experience gained; therefore one would gather that this Bill would not be a permanent measure. If we make it a permanent measure we will be defeating the intention of the minister. I think it would be advisable for the honourable leader of the Government to tell us what the real intention is in regard to Hon. Mr. CASGRAIN.

this Bill. If it is simply to go into effect for one year, it will pass this House by a unanimous vote; but if we are told that it is to be a permanent measure, and is to remain on the statute book until it is repealed, then there may be some opposition to it; the honourable gentleman next to the leader of the Government (Hon. W. B. Ross) is prepared to vote against it, and I probably would do likewise. If it is simply a temporary measure of expediency, I think that the Government should say so. It should be able to state what the intention is, more especially in view of the fact that the legal talent on both sides of the House is divided in regard to the interpretation of it. I agree with the honourable gentleman from Halifax (Hon. Mr. Crosby) that there are too many lawyers engaged in drafting Bills. They do not get down to good common sense and far-sighted law. They do not make laws so clear that they can be read while running.

Hon. Mr. CASGRAIN: Is the honourable gentleman speaking for himself?

Hon. Mr. CLORAN: Yes, I am speaking for myself. I think I have a fairly level head, although I am a lawyer. I do not allow my legal training to knock the common sense out of me. If the legal talent is divided in opinion, what then? If the honourable gentleman from de Salaberry (Hon. Mr. Béique) is appointed to the Bench, he will decide that it is a permanent measure. If the honourable gentleman from Middleton (Hon. W. B. Ross) is appointed to the Bench, he will decide otherwise. Therefore I say the business of Parliament, especially of the Senate, where we are calm and where there is no partisanship exhibited, is to make the laws as clear as possible. If I were drafting this Bill I would make it clear by adding one word in either section 2 or section 3. The Bill says "during the prescribed period in each year." That wording makes it permanent. Then, the language in section 3 makes it temporary. It says: "in the present year." The Bill contradicts itself on its face. Anybody is entitled to advocate section 2 and say that it is a permanent Bill or anybody is entitled to do the same with regard to section 3 and to say it is a temporary Bill.

Hon. Mr. WATSON: That suits the lawyers.

Hon. Mr. CLORAN: Of course, but I never made my money in that way. Clause 2 should be changed to read: "during the

APRIL 11, 1918

prescribed period in this year," changing "each" to "this" if it was the intention of the Government and of the minister to make this a temporary Bill. If not, the word "each" will have to remain in. We want to know the intention of the Government. One word would make it clear. Section 3 says:

This Act shall be in force during the present year for such time as may be prescribed by the Governor in Council.

If section 2 is amended by putting in the word "this" in place of the word "each," that will settle the whole matter; but if section 2 is to remain, section 3 should read:

This Act shall be in force during the present year only.

Hon. Sir JAMES LOUGHEED: Why not add to that the words "and not longer?"

Hon. Mr. CLORAN: The year finishes by itself. Does the honourable gentleman not know that? You do not have to add "and not longer." We are talking in years. However, it is for the honourable leader of the Government to tell the House what the intention of the Government is. I think the honourable gentleman from Middleton will agree with me in that.

Hon. Mr. POWER: If the honourable leader of the Government will permit me, I should like to say a word or two on the subject. The honourable gentleman from Portage la Prairie (Hon. Mr. Watson) thought it desirable that there should be a discussion of the merits of the Bill. I regret to say that I cannot at this stage agree with the honourable gentleman. The merits of the Bill were discussed in another place at considerable length, and it was found that there was a very marked difference of opinion among the representatives of different classes of the community and The of different portions of the country. result was that this Bill, which had been intended, as I understand, to be a permanent measure, was altered, and the Government decided that instead of being a permanent measure it should be effective for one year only. It was declared to be an experiment to ascertain how the change would work in actual practice. Now, honourable gentlemen, I think that is a reason which indicates that this is not the time to discuss the merits of the Bill. But I think we have a right to see that this measure carries out the declared intentions of the House of Commons and the Government; and, although I do not generally agree with the honourable gentleman from

Victoria division (Hon. Mr. Cloran), I feel obliged to say that I think he is about right.

Hon. Mr. WATSON: Proud to say it.

Hon. Mr. POWER: We are in committee for the purpose of amending the Bill. The probability is that after the Government had decided that the Act was to operate for only one year, the legal gentleman to whom the Bill was referred for amendment, so as to carry out the intention, did not observe these words "in each year" in the second section. If these words are left in and the. Bill becomes law, serious questions may arise, in court or elsewhere. in respect to the meaning of the Act. I think that instead of spending much more time over this the committee had better remove the doubt. I move that in the first line—

The CHAIRMAN: Before the honourable gentleman puts his motion, I have another motion, which was handed to me, and I would deal with it first.

Hon. Mr. BEIQUE: I am willing to withdraw my motion if section 2 is to be reconsidered.

Hon. Mr. POWER: Section 2 has not been passed yet, as I understand. My motion is that the words "in each year" in the first line of section 2 be stricken out. In section 3 it is provided that the period in which the Act is to be in force may be prescribed only for "the present year." I hope the honourable leader of the Government sees no objection to my amendment.

Hon. Mr. THOMPSON: I do not think it is very difficult to understand the Bill as it is. Section 2 says: "During the prescribed period in each year in which this Act is in force." There is nothing in section 2 providing that a period may be prescribed by the Governor in Council. This law will not go any further than the present year.

Hon. W. B. ROSS. There is no doubt about that.

Hon. Mr. THOMPSON: The whole Bill explains itself. The law can be enforced only during a prescribed period in each year, but section 3 provides only that a period may be prescribed for the present year; it does not provide for prescribing a period for next year. The Act can apply only to the present year.

Hon. Sir JAMES LOUGHEED: Upon my honourable friend from De Salaberry (Hon. Mr. Béique) raising the point, I sent for the Minister of Trade and Commerce, and he has informed me that, as is apparent

from the Bill, it is to be in force only during the present year. It is only an experiment. At the end of the present year the Act ceases to be effective by virtue of section 3. Honourable gentlemen, in discussing section 2, have been overlooking this fact: this is a Bill which furnishes all the machinery necessary for the continuing of the measure. If after the expiration of this year it is decided to continue it, it can be continued simply by declaring that this Act shall continue in force.

Hon. Mr. DANDURAND: Through another Act.

Fon. Sir JAMES LOUGHEED: Through arother Act. Honourable gentlemen will readily appreciate the fact that daylight saving will be in operation between March, say, and November at the latest. Parliament will be in session in January or February next; but even if it were not in session until March, the Act could then be made a permanent or continuing measure without any inconvenience being suffered and all this machinery would automatically come into play without having to be again approved.

Hon. Mr. OLORAN: Does the honourable leader of the Government refuse to accept my suggestion? Why not make the Act so clear that anybody will understand it?

Hon. Sir JAMES LOUGHEED: It is as clear as language can make it.

Hon. Mr. CLORAN: We are divided in opinion on it. If I were to go before the Bench to-morrow it might be decided my way; if the honourable gentleman from de Salaberry (Hon. Mr. Béique) went before the Bench it might be decided his way. It is easy to make the law clear by one word. If the Act is not intended to be permanent, why not accept the suggestion of the honourable gentleman from Halifax (Hon. Mr. Power) and strike out the words "in each year " in section 2, or why not substitute the words "in the present year?" Then there would be no confusion and no interpretation necessary. I think the honourable gentleman from Middleton (Hon. Mr. Ross) understands that. I have great confidence in his opinion. He is levelheaded and has good sound common sense.

Hon. W. B. ROSS: I do not think any change at all is needed. The Act will automatically die at the end of this year and will never be enforced again unless a new Act is passed to bring it into force.

Hon. Mr. DANDURAND: The Bill has certainly been very badly drafted. It was not badly drafted when it was introduced Hon. Sir JAMES LOUGHEED. in the House of Commons; it was very logically drafted; it was as clear as daylight.

Hon. Mr. WATSON: It is a daylight Bill.

Hon. Mr. DANDURAND: As presented in the House of Commons, the Bill contained these two short clauses. Section 2:

During the prescribed period in each year in which this Act is in force, the time, for general purposes in Canada, shall be one hour in advance of the solar mean time.

That was all. You see, the words were, as they are here, "during the prescribed period in each year." The Bill was meant to be permanent. Clause 3 read:

This Act shall be in force in each year during such time as may be prescribed by the Governor in Council.

That was clear-cut and was perfect drafting. The Act was meant to be applied from year to year. Unfortunately, section 2 is left, as it was originally intended, for continuous operation, but section 3 has been amended in order that the Act may apply simply for this year. There is no doubt that were it not for the question of time which my honourable friend (Hon. Sir James Lougheed) may have in mind just now, and the fact that he desires to have this Act sanctioned to-morrow, he himself would move to strike out the three words, "in each year," in order that section 2 might agree with section 3.

Hon. Sir JAMES LOUGHEED: No. My honourable friend did not appreciate what I said. In contemplation of this Act being a continuing measure, if we continue it by statute next year, it is desirable to have this wording.

Hon. Mr. DANDURAND: According to what my honourable friend says, it will relieve us from the obligation of elaborating another Bill next year to leave this one as it is. In the meantime, I would draw my honourable friend's attention to this fact, that any person outside of Canada reading this Act will think it very confusing, and we ourselves shall not have reason to feel very proud of having this Act appear in our statutes.

Hon. W. B. ROSS: Nobody outside of Canada will ever see it.

The CHAIRMAN: Assuming that it is your pleasure to reconsider section 2, is it your pleasure to adopt the amendment of the honourable gentleman from Halifax (Hon. Mr. Power), which reads as follows:

That the words "in each year" be stricken out of the first line of section 2.

The amendment of Hon. Mr. Power was negatived.

On section 3-annual enforcement:

Hon. Mr. EDWARDS: I do not wish to retard for one moment the passage of this Bill, because I think it is highly desirable in the interests of Canada that it should pass, particularly as the United States has passed a similar measure, and great confusion will continue between the two countries if this Bill is not passed. I do not concur in the opinion of my honourable friend from Portage la Prairie (Hon. Mr. Watson) that no good whatever will come of this Bill and that the farmers will be greatly injured by it. He referred to one item, that of the dew, which interferes for a very short period, simply during haying and harvesting.

Hon. Mr. WATSON: It is a very important time.

Hon. Mr. EDWARDS: It is very important, I agree, but the farmers of Canada have always worked as long as they wanted to work, and, notwithstanding the passage of this Bill, they will still continue working all the hours they want to work. I do not think it will make one iota of difference to the farmer. But there is one point I desire to impress as strongly as I can upon the Government, and it is this. In my opinion, the operation of this measure, as it is proposed to be operated in the United States and as I suppose it will be operated in Canada, will not do a particle of good to any one. It will be absolutely useless-no better than if no such Bill had been passed in the United States or in this country. Saving is desired at this time, and one of the very important savings for Canada is the saving of coal. In many parts of Canada coal is used for the development of electrical power for lighting, and it is now sought to save as much coal as possible by using waterpower; but that can be done in only a limited number of places immediately. The greatest saving could be effected in the months when the Act to advance the time will not apply, namely, the months of Sep-tember, October and November. If the time were advanced for those three months, a saving would accrue to the United States and Canada which would amount to hundreds of millions of dollars. I mentioned this subject yesterday, and my object in speaking of it now is simply to urge the Government of Canada to take up this mat-

ter with the Government of the United States and have the great mistake that is being made-for it is a gigantic mistakecorrected. As I said yesterday, my own firm has practised what I am now suggesting for the last fifty years. We began advancing our time on the first of September. At that season the daylight shortens in the evenings, but it does not shorten so rapidly in the mornings. There is a longer period of daylight in the morning. By the middle of November our time is one hour ahead, and we continue that until our mills shut down on December 1. We make a very considerable saving in lighting in the mills and in our general operations outside, where the men are engaged in the piling of lumber. etc. They have a good hour more of daylight in which to work. We have found it a great advantage indeed. Now, consider the enormous saving we could effect if we were manufacturing our light by the use of coal, which of course we do not do. I cannot too strongly impress upon the Government the advisability of treating with Washington with a view to having this Act enforced in such a way that it will mean an enormous saving to both countries. Today power is required in the two countries as never before. There is a very great shortage of electrical power for the manufacture of munitions. Consider the amount of additional power that would be available if the saving of daylight which I have suggested were made, by advancing the time one hour, or, better still, an hour and a half, in the autumn months. Let me repeat the United States law as it is being put into effect will be of no appreciable benefit, but if daylight saving were put into force in a commonsense way the saving to both countries would be enormous.

Hon. Mr. DONNELLY: In view of the argument that has been advanced, that it is necessary that this measure should pass so that our time will conform with United States time in connection with transportation, and also on the understanding that this is an experimental measure, I feel inclined to support this Bill. At the same time, I wish to express my disagreement with the statement of the honourable gentleman from Rideau (Hon. Mr. Edwards), that this measure will in no way interfere with agricultural production. I agree with the honourable gentleman from Portage la Prairie (Hon. Mr. Watson), and I think it is unfortunate that at a time when we are seeking to increase our production a measure of this nature should be brought into force.

S-7

REVISED EDITION

SENATE

There seems to be a general feeling among the members who have spoken, that farmers will work such hours as suit them. That may be true of the individual farmer who is operating his own farm, or who has perhaps only one man working with him; such farmers will work the hours they find most advantageous; but there are many persons in this country who are farming in what might be called a wholesale way, who find it necessary to employ a large number of farm labourers, and when they go into the labour market they have to compete with mill-owners or men operating munition factories, to secure the necessary labour, particularly at harvest time. We find that men, at least those who are at all adjacent to cities, towns or large villages, desire to be given permission to quit work at 6 o'clock. Therefore the hour of the day which is perhaps the most valuable will be lost to agricultural production. I am speaking from practical experience. I have for several years employed a large number of men on the farm, and, although the impression prevails that farm labourers work all hours, my men for the last five years have always quit at 6 o'clock; and I suppose they will want to continue that and expect to quit at 6 o'clock. A great deal of gratuitous advice has been given to the farmers during the past year or so in regard to increase of production. That has been taken in a spirit of good-natured contempt by the farmers. They feel that they have as much right to advise the lawyer, or the wholesale man, or city men in general, how to conduct their business, as the city men have to send out, gratis, advice to the farmers in regard to increased production. The farmers of this country are patriotic enough to do their utmost in increasing production. Aside from their patriotic spirit, the prices they are at present receiving for their products are an incentive for them to produce to the limit. I fully agree with the honourable gentleman from Portage la Prairie (Hon. Mr. Watson) that this will hamper production, but in view of the arguments which have been advanced, I will not oppose it.

Hon. Mr. BOYER: This measure was made to comply with a similar measure which was passed in the United States Congress. If their measure is a temporary one ours will have to be a temporary one. That settles the whole question. We need not dispute over it. If they find it advantageous to continue this system, we cannot go back to the old one.

Hon. Mr. POWER: I move to amend clause 3 by inserting the word "only" after Hon. Mr. DONNELLY.

the word "force," and by inserting the word "and" after the word "year." The section will then read:

This Act shall be in force only during the present year, and for such time as may be prescribed by the Governor in Council.

That limits the action of the Governor in Council to one year.

Hon. Mr. CLORAN: The Government ought to have no objection to that. Because a Bill comes down here from a minister of the Crown is the honourable leader of the Government afraid to go back on the draft? The word "only" covers everything, especially if it is the intention of the Minister of Trade and Commerce, who is the father of the Bill, that it should be effective for only one year. I know that this Bill was not so strongly opposed in the House of Commons as it would have been if it had not been for that understanding. Why not make it clear by putting in the word "only"?

Hon. W. B. ROSS: I ask the honourable gentleman from Halifax (Hon. Mr. Power) to take the statement, "This Act shall be in force during the present year." Is that any indication in that it is to be in force next year? After all, the honourable gentleman's motion simply adds words without accomplishing anything.

Hon. Mr. POWER: Section 3 says:

This Act shall be in force during the present year for such time as may be prescribed by the Governor in Council.

Well, what about other years? Go back to section 2 and you find the words: "During the prescribed period in each year."

Hon. Sir JAMES LOUGHEED: That is with a view of continuing it if it is found desirable.

Hon. Mr. POWER: As I understand, it is desirable that the Bill should be assented to at an early date. The Government should be anxious to get it through. All necessary amendments might have been made to the Bill, and it might have been passed before now if we had fulfilled our duty. The duty of this House is to remove imperfections from measures of this kind.

On the amendment of Hon. Mr. Power being put:

Some hon. SENATORS: Lost.

Other hon. SENATORS: Carried.

APRIL 11, 1918

Hon. Mr. CLORAN: Why don't you vote on it? Do you want obscurity when you ask for daylight?

Some hon. SENATORS: Order.

Hon. Mr. CLORAN: I want to put my protest on record that men vote here without giving their reasons for voting. We are trying to remedy defects in this Bill, and I do not understand why honourable gentlemen should cry "Lost, lost," without giving any indication of their knowledge of the subject. This House ought to be more careful and honourable gentlemen should not cry, " Carried," or " Lost," before the discussion is finished, especially when it is not for the purpose of antagonizing the Government, but for the purpose of making a measure clear and effective. I think the amendment proposed by the honourable gentleman from Halifax (Hon. Mr. Power) should receive more consideration than the House seems to give to it.

The CHAIRMAN: I know of no rule of this House that obliges any honourable gentleman to express an opinion. I will put the vote now.

The amendment of Hon. Mr. Power was negatived.

Section 3 was agreed to.

Section 4 was agreed to.

On section 5-power of Railway Board to advance standard time one hour:

Hon. Mr. BRADBURY: I should like to ask the honourable the leader of the Government when it is intended to put this measure into effect. It is reported in the newspapers that it is to come into effect on the 15th of this month. Is that correct?

Hon. Sir JAMES LOUGHEED: I understand that it is intended to make it effective as quickly as possible. The United States Daylight Saving Act went into effect on the 1st of this month, and it would have been desirable for us to have had similar legislation at the same time.

Hon. Mr. BRADBURY: If it becomes effective on the 15th it will be enforced commencing on Monday morning. It will be easily understood that this Act will dislocate many industries, and I would suggest that, instead of being brought into operation on Monday morning at one o'clock, it be brought into effect on Sunday morning.

Hon. Mr. WATSON: The honourable gentleman belongs to the Lord's Day Alliance.

Hon. Mr. BRADBURY: If the Act came into force on Sunday morning it would $S-7\frac{1}{2}$

give all industries, including newspapers and railways, an opportunity to adjust themselves to the new condition of things.

Hon. Mr. ROBERTSON: Having had some little experience in the railway transportation world, I think it very desirable that the Act should come into force some time in the early hours of Sunday morning, the 14th. On the railways there is always an element of danger in changing the time. As an employee may forget, it is desirable that the time should change during the period of the day when the fewest trains are running, thereby minimizing the danger to the greatest possible extent. While I do not know what the Governor in Council may have in mind in this connection, my own view is that some time between 12 and 2 o'clock on Sunday morning would be the proper time for this legislation to become operative.

Hon. Mr. EDWARDS: I was in the United States when their Daylight Saving Act came into force, as was the honourable gentleman from Alma (Hon. Mr. Foster). The change took place early Sunday morning, and there did not seem to be a particle of trouble about it. It seemed that everyone went to bed earlier and got up earlier without any difficulty whatever. Would it not be dangerous to bring this law into effect on two days' notice? Would it not be more . desirable to have it come into effect a week from Sunday?

Hon. Mr. WATSON: I am not a practical railroad man, but it appears to me that the suggestion made by the honourable minister (Hon. Mr. Robertson) is a very practical one. In Canada we are supposed to observe the Lord's Day. There are not many freight trains moving on that day, in fact all local passenger trains are taken off, and the railroad employees would be the only men affected. Any danger that might occur would be from the employees themselves, who can be notified of the change on very short notice. Through trains get orders at every important station. I think it would be a wise precaution to make this change on a Sunday.

I trust that the Government will endeavour to find out how the Act works this year. If they find that it is injurious to the people of Canada generally, they shou'd confer with the United States Government with the view of adopting a standard of time. We have to work with our neighbours to the south in this matter because of trains running back and forth, trading, and so on. This is a serious matter, and I have given it serious consideration. I

SENATE

know there is a feeling among the young people of the country that it is desirable because it will enable them to play lacrosse or baseball in daylight; but I am thorcughly convinced that for the farming community it is not a proper measure at all. The farmer does not control his hours of labour as well as he did when wages were \$25 a month. To-day he pays from \$60 to \$75 a month. I myself have had a team attached to a binder and have had to let it stand in the field for an hour before the man came out. I think this legislation is not in the best interests of production at the present time; but as it has been adopted in the United States, we will of necessity have to adopt it.

Hon. Mr. NICHOLLS: I am in accord with the honourable gentleman from Welland (Mr. Robertson) in believing that Saturday night is the time to have this Daylight Saving Act brought into force; but I draw the attention of the House to the fact that the Prime Minister has already caused it to be published broadcast throughout the country that it is intended to have it come into force on the night of Sunday, the 14th. If that were changed now, I am afraid it would result in confusion in the public mind.

Section 5 was agreed to.

• On the title—an Act to provide for the time in Canada being in advance of the accepted standard time during the summer menths:

Hon. Mr. CLORAN: I want to put the Government on its guard, and to tell them that this Bill is being put on the statutebook under a false name. The title is wrong. The Government will have to take the responsibility. It is unfortunate that we should publish in the statute-book literature which is not correct. This is a Bill to advance the time in the summer months. There are only three summer months in the year; but the Governor in Council has it within his discretion to put this Bill into effect for twelve months. The Bill is improperly named. I am not going to offer any amendment, but I believe the title ought to be changed. It shows what Parliament may do, all on account of a little hurry.

The title was agreed to.

The Bill was reported without amendment, read the third time, and passed. Hon Mr. WATSON.

DEPARTMENT OF IMMIGRATION AND COLONIZATION BILL.

CONSIDERED IN COMMITTEE AND REPORTED

On motion of Hon. Sir James Lougheed, the Senate went into committee on Bill 11, an Act respecting the Department of Immigration and Colonization. Hon. Mr. Mc-Sweeney in the Chair.

On section 1-short title:

Hon. Mr. CLORAN: I want to ask the honourable leader of the Government a question. I am very inquisitive to-day, but I am not speaking for myself alone. How does he intend to support this Bill after advocating the adoption of Bill No. 2? I was strongly in favour of Bill No. 2, because it gave the Government power to make two departments into one, and that is in line with good economy. Now the honourable leader of the House comes on behalf of the Government and asks us to undo what we have just done; he wants us, instead of putting two departments into one, to divide one into two or three. Is not that strange? What is the purpose of dividing one department into two? Is it to give somebody a job?

Hon. Sir JAMES LOUGHEED: It will, I suppose.

Hon. Mr. CLORAN: Is that the main object? Again, you are creating a department where there will be no work for the next fifteen years-until all the cripples of Europe get straight legs or good arms again. France will be bled white, and England likewise. But Germany will be bled white -and I hope she will be bled to death. Where are you going to get immigrants? The European countries will not be able to allow any of their able-bodied men to come here. They will want their population at home. So I do not see that there will be great work for a Department of Colonization and Immigration. The Government is antagonizing its own policy as expressed in Bill No. 2 in asking Parliament to authorize the division of one department into two or three, or whatever number they desire. They are dividing when there is no necessity for a division. As I have pointed out, colonization will be at a standstill for the next ten or fifteen years, until a new generation has grown up in England. Look at England, with its six millions of men at the front. How many of them will be wounded and crippled, how many will be killed before the end of the war? England will need its own

APRIL 11, 1918

population at home. France will be in a worse position; Italy also; and the Balkan States and Austria-Hungary and Russia. We have had a large number of immigrants from all these countries, but they will not want to allow their subjects, especially males, to come over here. Consequently there is no immediate need for the creation of this new department. It involves a needless expenditure, and, dear knows, the country has expenditure enough without spending money foolishly and un-necessarily. These are fair observations, but I suppose they are too late. The Government has made up its mind to do a certain thing. There is one of the defects of democratic government, one of its worst features, that once it has made up its mind to carry a certain measure, it carries it in spite of the fairest criticism. The Government will heed nothing, will accept no suggestions that are fair and in the interest of the people. The majority will not listen to the views of the minority. A measure, once it has received the imprimatur of the Prime Minister, or the minister of a department, must not be touched-it is a God-sent gift-any measure brought down by a democratic government. This is the time to remedy that condition of things.

Hon. Mr. POWER: It is an autocratic government.

Hon. Mr. CLORAN: The present Parliament is one in which party spirit is largely done away with. This is the time to inaugurate a system whereby the Government, when it proposes a measure which cannot bear criticism, will take the criticism in good part and not look upon it as being aimed at the existence of the Government, or the party which it represents. This is the time for the majority to act on suggestions based on fairness, on suggestions made in the interest of the public, and not to sit behind the leader of the Government, either in this House or in the other, and cry "carried" because it is a Government measure that is in question. These suggestions I offer on behalf of good, sound government. Of course, I know the hearts and minds of my honourable friends opposite have not yet completely come down to that level; they have been so long accustomed to autocratic rule that they are not yet prepared to come down. I hope that with a few little lectures such as I am giving them now they will become amenable and agreeable to suggestions offered in good faith, in all honesty and in the

public interest, from what used to be called the Opposition.

Hon. Mr. DANDURAND: My honourable friend (Hon. Mr. Cloran) should have addressed those remarks to the House, I believe, on the second reading. We are now in committee discussing the details of the Bill. The honourable gentle-man asks why we should set up an immigration department when we are not likely to have any immigration. I have already had occasion to say that I did not expect much immigration from Europe, but that whatever immigration we received would come mostly from the United States. I would hardly have dared to say so in 1912, because in the campaign of 1911 it was declared that there should be no more truck or trade with the United States. But since hearing the Speech from the Throne, which shows that it is at last recognized that our neighbours are a kindred nation, I can express the hope that we may have immigration from the South. I rise simply to express the opinion that while we are dividing the Interior Department, which has been very heavily manned, we should perhaps try to join other departments together. The Labour Department when it was created was under the Postmaster General. Now I am beginning to realize that the Post Office Department, although an important one, does not need the entire time of a minister. My contact with that department gives me that impression. Since the portfolio of Postmaster General is vacant-for the Prime Minister declared in another place that he had received the resignation of the late Postmaster General, the Hon. Mr. Blondin-this seems to be an opportune time to try to join two departments together and avoid the creation of new departments. As I have stated, the Labour and Post Office Departments used to be together, but now it is quite clear that since the Minister of Justice whose time is very valuable and who has very important functions to perform, has been able for a year to administer the Postmaster General's Department, that department should be joined to another.

Hon. Sir JAMES LOUGHEED: I am glad my honourable friend has pointed that out to me.

Hon. Mr. BOSTOCK: I would draw the attention of the honourable leader of the Government to this point. This Bill says:

There shall be a Department of the Government of Canada which shall be called "The Department of Immigration and Colonization."

But I understand the department has been already organized.

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. BOSTOCK: My honourable friend could perhaps tell us how many officials there are, and if the appointments have already been made?

Hon. Sir JAMES LOUGHEED: A minister has been appointed to the head of this department—Hon. Mr. Calder—and he has practically taken over the entire branch of immigration as it was in the Department of the Interior. I am unaware of any new appointments having been made. I think the branch was quite complete when it was taken over by the present minister.

Hon. Mr. BOSTOCK: Is there a new deputy minister, or is it the Deputy Minister of the Interior?

Hon. Sir JAMES LOUGHEED: There is no deputy minister as yet.

Section 1 was agreed to.

Section 2 was agreed to.

On section 3—deputy ministers, clerks, etc.:

Hon. Mr. POWER: This Bill is to create not only a new minister but also a new department, with a new staff, starting with the deputy minister and extending down, I suppose, to the lowest page. The Government have for several months past been very assiduous in attending to that part of their duty which consists in advising other persons to be economical. They certainly have done that thoroughly well, but I have yet to see the faintest trace of economy on the part of the Government. On the coutrary, we had before us the other day, in connection with food conservation, a case in which economy could have been practised and might well have been practised for the public good. As I say, the Governhas advised the public to be very economical and very careful as to what they eat. The drink had been already cut off, so there was no necessity for dealing with that. A commission was established to keep down the prices of food and reduce the cost of living. A chief executive officer was appointed, who did his duty and reported to the Government, or to his official head, the things which had been wrongfully done. There was a chance for the Government to save money and to help the country out, but they did not do it. They did not prevent the expenditure of a dollar in the way

Hon. Mr. BOSTOCK.

of food. On the contrary, they allowed the prices of articles of food to be increased; so that we pay more in Canada for articles which are produced here than these same articles bring in London or Liverpool, England. The large staff engaged, or supposed to be engaged, in trying to reduce the cost of living have done nothing whatever, and there has been an immense sum of money squandered. The only good result has been that a considerable number of friends of the Government have been provided with comfortable situations.

Hon. Mr. WATSON: And O'Connor has quit the job.

Hon. Mr. POWER: Now, I just wish in a crude sort of way to call attention to this section 3. As I say, it shows that there is to be a large staff, including a deputy minister and probably an assistant deputy. There is not the slightest necessity for an additional minister. I think the Government's attention must have been called to the fact that in the United States, where there is a population of 100,000,000, where there is as large a territory to govern as we have, and where there are a great many interests to be considered, they get along with a cabinet of ten members. I have not counted the number of members of the Cabinet in Canada lately, but I think the number must be somewhere near twenty.

Hon. Mr. DANDURAND: There are thirty.

Hon. Mr. POWER: The thing is absurd and ridiculous. I must say that I really look forward with a great deal of dread to what the financial future of this country will be if we keep on at the rate we are going. This measure is simply an excuse for providing positions for a larger number of friends of the Government.

Section 3 was agreed to.

Sections 4, 5 and 6, the preamble and the title were agreed to.

Hon. Mr. DANDURAND: Speaking for this side of the House, I want to thank the Government for its kindly act in bringing this measure before us, for it strikes me the Government could well have carried it out under the War Measures Act.

Hon. Sir JAMES LOUGHEED: We like to consult you occasionally. We appreciate your very kind expression.

The Bill was reported without amendment.

MONTREAL HARBOUR ADVANCES BILL.

CONSIDERED IN COMMITTEE AND REPORTED.

On motion of Hon. Sir James Lougheed, the Senate went into committee on Bill 15, an Act to amend the Montreal Harbour Advances Act, 1914, Hon. Mr. Murphy in the Chair.

On section 1-chapter 41 of 1914 amended:

Hon. Mr. BOSTOCK: Can the honourable leader of the Government tell us what is the total indebtedness at the present time?

Hon. Sir JAMES LOUGHEED: No, I cannot tell that at the moment. During a preceding session I brought down returns showing what the indebtedness was. However, I understand that there are no arrears either as to outstanding debentures or as to the indebtedness to the Government.

Section 1 was agreed to.

The title was agreed to.

The Bill was reported without amendment.

DOMINION FOREST RESERVES AND PARKS BILL.

CONSIDERED IN COMMITTEE AND REPORTED.

On motion of Hon. Sir James Lougheed, the Senate went into committee on Bill 17, an Act to amend the Dominion Forest Reserves and Parks Act, Hon. Mr. Nicholls in the Chair.

Section 1 was agreed to.

On section 2—to authorize grant of minerals in forest reserves to province of British Columbia under agreement of February, 1890:

Hon. Mr. BOSTOCK: Under this section the title to the surface right is under lease, is it not? The title to the surface right is not granted with the minerals. The miner gets the title to the minerals from the province, but he gets from the Dominion Government only a lease of the surface right. He cannot get a Crown grant.

Hon. Sir JAMES LOUGHEED: I am unaware whether under the present mining regulations a mining right is granted by lease or by grant, but in either case it would be necessary to secure the authority which we ask for in this section, owing to the prior legislation which was passed preventing the Crown, through the Federal Gov-

ernment, from alienating any land in the forest reserves.

Section 2 was agreed to.

Section 3, and the preamble and title were agreed to.

The Bill was reported without amendment.

RAILWAY ACT CONSOLIDATION BILL. FURTHER CONSIDERATION IN COM-MITTEE

The Senate again went into Committee on Bill A, an Act to consolidate and amend the Railway Act.—Hon. Sir James Lougheed. Hon. Mr. Girroir in the Chair.

On section 355—seizure and sale of goods subject to tolls:

The CHAIRMAN: It is proposed to add at the end of subsection 3 the following words:

-and may recover the deficiency, if any, by action in any court of competent jurisdiction.

Hon. Mr. BOSTOCK: I do not quite understand that. I think the amendment was moved by the honourable gentleman from de Salaberry (Hon. Mr. Beique).

The CHAIRMAN: Yes.

Hon. Mr. BOSTOCK: I do not see where the deficiency comes in.

Hon. Mr. BEAUBIEN: It is the difference between the amount produced by the sale of the goods and the amount due for freight.

Hon. Mr. DANDURAND: If the goods are not claimed but are sold for the charges, and if they produce an insufficient amount to pay the freight, the difference can be claimed.

Hon. Sir JAMES LOUGHEED: The question arose in my mind yesterday whether the amendment was necessary. Freight is shipped by contract between the railway company and the shipper; consequently if there is a deficiency the railway company can sue upon that contract in any court of competent jurisdiction. It seems to me that the amendment is unnecessary. What I have stated is a principle of law that is recognized and cannot be disputed for a moment.

Hon. Mr. BEAUBIEN: I am not prepared to say that the honourable leader of the House is wrong. I presume that the doubt arose from the fact that the section says that the company may advertise and sell the goods. I do not see that there is any objection to putting in a clause allowing the company to claim under an ordinary action.

Hon. Mr. RICHARDSON: Suppose the goods were frozen potatoes, which were not worth the amount of the freight, would not this allow the carrier to sue the shipper for the freight?

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. RICHARDSON: I think we have all known of shipments of potatoes being destroyed in transit and the shipper refusing to pay the freight charges.

Hon. Mr. POWER: It has occurred to me that the amendment under consideration is not necessary. If the honourable leader of the House will look at section 354, he will see that it says:

In case of refusal or neglect of payment on demand of any lawful tolls, or any part thereof, the same shall be recoverable in any court of competent jurisdiction.

Hon. Mr. BEAUBIEN: I do not think that is the point of the amendment. There may be a claim against the goods under subsection 2 of section 355. I suppose my henourable friend (Hon. Mr. Béique) had it in his mind that that would be the only remedy because it is stated that such a remedy may be applied. Very often it is so, and there is no other remedy, because a specific section will do away with any general law. I think that is the doubt that must have arisen in the mind of the honourable gentleman who moved the amendment. I do not think it would do any harm to make it clear that if the recourse against the goods is not sufficient it can be exercised against the man responsible for the freight.

Hon. Sir JAMES LOUGHEED: This has been the law since 1879, and I am unaware that the railways have suffered under it. Redress is in their own hands; they can demand payment in advance.

Hon. Mr. RICHARDSON: They do.

Hon. Sir JAMES LOUGHEED: They have their remedy in any court of competent jurisdiction for any deficiency or deficit which may not be realizable from the freight sold. It seems to me that it would be unwise to disturb the law.

Hon. Mr. BOSTOCK: As the honourable centleman from De Salaberry (Hon. Mr. Béique) is not here, would my honourable friend object to letting this section stand? Hon. Mr. BEAUBLEN.

Hon. Sir JAMES LOUGHEED: No, or we might pass the section and go back to it if my honourable friend wishes.

Section 355 was agreed to.

Section 356 was agreed to.

On section 357-refund of tolls:

Hon. Mr. BOSTOCK: I understand that this clause was not disposed of by the Committee last session. I do not remember what the reason was or what we were discussing particularly in connection with it.

Hon. Sir JAMES LOUGHEED: There was no amendment moved to it. There was a general discussion. Apparently we let it stand without amendment.

Hon. Mr. MACDONELL: It appears to have stood at the request of the Canadian Pacific railway and the Toronto board of trade.

Hon. Mr. CROSBY: It is a good clause. There is no reason why it should not pass.

Section 357 was agreed to.

Sections 358 to 366, inclusive, were agreed to.

On section 367—telegraphs and telephones on railways for railway purposes:

Hon. Mr. BOSTOCK: Section 367 and the following sections we did not dispose of last session. I think they were all under discussion in connection with sections 373 and 374. Does my honourable friend propose to pass them now? Can we reconsider them if it is found necessary later on?

Hon. Sir JAMES LOUGHEED: Yes, but I do not think-

Hon. Mr. BOSTOCK: I do not know that there is any particular point in connection with them.

Hon. Sir JAMES LOUGHEED —I do not think they are correlated with section 374 in any way; but still I am willing to go back to them—

Hon. Mr. BOSTOCK: If it is necessary.

Hon. Sir JAMES LOUGHEED: Yes, if it is necessary.

Section 367 was agreed to.

On section 368-electric and other power:

Hon. Mr. EDWARDS: Stand.

Hon. Mr. NICHOLLS: Stand.

Hon. Mr. POWER: I have a dim recollection that there was quite a fight in the

Committee on Railways over that section last year.

Hon. Mr. DANDURAND: There was quite a discussion.

Hon. Sir JAMES LOUGHEED: I am informed that these are the general clauses that appear in all railway Bills. The controversy was over later sections.

Hon. Mr. POWER: This is marked "new."

Hon. Mr. EDWARDS: Railway companies and companies of that kind have had authority to use surplus power which they developed in their operations, but I think this section goes beyond that.

Hon. Sir JAMES LOUGHEED: It is a new clause.

Hon. Mr. DANDURAND: Does it stand?

Hon. Sir JAMES LOUGHEED: I think we had better discuss it. I am not pressing it to a conclusion, but we had better deal with it as we go along, if we can do so intelligently. I may say that sections 368, 369, 370, 371 and 372 are standard clauses that we have been inserting in all railway Bills. We are now incorporating them into this Act so as to obviate hereafter the necessity of specifically setting them out in private Bills.

Hon. Mr. EDWARDS: I do not think the objection which I mentioned a moment ago exists.

Section 368 was agreed to.

Section 369 was agreed tc.

On section 370-control of municipality:

Hon. Mr. DANDURAND: What are the parts of this section which are new?

Hon. Mr. POWER: They are all new.

Hon. Sir JAMES LOUGHEED: These sections are all new so far as the general Railway Act is concerned, but they are old sections in the sense of having been incorporated for several years past in private railway Bills.

Hon. Mr. NICHOLLS: I would ask that that section stand.

Hon. Sir JAMES LOUGHEED: Would the honourable gentleman just state reasons, so that we may have them before us?

Hon. Mr. NICHOLLS: I think this section is connected with sections 373 and 374, which provide that, notwithstanding any other powers previously conferred, the company cannot engage in any other undertaking without a by-law having been previously passed by the municipality.

Hon. Sir JAMES LOUGHEED: But this refers to railway companies exclusively.

Hon. Mr. MACDONELL: And refers only to companies hereafter incorporated.

Hon. Sir JAMES LOUGHEED: This section does not affect that point at all.

Section 370 was agreed to.

On section 371—telephone connection with railway stations:

Hon. Mr. DANDURAND: There is no new feature in this?

Hon. Mr. POWER: No.

The CHAIRMAN: This all from the old. Act.

Section 371 agreed to.

On section 372—putting wires across railways or other wires:

Hon. Mr. BOSTOCK: I think the words "along or" were inserted in that section. Subsection 1 reads:

Except as provided in subsection five of this section, no lines or wires for telegraphs, telephones, or the conveyance of light, heat, power or electricity shall be erected, placed or maintained along or across the railway or across other such lines or wires within the legislative authority of the Parliament of Canada, without leave of the Board.

But in subsection 4 honourable gentlemen will notice:

Upon such order being made such lines and wires may be erected, placed and maintained across the railway—

Should not the words "along or" be inserted?

Hon. Sir JAMES LOUGHEED: I do not think those words have been left out purposely. They were in the statute of last year.

Hon. Mr. BOSTOCK: If the words are used in subsection 1, I think they ought to be used in the other subsection. Otherwise it would look as if the order were not to apply to the telegraph poles erected along the railway.

Hon. Sir JAMES LOUGHEED: I think the words "along or" should be there. Will you make that change, Mr. Chairman?

The CHAIRMAN: It is moved that subsection 4 be amended by inserting between the word "maintained" and the word "across," in the forty-fifth line thereof, the following words: "along or."

The amendment was agreed to.

Hon. Mr. BOSTOCK: I would draw the attention of the committee to a clerical error in subsection 5. The word "owing," in the seventh line, should be "owning."

Hon. Sir JAMES LOUGHEED: The "n" should be inserted there. That is a typographical error.

The subsection was amended accordingly, and section 372 as amended was agreed to.

On sections 373 and 374—putting lines or wires across or along highways, etc.:

Hon. Sir JAMES LOUGHEED: Honourable gentlemen. as section 373 and the subsequent section, 374, have given rise to a great deal of discussion, it is proposed to allow these two sections to stand until we have a full House.

Hon. Mr. DAVID: Will the honourable leader of the House say when those two sections will be taken into consideration? To-morrow, Friday, we shall have enough to do.

Hon. Sir JAMES LOUGHEED: I would propose that we take them up on Monday, or Tuesday at the latest.

Hon. Mr. DAVID: Tuesday.

Hon. Sir JAMES LOUGHEED: Let us say Tuesday. We will devote Tuesday to those sections.

Sections 373 and 374 stand.

Section 375 was agreed to.

On section 376—provisions governing telegraphs and telephones:

Hon. Mr. BOSTOCK: Was there not some controversy about this section? Would it not be better to leave that over?

Hon. Sir JAMES LOUGHEED: What was the discussion?

Hon. Mr. WATSON: About telephones.

Hon. Mr. BOSTOCK: An amendment was made in the Senate committee last session.

Hon. Sir JAMES LOUGHEED: We apparently did not make any amendment, but we did not dispose of the question.

Hon. Mr. BOSTOCK: There was an amendment. I think it is shown on page 145.

Hon. Sir JAMES LOUGHEED: We might dispose of the sections down to there. Are there any questions arising before we come to subsection 7? If so, we had better dispose of them and allow subsection 7 to stand.

The Hon. THE CHAIRMAN.

Hon. Mr. BOSTOCK: We could reconsider them, if necessary?

Hon. Sir JAMES LOUGHEED: Yes, I am willing that we should go back to any section. I move the adoption of the first six subsections of section 376.

Subsections 1 to 6, inclusive, were agreed to.

Subsection 7 stands.

On subsection 8—local conversations over competing systems:

Hon. Mr. DANDURAND: I think that subsection 8 relates to 7: "No order made under the preceding subsection"—

Hon. Sir JAMES LOUGHEED: The only change that would be made in subsection 7, should the committee think it well to do so, would be to insert the word "compensation" in the twenty-seventh or the twentyninth line. Whether it is inserted or not inserted makes no difference to subsection 8.

Subsection 8 was agreed to.

Subsections 9 to 12, inclusive, were agreed to.

Section 376, with the exception of subsection 7, was agreed to.

On section 377—marine electric telegraphs or cables:

Hon. Mr. BOSTOCK: I have a note that there was a question about this.

Hon. Sir JAMES LOUGHEED: Yes, as to whether 318 should be inserted.

Hon. Mr. BOSTOCK: I do not know whether we should consider that now or leave it till later.

Hon. Sir JAMES LOUGHEED: We can put it in afterwards if it is found necessary. I will direct the attention of the law clerk to it. In fact, his attention has been directed to it.

Section 377 was agreed to.

Sections 378 and 379 were agreed to.

On section 380-annual returns:

Hon. Sir JAMES LOUGHEED: There is a slight amendment which I should like to propose. After the word "forms" in the third line add the words "and classifications." The returns are to be made in accordance with the forms and classifications for the time being required and furnished by the minister, etc.

The amendment was agreed to, and section 380, as amended, was agreed to.

Section 381 was agreed to.

On section 382—annual returns of accidents showing causes and nature, locality and time, etc.

Hon. Mr. BOSTOCK: All of these sections are out of the old Act, I understand?

Hon. Sir JAMES LOUGHEED: Yes, those dealing with statistics are.

Section 382 was agreed to.

Sections 383 to 386, inclusive, were agreed to.

On section 387-cattle getting on railway:

Hon. Sir JAMES LOUGHEED: That

section was passed last session.

Hon. W. B. WILLOUGHBY: Before you pass that section, I would like to say a word or two in connection with it, particularly in relation to section 278. If you look at subsection 2 of the section in question, you will find that it deals with animals killed or injured at highway crossings. Section 278 of this Bill says:

No horses, sheep, swine or other cattle shall be permitted to be at large upon any highway, within half a mile of the intersection of such highway with any rallway at rail level, unless they are in charge of some competent person or persons, to prevent their loitering or stopping on such highway at such intersection.

If animals are at large, and are killed on the railway, the owners cannot recover damages from the railway company. This provision works very inequitably so far as the farmers of Saskatchewan are concerned. In that province we have recognized the advantage to the public generally, and to the farmer particularly, of animals running at large. Any municipality is permitted to pass a by-law allowing animals to run at large during the winter season. Legislation has been passed there prohibiting farmers or others from storing their grain, even on their own lands, in such a way that it might be eaten by animals running at large, and prohibiting open Those wells even on private lands. laws are made on account of local conditions. I cannot speak for the other provinces, but in Saskatchewan it is recognized as a great advantage for animals, particularly horses, to run at large in the winter time. Of course, such laws as we have in that regard would not apply in the older provinces, where, by reason of more acute climatic conditions in the winter, animals are not allowed out for grazing purposes. It seems to me that this section might be amended with regard to the West. Every year a large number of horses and cattle owned by farmers are held under the Railway Act, to be at large,

because they are not in charge of any person. If they were to be killed upon a railway crossing the owner would get no damages whatever. I dare say the honourable leader of the House will let this section stand. If it were necessary to reconsider it is should be reconsidered in connection with section 278. I think that where it is lawful for animals to run at large under the by-laws of the municipalities, made pursuant to provincial authority, the railway should compensate the owner for those animals which get killed on the railway crossings, or which get on the track at crossings and are killed.

Hon. Sir JAMES LOUGHEED: I have no objection to the section being allowed to stand, particularly as it is almost six o'clock, but I would point out that the policy of the Act is to protect the public, which is a more important factor even than the protection of live-stock or the payment of compensation to the owners of live-stock. The recovery of compensation by owners of live-stock is very insignificant compared with the protection of life and property. However, I shall be very glad to let the section stand.

Section 387 stands.

Progress was reported.

DOMINION LANDS ACT AMENDMENT BILL.

FIRST READING.

Bill 5, an Act to amend the Dominion Lands Act.—Hon. Sir James Lougheed.

The Senate adjourned until 3 p.m. tomorrow.

THE SENATE.

Friday, April 12, 1918.

The Senate met at 3 p.m., Hon Richard Blain, Acting Speaker, in the Chair.

Prayers and routine proceedings.

THE ROYAL ASSENT.

The Hon. the ACTING SPEAKER read a communication from the Governor General's Secretary, announcing that the Right Hon. Sir Charles Fitzpatrick, G.C.M.G., Chief Justice of Canada, Deputy Governor General, would attend in the Senate Chamber at 5.30 p.m. this day, for the purpose of giving the Royal Assent to certain Bills.

SHIPBUILDING AT PRINCE RUPERT. INQUIRY.

Hon. Mr. BOSTOCK inquired:

1. Has the Government been asked by a company representing business interests in Great Britain and New York to approve of the building of ten steel ships at Prince Rupert at a certain figure per ton?

2. Has the Government objected to the price asked by this company as being in their opinion too high?

3. Is the price in question higher than the price which the Government has agreed to pay the Wallace Shipbuilding Company of Vancouver

for the steel ships they are building? 4. If so, what is the increase in the price per ton?

5. Has any arrangement been made by the company referred to, to lease the shipbuilding plant of the Grand Trunk Pacific Railway Company situated at Prince Rupert for a term of vears

Hon. Sir JAMES LOUGHEED:

1. Yes.

2. Yes.

3. The ten vessels offered are of 8,500 tons deadweight capacity, having a speed of ten knots and the price quoted was at the rate of \$200 per deadweight ton. The vessels to be built by the Wallace Shipyards Limited, Vancouver, are of 4,300 and 5,100 tons deadweight capacity, eleven knots speed, costing \$207 and \$200 per deadweight ton respectively. On the basis of deadweight capacity the price per ton of the smaller vessels must be greater than the larger in ordinary cargo boat construction.

4. Answered by No. 3.

5. Yes.

CANADA FOOD BOARD.

INQUIRY-STAFF AND SALARIES.

Hon. Mr. BOSTOCK inquired:

1. The names of the members of the Canada Food Board, and of all persons employed by said Board?

 The salary paid to each?
 Any maintenance or other allowance paid to each

4. Previous occupation of each?5. Previous place of residence?

Hon. Sir JAMES LOUGHEED:

Henry B. Thomson^{*1}, \$7,000, British Columbia, Hon. C. A. Dunning ^{*2}, Saskatchewan; J. D. McGregor^{*3}, Manitoba; S. E. Todd, \$4,500, Director of Farms, Ontario Government, Toronto; F. W. French, \$4,200, Office Organization, loaned by Robert Simpson Co.,Ltd., Toronto; C. E. Huston, \$2,400, Manager and Treasurer Arena Gardens, Toronto; S. R. Weaver, \$4,000, Managing Edi-tor, Toronto Daily News, Toronto; S. H. Howard, \$3,500, Special Writer, Toronto Evening Telegram and Famous Players Film Service, Toronto; H. Amphlett, \$3,600, Victoria, B. C.; C. W. Baxter, \$2,000, Chief Inspector Fruit Commissioner's Office Department of Agricul-

The Hon. the ACTING SPEAKER.

ture, Ottawa; E. R. McDonald, \$3,000, General Manager, Sudbury Flour Mills, Sudbury; W. H. Linn, \$2,400, Manager, Wood Mop Co., Ltd., H. Linn, \$2,400, Manager, Wood Mop Co., Ltd., Montreal; Capt. F. W. Wallace, \$3,000, Naval Service; E. O. Sawyer, \$2,600, Asst. to Supt. of Store, Loaned by T. Eaton Co., ; I. L. Healy \$2,000, Production Clerk, Loaned by T. Eaton Co., Ltd., Toronto; T. C. Brown, \$1,800, Rate Clerk, Canada Steamship Lines, Toronto; Capt. C. A. Billings, \$1,800, Officer in charge of Filing, Militia Department, Ottawa; J. C. Lawson, \$3,100, Chief Accountant, A. R. Williams Ma-chinery Co., Toronto; A. G. Prang, \$2,000, Special Clerk, Loaned by the T. Eaton Co., Toronto; C. R. Morphy, \$1,500, Canadian Field Artillery, Overseas, Listowel; F. J. Clark, \$3,000 Managing Director, Canadian Phoenix \$3,000 Managing Director, Canadian Phoenix Insurance Co., previous to going overseas, Win-nipeg; W. D. Jackson, \$2,400, District Repre-sentative Loaned by Ontario Department of Agriculture, Carp; G. W. Jones, \$3,000, Trea-surer and Chief Accountant Northern Electric Company, Montreal; J. P. McConnell, \$3,000; T. B. Lyons, \$2,600, Public Accountant, Montreal; S. A. Chalu, \$1:500 Partmer in Motor Company. B. Lyons, \$2,600, Public Accountant, Montreal; S. A. Chalu, \$1,500, Partner in Motor Company, Previous to enlisting; K. S. Mackenzie, \$1,900, Calculator, Canadian Racing Association, To-ronto; E. R. Roberts, \$2,000, Special Reporter, Toronto Globe, Toronto : Mrs. I. Muldrew, \$1,800, Domestic Science Teacher, Loaned by De-partment of Agriculture, Alberta; J. A. Brousseau, \$2,500, Correspondent Ottawa Press Gallery, La Presse, Montreal; Miss I. M. Ross, \$1,400, Special Writer, Toronto Daily News, To-ronto; Mrs. M. E. Jones, \$1,040, Special Editor and Writer Ottawa Citizen, also_writer for several Women's Publications, Ottawa; F. W. Mossop, \$1,800; Jas. Shearer, \$1,400, Account-ant, R. Barron & Co., Toronto; W. J. Leslie, \$1,300, Clerk, Military Headquarters, Militia Department Toronto; B. Harcourt, \$1,200, Prof. Domestic Science Teacher, Loaned by De-Department, Toronto; R. Harcourt, \$1,200, Prof. of Chemistry, Ontario Agricultural College, Guelph; Mrs. Macfarlane, \$1,100, Secretary to R. C. Smith, K.C., Montreal; Miss K. Tremblay, \$900, Multigraph operator, Multigraph Sales Co., \$900, Multigraph operator, Multigraph Sales Co., Ottawa; W. Garland, \$600, not previously em-ployed; Mrs. McCallum, \$950, Stenographer, Preston Car & Coach Company; Miss M. Mac-kenzie, \$1,000, Stenographer, Galt Brass Co., Galt; Mrs. J. M. Barrowman, \$1,100, Steno-grapher Federal Typewriter Co., Ottawa; Miss A. C. Reid, \$950, Stenographer Naval Depart-worth Ottaway, \$50, Stenographer Sales, State State, S ment, Ottawa; Mrs. H. Menzies, \$950, Steno-grapher, Chas. Potter, Toronto; Miss Naftel, \$1,000, Stenographer Imperial Munitions, Otta- wa; Miss M. E. Wilson, \$1,000, Stenographer, Law Firm, Calgary; Miss E. Gahagan,
 \$950, Stenographer House of Commons, Otta-wa; Miss H. Ferguson, \$1,000, Stenographer, Central Liberal Information Office, Ottawa; Miss J. Woodrow, \$1,000, Stenographer, Im-perial Royal Flying Corps, Toronto; Miss M. Kendry, \$1,000, Stenographer, Hydro-Electric Power Commission, Peterboro; Miss Terry, \$1,200, Stenographer, Military Hospitals Commission, B.C., Esquimalt; Miss M. Gravelle, \$900, French Stenographer, House of Commons, \$900, French Stenographer, House of Commons, Ottawa; Mrs. Breckenden, \$950, Stenographer, Employer's Liability Ass'n Corp., Ltd., Toronto; Miss Penoyer, \$1,040, Victory War Loan, Toron-to; Miss E. J. Weseloh, \$1,040, Stenographer, Davidson & McRae, Winnipeg; Miss Nell Lunnie, \$900, Stenographer, Capital Trust; Miss Edga Kay, \$250, Stenographer, Waterous En-edge Kay, \$250, Stenographer, Waterous En-Lunnie, \$900, Stenographer, Capital Trust; Miss Edna Kay, \$950, Stenographer Waterous En-gine Works, Brantford; Miss M. Jewitt, \$950, High School Secretary Physical Training In-structress, Department of Education, Calgary; Miss M. Rushman, \$950, Stenographer, G. I. Gogo's Law Office, Cornwall; Miss G. Dempsey,

APRIL 12, 1918

\$650, Stenographer Dept. of Agr., Ottawa; Mr. H. Dennison, \$1,000, Clerk, Loaned by T. Eaton Co., Toronto; Miss H. Todd, \$1,000, Asst. Seey., St. John's Ambulance Association, Ottawa; Miss M. E. Colson, \$1,000, Stenographer, Ontario Gov-St. John's Ambulance Association, Ottawa, Miss M. E. Colson, \$1,000, Stenographer, Ontario Gov-ernment, Toronto; Miss J. Gravelle, \$900; Miss
W. W. McRorie, \$700, Stenographer for Dr. Robertson, Ottawa; Miss H. McRorie, \$700, Stenographer National Livestock Records, Ot-tawa; Miss L. E. Jackson, \$720, Stenographer J. R. Jackson, Ottawa; Miss C. C. Noonan, \$600; Miss Ruby Thoms, \$720, Stenographer Ottawa Realty Co., Ottawa; Miss Gertrude Cleland, \$600; Miss C. M. Bowers, \$800; Miss Flatters, \$600; Miss K. McDermott, \$600, Stenographer Finance Department, Ottawa; Miss L. Hesser, \$600; Chas. Garwood, \$900, Returned Soldier; Miss Jean Barry, \$780, Clerk, Post Office, Ottawa; Mr. T. Eadie, \$800; Miss Jean Ross, \$750, Public School Teacher, Thessalon; Miss Turriff, \$600, School Teacher, Ottawa; Mrs. McIntyre, \$800; Miss Tucker, \$700, Clerk, Munitions Board, Ottawa; Miss I. C. John-*720, Clerk, Post office, Ottawa; Miss I. C. John-Munitions Board, Ottawa; Miss M. McCorlinck, \$720, Clerk, Post office, Ottawa; Miss I. C. John-stone, \$600, Clerk, Dept. of Trade & Com-merce, Ottawa; Mrs. W. F. Culley, \$720, Clerk, Dominion Canners, Ltd., Ottawa; Hugh M. Cameron, \$900, Militia Department, Ottawa; Miss Sinclair, \$900, Librarian, Royal Society of Can-ada, Ottawa; Miss Tess French, \$600, Clerk. ada, Ottawa; Miss Tess French, \$600, Clerk. Finance Department, Ottawa; Miss Anna An-drews, \$500, Filing Clerk, Militia Dept., Ottawa; Miss Eva Deshaies, \$600; Miss M. E. Fitzsim-mons, \$600; Mrs. Doris Gates, \$600, Clerk. Finance Department, Ottawa; Miss M. Kavanagh, \$600; Miss Gabrielle Gascon, \$600, Clerk, Finance Department, Ottawa; Miss C. E. Little, \$600: Miss H. A. Maynard, \$600; Miss Madge Wilson. \$600, Clerk, Record Office, Ottawa; Miss Bertha Labelle, \$600. Clerk, Finance Department, Ot \$600, Clerk, Record Office, Ottawa; Miss Bertha Labelle, \$600, Clerk, Finance Department, Ot-tawa; Miss M. Macfarlane, \$600; Miss K. McConnell, \$600, Law office, Ottawa; Miss R. Chenier, \$600, Clerk, Naval Dept. Ottawa; Miss L. Woods, \$600; Mr. C. C. Conley, \$600, C. P. R. Telegraph Co., Ottawa; Miss Angela Toner, \$600; Miss V. Eastman, \$600, Clerk, Records Office, Ottawa; Miss G. Brooks, \$480: Clerk, Military Hospitals Commission, Ot-tawa: Evank Canello, \$500; Sam Robert. Records Office, Ottawa; Miss G. Brooks, \$480: Clerk, Military Hospitals Commission, Ot-tawa; Frank Capello, \$500; Sam Robert-son, \$450; Henry Beaudet, \$300; George Hobson, \$300; A bel Huard, \$300; Ed. Haw, \$300; W. Copping, \$360; Lincoln Hansen, \$350; C. Reardon, \$300; Annie Lewis, \$300; G. D. Lees, \$500; Miss M. P. Bryant, \$720. Stenographer, Canadian Standard Loan, Win-nipeg; Miss E. Elson, \$780, Stenographer, Press Club, Winnipeg; Miss A. I. Patton, \$1,000, Public Stenographer, Winnipeg: Miss Fraser, \$900, Stenographer, Winnipeg: Miss I. - M. Hubble, \$900, Stenographer, McClary Manu-facturing Company; Mrs E. K. Burgess, \$900, Stenographer, Provincial Police Office, Regina; Miss Jean Hooper, \$300, Stenographer, Live Miss Jean Hooper, \$300. Stenographer, Live Stock Branch, Charlottetown; Miss A. F. Kelly, Stock Branch, Charlottetown; Miss A. F. Kelly, Stock Branch, Charlottetown; Miss A. F. Kelly, ericton; Miss E. M. Frith, \$780, Stenographer, Vancouver; Mrs N. M. Fritzgerald, \$720, Steno-grapher, P. G. Thomson, Edmonton; Mrs Hen-derson, \$1,200; Miss Olive E. Hayes, \$1,500, Domestic Science Teacher Educational De-partment, B.C., Victoria; Dr. W. C. Keirstead, \$900, Loaned by the province of New Bruns-wick to do organization work in the province for increased production and conservation; George Morisset, \$600, Quebec; R. M. Ballan-tyne,*4 Managing Director of Lovell and Christ-mas, Montreal; F. H. Keefer, K. C. Barrister, etc.; Dr. J. W. Robertson*5; F. W. Stewart*6, Canadian Manager, Cluett, Peabody and Co. Inc., Montreal; F. Abraham, *7, Proprietor of

Montreal Herald, Montreal; C. S. McGillvray, Salary paid by Department of Agriculture; J. S. Westmorland, Salary paid by Customs Department; Dr. R. J. McFall, Salary paid by Census Bureau; Miss Bouck, Salary paid by Census Bureau.

*Maintenance or other living allowance:

¹Reasonable living allowance. ²Expenses while engaged on Canada Food

Board work.

³Expenses while engaged on Canada Food Board work.

⁴Travelling expenses. ⁵Travelling expenses. ⁶Travelling expenses.

7Travelling expenses.

CLOSING OF LOBSTER HATCHERIES.

MOTION FOR RETURN.

Hon. Mr. TANNER moved:

That an Order of the Senate do issue for a return giving:

The name, rank, and qualifications of each of the persons, upon whose advice and recom-mendation, lobster hatcheries, heretofore operated in Canada by the Department of Naval Affairs, are to remain closed.

2. Copies of the reports and recommendations (or if the same are published, the references thereto in official publications), which fully disclose all the facts, reasons, and grounds, upon which the Department makes its decision to abandon the policy of operating lobster hatcheries.

The motion was agreed to.

EXCESS BANK CIRCULATION.

APPROVAL OF PROCLAMATION.

Hon. Sir JAMES LOUGHEED moved:

That the proclamation of the Governor in Council dated 20th February, 1918, published in the Canada Gazette in the form following be approved :

Devonshire [L.S.].

Canada.

George the Fifth, by the Grace of God, of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, King, Defender of the Faith, Emperor of India.

To all to whom these presents shall come, or whom the same may in anywise concern,— Greeting:

A Proclamation.

E. L. Newcombe,

Deputy Minister of Justice, Canada.

Whereas in and by section 4 of the Act of Parliament of Canada, passed in the fourth and fifth years of Our Reign, and intituled: "An Act to conserve the Commercial and Financial Interests of Canada," it is provided among other things that in case of war, real or apprehended, and in case of any real or ap-prehended financial crisis, Our Governor in prehended financial crisis, Our Governor in Council may, by Proclamation published in the Canada Gazette, authorize the several chartered banks to issue excess circulation from and including the first day of March in any year to and including the last day of August next ensuing, or during any part of such period, to amounts not exceeding fifteen per cent of the combined unimpaired capital and rest or reserved fund of their respective banks; as stated in their respective statutory monthly returns to the Minister of Finance of Canada, for the month immediately preceding that in which the additional amount is issued.—

the additional amount is issued,— Now Know Ye that by and with the advice of Our Privy Council for Canada We do by these presents proclaim and direct that the several chartered banks be authorized to issue excess circulation as in the said Act defined from and including the first day of March, 1918, to and including the last day of August, 1918.

from and including the first day of March, 1918, to and including the last day of August, 1918. Of all which Our loving subjects and all others whom these presents may concern, are hereby required to take notice and to govern themselves accordingly. In testimony Whereof, We have caused these Our Letters to be made Patent, and the Great Seal of Canada to be hereunto affixed. Witness: Our Right Trusty and Right En-

- testimony Whereof, We have caused these Our Letters to be made Patent, and the Great Seal of Canada to be hereunto affixed. Witness: Our Right Trusty and Right Entirely Beloved Cousin and Counsellor, Victor Christian William, Duke of Devonshire, Marquess of Hartington, Earl of Devonshire, Earl of Burlington, Baron Cavendish of Hardwicke, Baron Cavendish of Keighley, Knight of Our Most Noble Order of the Garter; One of Our Most Honourable Privy Council; Knight Grand Cross of Our Most Distinguished Order of Saint Michael and Saint George; Knight Grand Cross of Our Royal Victorian Order; Governor General and Commander-in-Chief of Our Dominion of Canada.
- At Our Government House, in Our City of Ottawa, this Twentieth day of February, in the year of Our Lord one thousand nine hundred and eighteen, and in the eight year of Our Reign.

By command,

Thomas Mulvey, Under-Secretary of State.

He said: Honourable gentlemen, the motion is explained very fully in the proclamation. Under section 4 of the Act of 1915, known as the Finance Act, it is provided among other things, that:

In case of war, real or apprehended, and in case of any real or apprehended financial crisis, Our Governor in Council may, by Proclamation published in the Canada Gazette, authorize the several chartered banks to issue excess circulation from and including the first day of March in any year to and including the last day of August next ensuing, or during any part of such period, to amounts not exceeding fifteen per cent of the combined unimpaired capital and rest or reserved fund of their respective banks.

This proclamation has been issued and the thirty days will expire on Tuesday next; consequently it is necessary under the provisions of the Finance Act that this proclamation should be confirmed by Parliament.

For the information of the House I may say that there is collected by the Government of Canada five per cent on all such excess over the unimpaired paid-up capital and the amount of current gold coin and Dominion notes held in the central gold reserves. The total excess circulation which has been made and which is affected by this

Hon. Sir JAMES LOUGHEED.

proclamation is, in round numbers, \$20,-000,000, or, to be exact, \$19,825,585.

Hon. Mr. BOSTOCK: That has already been made?

Hon. Sir JAMES LOUGHEED: Yes, during this particular year.

Hon. Mr. THOMPSON: Is that the full amount that could issue—the full 15 per cent?

Hon. Sir JAMES LOUGHEED: That is the amount for this financial year, beginning March, 1917, and ending February, 1918. On this amount the Government has collected \$109,533.06.

Hon. Mr. McSWEENEY: That is 5 per cent?

Hon. Sir JAMES LOUGHEED: Yes, 5 per cent. I may say that every one of the twenty-one banks in Canada has availed itself of the privilege during the year, at one time or other.

Hon. Mr. DANIEL: The honourable leader of the Government stated, I think, that this amount was from the period from March 1, 1917, to February, 1918.

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. DANIEL: But the proclamation states that the time of this excess circulation shall be only from the "first day of March in any year to and including the last day of August next ensuing." So if it runs on till the first of February, it would be in excess of the proclamation, would it not?

Hon. Sir JAMES LOUGHEED: It would in a sense, and yet again it would not. The object of the legislation, which was passed in 1915, is to cover the remainder of the year, so that during the war period this excess circulation may be made during the whole year. The Bank Act makes provision for the issue of excess circulation during the other period of the year; this applies to the remainder of the year. Thus the circulation may proceed during the whole year up to the extent of 15 per cent.

The motion was agreed to.

SUPREME COURT ACT AMENDMENT BILL.

SECOND AND THIRD READINGS.

Hon. Sir JAMES LOUGHEED moved the second reading of Bill 27, an Act to amend the Supreme Court Act.

Hon. Mr. BOSTOCK: Will the honourable gentleman explain? APRIL 12, 1918

Hon. Sir JAMES LOUGHEED: I thought that I had fully explained this Bill yesterday; but apparently my explanations went for naught, because the second reading did not proceed as I had intended.

This Bill is for the purpose of giving authority to the Supreme Court to appoint ad hoc judges to fill any vacancies which may occur from time to time due to the absence of judges. Recently Hon. Mr. Justice Duff has been giving his time exclusively to the administration of the Military Service Act, and two of the other judges have been in precarious health. As a consequence it has been difficult to form a court for the hearing of cases; in fact, for some time past the court has not been sitting, and I understand that many counsel have been in attendance here for the purpose of disposing of cases. Some time ago, in anticipation of this Bill being passed, the court adjourned until April 16, with a view to hearing cases on that date. Counsel are here from all parts of Canada, and are ready to proceed with those cases. Therefore it is desirable that we should pass the Bill to-day, if possible, inasmuch as His Honour the Deputy Governor is coming down to give assent to the Bill.

Hon. Mr. BOSTOCK: My honourable friend refers to Hon. Mr. Justice Duff as being engaged in other work, and to two of the other judges as being ill. If I understand this Bill aright it provides for the appointment of only one judge. Will that provide a sufficient number of judges to carry on the work of the court? I understand that the Supreme Court is composed of six judges. If three are absent, only three will be left; the addition of one more will make only four. If these judges are evenly divided upon any case, it will be placed in a rather awkward position. I think my honourable friend knows of a case in which something of this kind occurred, and in which considerable difficulty was occasioned to the public as a consequence.

Hon. Sir JAMES LOUGHEED: The Bill permits of a quorum of ad hoc judges being appointed.

Hon. Mr. BOSTOCK: Under the Act the quorum is four.

Hon. Sir JAMES LOUGHEED: Yes. Of course, that condition will sometimes occur. I referred to the fact that two of the judges are suffering from impaired health, but it does not necessarily follow that they will be suffering at the same time. It is to be hoped that they will alternate to such an

extent that the court will be able to carry on business.

Hon. Mr. BELCOURT: I notice in the Bill the words, "owing to a vacancy or vacancies." I think that phrase will cover the point.

Hon. Sir JAMES LOUGHEED: Yes, I should think it would permit of the appointment of more than one judge.

Hon. Mr. BELCOURT: Will my honourable friend look at the words, "for such period as may be necessary." I suppose that is a matter that is left to the discretion of the Chief Justice.

Hon. Sir JAMES LOUGHEED: I would think so.

Hon. Mr. BELCOURT: Suppose an ad hoc judge were appointed who said, "I am going to continue sitting," what then?

Hon. Sir JAMES LOUGHEED: If the judge whose vacancy he was filling should reappear, I fancy he would retire gracefully.

Hon. Mr. BELCOURT: I do not know about that.

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

Hon. Sir JAMES LOUGHEED: Will my honourable friends permit the Bill to be read the third time without being considered in committee?

Some Hon. SENATORS: Yes.

Hon. Sir JAMES LOUGHEED: With the leave of the House, I move the third reading of the Bill.

Hon. Mr. BELCOURT: May I ask my honourable friend if the Bill has met with the approval of the court? Has it been submitted to the judges?

Hon. Sir JAMES LOUGHEED: I understand so. In fact, two of the judges spoke to me upon the subject, stating that they were very anxious that the Bill as passed by the Commons should pass this House to-day.

Hon. Mr. BELCOURT: That is as it now stands.

Hon. Sir JAMES LOUGHEED: Yes.

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

PUBLIC SERVICE REARRANGEMENTS Provision is made for an interchange of BILL traffic. The other various clauses are usual

THIRD READING.

On motion of Hon. Sir James Lougheed, Bill 2, an Act to authorize Rearrangements and Transfers of duties in the Public Service, was read the third time and passed.

DEPARTMENT OF IMMIGRATION AND COLONIZATION BILL.

THIRD READING.

On motion of Hon. Sir James Lougheed, Bill 11, an Act respecting the Department of Immigration and Colonization, was read the third time and passed.

MONTREAL HARBOUR ADVANCES BILL.

THIRD READING.

On motion of Hon. Sir James Lougheed, Bill 15, an Act to amend the Montreal Harbour Advances Act, 1914, was read the third time and passed.

DOMINION FOREST RESERVES AND PARKS BILL.

THIRD READING.

On motion of Hon. Sir James Lougheed, Bill 17, an Act to amend the Dominion Forest Reserves and Parks Act, was read the third time and passed.

VAN BUREN BRIDGE COMPANY BILL. SECOND READING.

Hon. Sir JAMES LOUGHEED moved the second reading of Bill 14, an Act to confirm an agreement between His Majesty the

King and the Van Buren Bridge Company. He said: Honourable gentlemen, this Bill is for the purpose of confirming an agreement between the Government and the Van Buren Bridge Company. The agreement provides for a lease of a line of railway, about two miles in length, belonging to the Van Buren Bridge Company, and extending as a link between the International railway and the Transcontinental railway in the parish of St. Leonards, in the county of Madawaska, in New Brunswick. The object of the agreement is to dispense with the parallel operation of the two railways for a distance of approximately two miles. Under the agreement it will be possible to use one railway yard at St. Leonards instead of two. The Government is paying an annual rental of \$1,200 and the term of the agreement expires on August 31, 1934, the date of maturity of the company's bond issue. Hon, Sir JAMES LOUGHEED.

Provision is made for an interchange of traffic. The other various clauses are usual and proper in such an agreement, and appear in the schedule of the Bill.

Hon. Mr. McSWEENEY: Is it intended to remove the rails for the two miles, and to use them?

Hon. Sir JAMES LOUGHEED: Inasmuch as the Government will have the road until 1934, I presume there is no reason why that should not be done if it is in the public interest to do so.

Hon. Mr. BOSTOCK: Do I understand that it is the intention of the Government to give up operating a part of the International railway, and to use the connection, which I understand is made over these two miles, to the Transcontinental?

Hon. Sir JAMES LOUGHEED: I am not familiar with the geography of the locality, but this will reduce operating expenses, as only one road will be operating. The Government will make use of the one yard and the one station.

Hon. Mr. BOSTOCK: Is the International a Government railroad?

Hon. Sir JAMES LOUGHEED: It is operated by the Government.

Hon. Mr. McSWEENEY: It is under lease.

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

SHIPBUILDING IN CANADA.

DISCUSSION.

Hon. J. S. McLENNAN rose to

Call the attention of the Senate to the encouragement of a permanent shipbuilding industry in Canada and to inquire of the Government if they will make investigation of the effects of governmental aid to shipping in other countries, before settling on such a policy.

He said: Honourable gentlemen, I hope the importance and the necessity of what I have to say will condone my breaking in on the business which this House is carrying on with such unwonted celerity. I feel that the question is one of enormous importance. It divides itself into two general divisions one dealing with transportation generally, and based obviously on the principle that the freer the interchange of commodities the freer and more abundant bringing in of what the people of Canada want, and the sending out of what the people of Canada have to dispose of to countries overseas which we are trading with, either as buyers or sellers, leads to

APRIL 12, 1918

the greatest benefit to the people of this country. Owing to the comity of nations, to a general understanding as to marine trade, the ports of the world are free to international commerce and equally free to the ships of all nations.

What is required to promote this trade in this country? What has been done in this country? For a very long time successive ministries have been making the waterways over which we have control deep, safe, commodious, and abundantly lighted, providing economical pilotage systems. which tend to make voyages safe; and providing at the principal ports commodious and well-equipped harbours and storage accommodation, so that the traffic which has brought a vessel of any nationality here can be quickly and cheaply handled. That work is, and has been well carried on in Canada. From this we hope the same results at our ocean ports as have followed the same enterprise at such European ports as Antwerp and Rotterdam and Glasgow. The importance of this question is based on the view that if a vessel meets with disaster-and on any route vessels are liable to meet disasters-the quicker that vessel can be got into commission again and in shape to resume her voyage just to that extent you make more efficient her tonnage for carrying on the commerce of the world. Therefore docks with proper appliances for the repair of vessels are of great importance. Every vessel requires docking at least once a year, whether or not she touches strands or is in collision. At the present moment "there is a drydock in Montreal-I am speaking of docks of the first importance; there is another at Quebec, another at Halifax, and on this part of the north Atlantic route there is another and, I believe, a smaller one at St. John's, Newfoundland. The distance of half of the transatlantic voyage, say from Quebec to Liverpool, is 1,436 miles. A vessel meeting with an accident on the eastern part of the voyage can go to St. John's, Newfoundland. That would be the nearest dock until she arrived at or near St. Pierre-Miquelon. There she is about 730 miles from Quebec and somewhat over 200 miles from Halifax -considerable distances.

I wish to point out the advisability of protecting the rest of the route, that 730 miles, by the provision of a suitable dock at the port of Sydney. All the seagoing traffic of the St. Lawrence, which in the last year of peace was over 6,000,000 tons, passes within 90 miles of Sydney. Sydney has a

rail connection. It has two steel plants, one on either side of the harbour, which are the largest in Canada. It has in its immediate vicinity the greatest supply of coal, and it is the cheapest place on the Atlantic seaboard where bunker coal can be obtained. It is, I think I am justified in saying, unrivalled or almost unrivalled among all the harbours of the world in the entire absence of outlying dangers, the regularity of soundings from blue water converging like a funnel right into the mouth of the harbour, the shelter which it affords making it a secure port; and within that harbour there is not a rock or shoal. These are extraordinary advantages. The conformation of the land also is such that within that harbour there is more than one place where the largest dock could be established, and where there would be practically no weather in which the dock could not be entered and left. There are important docks in Canada and elsewhere whose value is minimized by the fact that under certain conditions of wind and tide, for many hours and in some extreme cases possibly for some days, vessels can neither enter nor leave. In addition, the elaborate and extensive plants of two steel companies require large machine shops capable of handling the large pieces of work which are ordinarily required, even in plants of the greatest size, and a large corps of highly-skilled mechanics able to undertake any kind of steel work. There is no doubt that in cases of emergency those plants would be available to supplement the plants which would be attached to such a drydock. Moreover, the situation of Sydney is such that it is peculiarly well fitted for that work. As I have said, the distance from what one might call the area tributary to the dock at St. John's, Newfoundland, up to Quebec, is 730 miles. For 430 miles of that distance Sydney is the nearest point, namely, from a point some distance west of Anticosti-the Magdalen river-down to a point east of St. Pierre-Miquelon and up to the straits of Belle Isle. There is no place which would be more suitable for a dock which would accommodate so great a proportion of the voyage, say more than one-quarter of the whole voyage from Quebec to a European port, than Sydney.

Hon. Mr. BELCOURT: What is the exact distance between Quebec and Sydney?

Hon. Mr. McLENNAN: It is 593 miles, I think. But the dock at Quebec is, of course, nearer to a vessel in the St. Lawrence west

S-8

REVISED EDITION

of Magdalen river than a dock at Sydney would be.

The same advantages apply for a certain area to vessels passing south of Newfoundland and of Nova Scotia, on their voyage to either Canadian or American ports on the north Atlantic. I have had placed in the hall a Government map which gives all these distances, and I have had those areas indicated which, as I calculate, would be tributary to St. John's, Newfoundland, to Sydney, to Quebec, and to Halifax, and I would be gratified if the members of the House would be good enough to look at that map. I trust they will agree with me as to the importance of this matter, and, as occasion may serve, of calling the Government's attention to it, as has already been done

I am aware that in the emergency of the present time, with the enormous calls which are being made on the resources of Canada, the matter of establishing a drydock might possibly be a serious thing; but there is certainly no time more valuable than the present, for the next ensuing years demand effective provision of tonnage. In these coming years we shall feel, more than we do at the moment or than we did in the recent years of peace, the necessity of making the St. Lawrence route a desirable one.

One of the great difficulties twenty years ago in the handling of the growing business between the Cape Breton coal fields and the St. Lawrence was the question of insurance. That is a handicap of the St. Lawrence route still, and to some extent always will be, because navigation in closed waters cannot be as secure as navigation on the open sea. Everything that is done to minimize the possible loss of life, damage to cargo, damage to vessels, or whatever the underwriters fear in the traffic of any particular route, redounds to the advantage of that route. Much has been done in lighting, in dredging, in buoying, by all the Governments of Canada, and that work approaches completion; but more can be done, I believe, in the way of assistance along the lines of securing greater safety to the vessels which in ever-increasing number frequent the St. Lawrence route, with such great benefit to Canada.

There is another aspect of this general question of shipbuilding which is an important one. Supremacy on the high seas has to most nations at one time or another been an extremely attractive thing. There is pride in supremacy on the part of citizens of any country who are in that position, or approach it. Supremacy appeals to the adventurous. It develops a fine type of

Hon, Mr. McLENNAN.

man at sea, a broad-minded merchant at home. It has been of great profit. It has been the foundation of the wealth of most nations which have become greatly prosperous. For example, a golden codfish hangs in the legislative halls of Massachusetts. It it a symbol of the fishing and of the seaborne trade which grew out of the fishing along the coasts of North America and founded the wealth of New England, which has done so much to develop the resources of the United States.

Britain has so long been in a position of supremacy as regards her maritime commerce that we are at times apt to forget that she has not always been in that position. A thousand years ago a town on the coast of Italy, which is now of interest only to the archaeologist and the tourist, was far in advance of all other places as a shipping centre. The code of laws which her merchants and ship-owners framed became the basis of international maritime law. 1 mean Amalfi. Genoa, Pisa, Venice, took :n turn this position of supremacy. Spain at one time was the first of all sea-faring countries. Again Portugal. France for a very long time was the first of nations in overseas commerce; in fact, the skill of the French in shipbuilding was so great that after her supremacy or near supremacy in the high seas had long since passed away her shipbuilders continued to hold the first place in the art of shipbuilding. Holland, again, has held the position of supremacy. England, of course, has held it for a long time. One might also mention the United States in this connection, because, although the United States never held the first place, they were so close a second to England at one time as to be a most dangerous rival, and had not conditions changed they might possibly have even surpassed Great Britain.

Before I begin to give figures I may say that they are taken from a Report on Bounties and Subsidies submitted to the British Parliament by the Board of Trade in June, 1913; a Report of the United States Bureau of Navigation, viz., a Report of the Commissioner of Navigation, 1914 (House Document No. 66); and much interesting and valuable information on this general question will be found in a "History of Shipping Subsidies, " by Dr. Royal Meeker, published by the American Economic Association in 1905. I am given to understand also that the Third Interim Report of the Georgian Bay Canal Commission contains a great deal of information on Canadian shipping, which is not otherwise available.

APRIL 12, 1918

That report has not yet been published, but I believe it will be found to be an important and valuable document when it is brought before Parliament and the people of Canada.

With regard to the relative positions of the United States and Great Britain, the House Document No. 66, to which I have referred, gives the following figures: In 1850, the foreign trade of the United Kingdom had 2,200,000 tons of shipping; the United States had 1,439,000. In other words, Great Britain had three tons of shipping and the United States vessels engaged in foreign trade had two. Ten years later, in 1860, Great Britain had 2,800,000 tons and the United States had 2,380,000. Roughly, the United States had four tons of shipping for every five tons that Great Britain had. In 1912 Great Britain had 10,400,000 tons; the United States had 923,000 tons. In other words, the United States had one ton of shipping for every eleven tons which Great Britain had.

There has naturally been a tendency in countries such as France and the United States to try to revive by government aid the past glories of their mercantile marine.

We might almost put Canada in the same class. There was a time when wooden shipbuilding flourished and the Maritime Provinces of Canada owned far more shipping in proportion to their population than any other country. About the time of Confederation, it is currently reported, there was one ton of shipping owned in Nova Scotia for every man, woman and child in the province. I have not been able to obtain more accurate figures to bring to the attention of honourable gentlemen, but I know that is commonly stated. I believe other senators will corroborate my statement. We are also on the eve of considering what can be done to increase the shipping owned in Canada. As it is probable that no new method of assisting the shipbuilding industry by governmental aid can be devised, it is well to look at what has been the history of the various aids given by the principal countries in the world who have engaged in that industry. I may say that I undertook to investigate this subject entirely with a predisposition to find that governmental aid was of material assistance in securing an expansion of shipbuilding in those countries which had given it. In a moment I will give you figures dealing with the principal shipbuilding nations of the world.

There are three forms in which assistance has been given: first, assistance to the build-S-81

ing of vessels and engines; second, remission of duties, and, in the case of Germany, the remission of internal freight rates on governmental railways; and, third, subventions for vessels of various classes, according to the number of miles travelled, their speed, and the trade in which they are engaged. According to the blue-book to which I have just referred, during the period between 1901 and 1911 the increase in tonnage in the United States was 156,000 tons, or 31 per cent. In the United Kingdom there was an increase of 3,509,000 tons, or 49 per cent. In Belgium it was 55,000 tons, or 52 per cent; France, 310,000 tons, or 49 per cent; Germany, 1,007,000 tons, or 66 per cent; Denmark, 154,000 tons, or 60 per cent; Austria, 130,000 tons, or 61 per cent; Holland, 216,000 tons, or 70 per cent; Sweden, 251,000, or 73 per cent; Norway, 456,000 tons, or 86 per cent. The figures which I have given are, of course, in round numbers.

I will just mention the aid that is given in this regard by the various countries mentioned. In Great Britain no bounties or subsidies are given except for services in carrying the mails, and retaining fees for certain specially designed vessels which can be called out as cruisers by the Admiralty. In the United States, until recently, no bounties were given. Shipbuilding materials are free of duty, and in recent years subsidies have been given to mail steamers in order to develop American shipping. In 1891, in 1902, and again in 1915, efforts were made to establish a generous system of bounties in that country. In relation to the figures with reference to American shipbuilding which I have given, it should be noticed that a considerable amount of American shipping sailed under foreign flags. In August, 1914, at the breaking out of the war, an Act was passed to enable that shipping to be put under the American flag, and 278,000 tons were almost immediately transferred to American registry.

In Germany subsidies were given for established lines, amounting to about £350,-000 a year, or about \$1,700,000. This was in addition to payment to mail-carriers. In the construction of ships, exemption from duty was granted on certain articles used in shipbuilding, and there was a material reduction in railway rates for those materials. The exact value of that is not ascertainable, but various writers on the subject say that it is very considerable. Germany also gives navigation bounties in the form of a reduction of inland rates on through bills of lading to East Africa and the Levant. It is interesting to note here—and I give it

SENATE

on the authority of the London Times of July 17, last year—that Germany proposes to restore her merchant shipping after the war by direct bonuses to owners of vessels lost, captured, or interned, which amount to about 60 per cent of her shipping. The bonuses to be given depend upon the space of time in which new shipping is built. If the work is done in three years the shipowner will get from 60 to 80 per cent of the value; if it is done in from four to six years he will get from 40 to 60 per cent, and if it is done from seven to nine years he will get between 20 and 40 per cent.

In Norway the only bounties given cover customs duties on the materials used in the construction of vessels. They amount to about 52 cents-two and threepenceper gross ton for steel ships with engines and boilers made in Norway. In the ten years between 1901 and 1911, only £50,000 were paid as bounties, and yet Norway's increase in shipping was enormous. More of her ships entered the ports of the United Kingdom than of any other country. In 1913-14, 11,000,000 tons of Norwegian and 10,000,000 tons of German shipping entered British ports; in 1913 Norway built 50,000 tons and bought 50,000 tons more from Great Britain.

Denmark gives a drawback of custom duties. Sweden gives bounties, and shipbuilding materials enter free. Holland gives no assistance to shipbuilding, but has made loans to certain lines to the colonies. In Belgium materials enter free, and loans are made to certain shipping companies trading in the Mediterranean, the Argentine and the Levant trades.

Austria has given large shipbuilding subsidies. Under the law of 1907, which was in force when this blue-book was compiled, she gave £1, 13s. 4d., per ton and 6s. 8d. for every 100 kilos of machinery when half of it was made of Austrian material. Navigation bounties based on one penny per ton per 100 sea miles, and limited to a maximum of something over \$1,100,000 per year were given. Her policy seems to have protected her own trade. In 1901 Austrian entries amounted to 1,300,000 tons; in 1911 they amounted to over 2,000,000; while foreign entries only increased from about 600,000 to 900,000 tons.

France has been giving bounties for construction and subsidies since 1881. The Act of 1906 was in force at the outbreak of the war. Its main provisions are the granting of a maximum bounty of £6, 18s. per ton, covering both hull and engine, and equipment bounties based on voyages,

Hon. Mr. McLENNAN.

speed, and so forth. During the ten years that I have mentioned the French Government paid out over \$75,000,000, and what was received for it was by no means commensurate with that outlay—it did not even protect her in the carriage of her own national goods. In 1901 only 29 per cent of the ships entering and clearing from French ports were their own ships. In 1911 this had dropped to 28 per cent.

Japan has an elaborate system of bounties, payable only to Japanese companies or Japanese subjects for materials of Japanese manufacture, and undoubtedly it has greatly increased trade. Between 1901 and 1911 Japanese shipping increased from 3,000,000 tons to 9,000,000 tons, while foreign shipping increased from 7,000,000 tons to 10,000,000 tons—in one case about 300 per cent, and in the other about 30 per cent.

Hon. Mr. EDWARDS: Is there any discrimination against foreign shipping in their ports?

Hon. Mr. McLENNAN: Not as I am given to understand it, although I cannot speak positively on that point.

From these figures it would appear that it is very difficult to draw any conclusions which are absolutely certain, and which would form a basis of action at the present moment. For example, in 1901 Norway and France had practically an equal amount of tonnage, France having 527,000 tons and Norway 531,000 tons. During the ten-year period which I have mentioned French tonnage increased by 310,000 tons while that of Norway increased by 456,000 tons. In other words the Norwegian tonnage inincreased 50 per cent more than that of France, although Norway spent only \$250,-000 in promoting shipping during that time, whereas France spent \$75,000,000.

It is perfectly obvious that other considerations have to do with the increase in the shipping of any country. To my mind it is a question of the relative attractiveness of the various employments of the country. The decline in American shipping took place during the period when the United States was the envy of the whole world because of its enormous progress and wealth. That decline took place not, as so many people imagine, on account of the Civil war, because it started before the war, but because the internal development of that great country was more attractive to the capital and the energy of people, who, under other conditions, had found shipbuilding and the business that grew out of seafaring and foreign commerce more attractive than anything that was

APRIL 12, 1918

available at home. That followed on the development of the railway systems of the country, which made possible the opening up of the Great West in a way that was not possible before. It is much the same in Canada. There are people from Nova Scotia, New Brunswick, and Prince Edward Island who are helping to develop middle and western Canada, who, had they been born a few years earlier, would have been merchants or shipowners in Pictou, St. John or Halifax, trading with the rest of the world overseas, and putting their money or the money of the community into new vessel after new vessel. From 1821 to 1842, about 85 per cent of the exports and imports of the United States were carried in American vessels. From that time shipping fell away until in the year 1913-14 only 8.6 per cent were carried in American bottoms.

Canada has done a good deal in the way of subsidies for vessels. In 1913 we gave about twice as much as Germany. The figures paid by the different countries for 'the promotion of shipbuilding, mail carrying, and the like, stand somewhat in this way: France, about \$10,000,000; Japan, about \$6,000,000; Canada, nearly \$2,200,000; Germaný, \$1,046,000.

I am not criticising the policy which has been pursued. I think that at the present juncture no one can fairly criticise the policy that gave us Canadian ships and established Canadian routes, any more than they can justly criticise a policy which has established manufactures in this country. But it is questionable whether the expenditure of an equal amount of money, after a thorough and scientific examination of the question, might not show that more profitable results could have been achieved. I have been told on what I believe to be good authority that non-subsidized steamers carried more passengers into our ports than subsidized steamers, and that they carried considerably more grain than the subsidized steamers.

Hon. Mr. EDWARDS: Are those tramp ships?

Hon. Mr. McLENNAN: Not altogether tramp ships. In the last few years there has been of course a considerable growth. It was only in 1913 that the White Star line was taken on the subsidy list—many regular lines are not subsidized.

The reason that I have brought out these facts is that they seem to point to the necessity for most careful examination of the whole question before the Government of this country embarks on a policy for time of

peace in relation to shipbuilding or the encouragement of shipbuilding or ship-owning in Canada. There is no advantage to this country in doing as France has done or proportionately as France has done, in the building up artificially of an industry that does not appeal to the people of the country. There are some signs that shipbuilding no longer appeals to the people of Canada. Either it no longer appeals, or the opportunities on land appeal much more strongly to them than the opportunities in seafaring. I think that instead of there resulting from the war any increase in Canadian tonnage there has been a falling off. I understand that one well-managed and profitable line which owned 14 or 15: steamers-which began with one steamer and has gradually built up its fleet-has since the beginning of the war sold all its steamers except one which was interned in Germany, and these have not been replaced. One other steamer I know of and which had been engaged in foreign trade, was lost and has not been replaced by her well-to-do owner. Another was sold at a profit which at the time seemed extraordinarily large, but now, after a couple of years, seems microscopic. That steamer was not replaced. I know no instance other than these, and these do not show eagerness to continue in a business which has been extraordinarily profitable.

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As I have said, I have nothing but commendation, and I feel sure that all who have looked into the question have nothing but commendation, for the policy of the Government at this time of crisis, when so much that is vital depends upon shipping. I feel that the Government is doing all that it can to promote the building of ships in Canada. Every existing shipyard and every shipyard that can be improvised is full of business, and it is right that it should be full of business.

If I may go back for one moment to a vital point, I may say that Norway, which as you will remember is the country which made the tremendous advance of 80 per cent, has increased its tonnage enormously during the war. It was Norwegians who placed orders right out to British Columbia and every place where they could get a ship built. In other words, the whole genius of Norway points towards shipbuilding, and, unless those cases in Canada of which I speak are sporadic and accidental. the genius of Canada at the moment is not tending towards shipbuilding; but there is no doubt that the necessity of building ships at the present moment will be a fair

SENATE

foundation for the development of skill in shipbuilding if there be a real genius among our people for that kind of work. The figures that I have found may possibly be wrong; but my purpose in bringing them to the attention of honourable gentlemen and of the Government at this time is to urge that before any policy be adopted the whole question should be very carefully investigated. It may seem academic to bring up the question at this time, when so much seems to be trembling in the balance and when the prospects for us are not over bright. They are perhaps darker than they have ever been since the autumn of 1914. But I feel that that condition is temporary and that a permanent and enduring peace is bound to come. The only question is whether it comes sooner or The whole of whether it comes later. civilization is in the conflict until it does come, and if it does not come civilization will be good for nothing. Therefore I think everything possible should be done to build up the resources of this country in the best possible way to get the greatest return for every dollar that is spent, and for all the energy that is exercised. A thcrough investigation of a matter so critical, to see whether we should embark on one policy or another, is of vital importance, and all the attention given to it is a service to the country.

Hon. Mr. EDWARDS: I would like to ask my honourable friend one question. What has caused the changed condition in the United States? What has brought about the loss of their shipping?

Hon. Mr. McLENNAN: The attraction and the opening up of the West. That is The United States my understanding. began as a mere fringe of people on the Atlantic seaboard. I am speaking of New England, which was not a fertile country, and was a country without mines or minerals. The first thing they did was to develop their sea-fishing industry. Then they began sending their vessels to France, to the Levant, and to all the Mediterranean ports, and to develop their shipbuilding industry; so much so that at one time ,about 1730 or 1740, I think, the shipbuilders of London petitioned the King against the unfair competition of the shipbuilders of New England. From that the New Englanders went on to deep-sea work and devoted the best of their energies to The shipping and the overseas trade. West, which afterwards developed, was not at that time settled. Afterwards the opening of the West, through the railways and Hon. Mr. MCLENNAN

canals, diverted that energy and the capital that had been accumulated in shipbuilding into new pursuits, and the people of New England and the whole country let their foreign commerce be carried on by foreigners, who had better advantages than they for shipbuilding.

Hon. FREDERIC NICHOLLS: In the first place, I desire to compliment the honourable member from Sydney (Hon. Mr. McLennan) on his most illuminating and instructing remarks. Perhaps the one criticism that I have to offer is that they were tinged with a little more pessimism than the circumstances of the case warrant. It is true that heretofore this country has not shown any great development in the building of steel ships, which are the class of ships required to-day; but I may point out, honourable gentlemen, that only a couple of years ago it was equally true that this country had not shown any great genius for developing the manufacture of munitions, and yet we have developed that entirely new industry, requiring as precise skill as any that was ever engaged in, we have shown our genius for it, and our shipments have amounted to as much as \$30,000,000 a month. I am one of those who believe that Canada must help itself if it is to maintain the position of which it is so proud at the present day. Academically, in common with others, I am opposed to the system of bonusing, and yet every country in turn has realized the practicability of granting bonuses from time to time to special industries in order that they might be developed for the well-being and advancement of the people. The honourable member from Sydney comes from a town where our largest steel works are established. We all know the arguments that used to be heard in the other House in reference to the disadvantage of granting the bonus to the Dominion Iron and Steel Company for the establishment of the steel industry. But is it not a fact, honourable gentlemen, that to-day, had it not been for the establishment of that steel industry by means of the bonus that was granted for a limited number of years, all or almost all of those millions of dollars to which I have referred, which have been distributed in this country for the manufacture of munitions, would have been lost to us? The bonus enabled us to establish our steel industry on a sure foundation, and as a result we have been able to aid ourselves and aid the Empire at a time of stress.

Now, honourable gentlemen, in regard to shipbuilding, it is true-I think I pointed APRIL 12, 1918

it out once before, after a speech by the honourable member for the Gulf division (Hon. Mr. L'Espérance)-that some years ago an endeavour was made to secure from the Government of that day a bounty on shipbuilding, and I think I am correct in saying that the Cabinet had practically decided to grant the bounty, but they found on trying the temper of the other House that there was such an opposition to the granting of a bonus, or bounty on tonnage, that the proposal had to be withdrawn. If the proposal had not been withdrawn at that time we should be to-day in the same position to aid the Empire with ships as we are with steel.

It is a strange coincidence-in fact, it is the irony of fate-that the class of the community that probably is suffering the most through the lack of ships, apart from the actual carrying of troops and munitions, is the farming class. I believe that the establishment of a Canadian shipbuilding industry is going to do more to help the farmer than probably any other policy which could be advocated. Our production of grain is increasing by leaps and bounds. I have figured out, while the honourable gentleman from Sydney was speaking, that it would take a thousand ships of 5,000 tons each to move the grain that was exported from the Northwest provinces alone last season. I think we can reasonably look forward to at least doubling our production of grain in the Northwest. That would mean 2,000 ships. And where are we going to get them? Of what avail is our endeavour to increase production, of what avail are our endeavours to increase the population by immigration, if we cannot find a market for the goods that we have to sell? The farmers have been keenly interested in the railway rates for grain; in fact, when the Railway Board recently authorized an increase in rates of freight the grain growers protested very strenuously against such an increase. But, after all, the strength of a chain is that of its weakest What will it avail them to secure link. reduced rates on the railways, even to secure from government-owned railways a rate that will barely pay the cost of operation, if the foreign shipowner takes toll, and the produce of our soil must be sent from our own ports by foreign shipping? If the profit is to be absorbed by the foreign shipowner, our farmer is going to have a great deal more competition than formerly in the scramble for after-war trade. It is only reasonable to believe that those countries that own ships will look after the carriage

of their own products, and if we want to get service or accommodation we must bid against those countries and can only secure that accommodation at a higher rate.

I think it is just as essential for us to look to the future and make provision for what our community may require as it is for the head of a family to invest in life insurance in order that the next generation may be adequately provided for. When we know that ships are essential to the success of the country and everything that contributes to its upbuilding-essential, for instance, in carrying the products of the soil and of our industries to other shores, or bringing back to this country the raw materials which can be manufactured by Canadian labour into finished articles-and when we know that there is a lack of tonnage, surely it is incumbent upon us, and surely it is a wise policy for the Government of the day to aid in every possible manner, by means of bounties or otherwise, the development of that industry to enable us to hold our position in the world of commerce. I had not intended to say a word on this subject, honourable gentlemen, but I felt I could not keep my seat without trying to infuse into this debate a note of optimism if it may be called so.

Hon. J. D. TAYLOR: Honourable gentlemen, may I speak on behalf of at least my colleagues from a great Maritime Province in appreciation of the foresight and judgment of the honourable gentleman (Hon. Mr. McLennan) who has brought before this House to-day a subject which, to my mind, is as timely as it is important. It seems to me that there are very many phases of the shipping situation in Canada to be considered before we can intelligently enter upon a permanent programme, and I propose to touch very shortly upon one or two of those phases rather than to follow the honourable gentleman who has introduced the subject in the most interesting statement which he has presented to the House. That statement, I appreciate, is the result of a great deal of industry, backed by thorough understanding of a most important subject, but cannot be grasped, at least by a man less experienced in affairs than the honourable gentleman who has inaugurated this debate, without studied perusal of it on the record of the House.

With respect to the particular phases to which I would ask attention, I would like to refer to the official announcement of a permanent policy of shipbuilding which I have read in the press—an official an-

SENATE

nouncement of gravest importance, although presented, as it seemed to me, in a very casual manner. This permanent policy deals with only one portion of the maritime sections of Canada, that is, the Atlantic portion, and, with the exception of the statement regarding a small contract issued to a single yard on the Pacific coast, it seems to leave out of consideration the possibility that there may be more need for the development of a shipbuilding policy, particularly of a steel shipbuilding policy, on the Pacific coast of Canada than on the Atlantic coast. It is a fact apparent to all who live in British Columbia that we have been more thoroughly stripped of shipping than has any other portion of Canada, perhaps than any other portion of the British Empire, and that we stand to suffer more from the absence of shipping at the conclusion of the war, during the period of rearrangement, than does any other part in which we are interested. It seems to me that in view of a condition of that kind any permanent policy of shipbuilding for Canada should have taken into consideration the very grave need of the province of British Columbia. I may say, and I think I can say it with justification. that I was disappointed when I read the announcement of the policy of the Government. made, as it was, so shortly after a large and influential and thoroughly official delegation from the province of British Columbia had waited upon the ministry to ask them to assist in taking the first step to establish an iron and steel industry in that province preparatory to engaging in the building of the ships which we so badly need. Although in the announcement of a permanent policy the request of that delegation has been left unanswered in one sense, it is answered in a most distressing way so far as our ambitions are concerned by the official statement, that while the Government has made or is making a substantial contract with a very large industry in eastern Canada to provide for shipbuilding needs in the way of plates for the next five years, and that there will be remission of duty upon all the materials which they have to import which will enter into the equipment of their mammoth establishment, this is coupled with the announcement that no other person or interest need apply. True, this is accompanied by the friendly statement on the part of the minister that, if in the light of this announcement any other persons think fit to enter upon the enterprise of steel shipbuilding or the establishment of rolling

mills in Canada, he will be very pleased to see them do so. I cannot share the pleasure of the honourable minister, because it must be patent to any person who reflects for a moment on the situation here outlined that no private enterprise could possibly compete with a government-encouraged, government-contracted and government-favoured industry, particularly an industry already so well established and so little in need of special favour as is the industry in Nova Scotia which is referred to in the ministerial statement.

It is not generally known in Canada, and until lately it has not been appreciated even in British Columbia, that while in the steelmaking industry of eastern Canada the ore used is almost exclusively-perhaps exclusively-imported from outside of the boundaries of Canada, that were we to establish the industry on the Pacific coast the condition would be the very opposite. We have on that coast boundless resources in iron ore situated more favourably than any large bodies of iron ore-I think I am safe in saving anywhere in the civilized worldore with a better combination of the things that go to the successful and economical production of iron. We have the combination of ore close to tidewater, of unlimited coal, and of lime in endless quantity; and added to all these we have the finest waterpowers and as well advanced electrical development as is needed to secure all the necessary electrical power for smelting or for the application of the product of the smelters for even a great province like British Columbia for many years to come. We have all those conditions, but we need a little help to put them into use. I suggest in all seriousness to the Government that before embarking upon the policy formally announced as the permanent policy, there be an addition to it of some measure of promise to the province of British Columbia which will indicate that we will not continue to be so completely forgotten in the future.

But, honourable gentlemen, it seems to me that there is another subject to be considered in advance of the adoption or serious consideration of any permanent policy. I agree with the honourable gentleman who introduced this debate (Hon. Mr. McLennan) that we are very far indeed from the happy time when we shall be able to sit down in contentment and feel that the menace to our Empire is past and that we have nothing more pressing upon our hands than the adoption and carrying out of permanent policies. It seems to me that there is nothing in the news that we are at present receiving from the western battle-front

Hon. Mr. TAYLOR.

APRIL 12, 1918

to warrant us in any action indicating any belief, any self-deception, that we are near the end of the war and can commence to talk now of what will come after rather than what is necessary for the successful prosecution of the war. I would much rather that this honourable House were engaged to-day in the consideration of a vigorous programme to supply the pressing needs of Canada with respect to transportation during the war than that we should stand that aside and take up the permanent policy in preference to it. I have especially in mind the subject of wooden ships, to which the resources of the province of British Columbia particularly lend themselves. A little over a year ago, I think it was, a programme of wooden shipbuilding was embarked upon under the auspices of the Imperial Munitions Board. It is true that this board is not controlled by the Government of Canada, but it is equally true that the money of the Canadian people is behind it so far as its operations in Canada are concerned. We must assume, although the transactions of the Board are conducted with a greater degree of privacy than I would like to see, that its actions are well considered before they are taken, and that gentlemen of the experience and prestige which led to their appointment as members of that Board have been supplied with efficient advisers, so that no programme upon which the Board may seriously embark to-day may be wantonly thrown over to-morrow by their successors as not being worthy of consideration. I am not sufficiently well posted on the comparative merits of wooden ships and steel ships to be able to say whether there is so great a difference as to warrant the consideration of the complete abandonment of a wooden shipbuilding policy in favour of steel shipbuilding; but I am content to take the authority of the Imperial Munitions Board for the present, and to say that this honourable House is entitled to some evidence that the Board were wrong in embarking upon their policy of wooden shipbuilding before we make ourselves a party to abandoning that policy and scrapping all the expensive equipment with which they have supplied the several yards in British Columbia. Speaking roughly, I should say that that equipment has cost at least \$1,000,000. It has been used only for the first order of ships to be built under the auspices of the Board. Those ships have been completed without any trouble whatever. The little city of New Westminster, from which I come, which had no shipyard

before, has now a yard established for the purpose under the auspices of that Board. We have already built four ships; two of them, I believe, have been launched—at least, they were ready to launch several weeks ago—and the others are very near completion. There are five or six other yards in British Columbia in the same condition. It seems to me that we should think seriously before we consent to scrapping all those yards and saying that simply because steel ships will be more permanent than wooden ones we will refuse the assistance of those six yards to continue wooden shipbuilding.

The other day I saw in a leading financial paper of Canada an estimate of what we may hope to get in the way of increased production as a result of the combined efforts of the Canada Food Board and allied boards and the patriotism and energy of the whole Canadian people, and I realized that the total substance of that increased production as stated by this authority, would equal only the wheat that could be brought from Australia by the ships that British Columbia could turn out from existing yards within the next year if we were permitted to do so. It seems to me that rather than gamble on the chance of getting this increased production, with the possibility of adverse weather and other dangers, it would pay us much better as a country to bank on a certainty and to say that we know that in Australia there are 600.000.000 bushels of wheat awaiting transhipment, and that we will bend all our energy to putting ships upon the Pacific ocean to go down to Australia and move that wheat to Canada. Honourable gentlemen, we have a wheatless elevator at the port of Vancouver; we have two trafficless railways, supported by the Government, which, unless we provide traffic for them, will become streaks of rust while we continue to find the money for the interest on the debt accumulated by them. It seems to me that it would be much better business to provide traffic for those railways to ensure against the possibility of famine in this country than to abandon all effort and to say that we will not touch these wooden ships because after the war there will be more money in having steel ships on our hands.

As a matter of money alone a very simple calculation can be made. Under the contract to be let the ships cost the Imperial Munitions Board about \$500,000 each. With the experience gained by those yards they can be produced for much less.

SENATE

But taking the value at \$500,000, as established by the experts of the Imperial Munitions Board, each one of those wooden ships could carry about 150,000 bushels of wheat. The round trip between British Columbia and Australia can be made in two months. Even if those ships took nothing but ballast from British Columbia to Australia, they would each return with 150,000 bushels of wheat, which, by the simple process of transfer from Australia to Vancouver would become worth-instead of less than one dollar, the price paid for the wheat by the Government of Australia-anything over the minimum price of \$2.21, which was established by the Government of Canada as the price to be paid for wheat in Canada. So, honourable gentlemen, you will see that those ships delivering wheat to. Vancouver into the possession of the Government of Canada, would earn the difference between \$1 and \$2.25 or more per bushel on each cargo of 150.000 bushels which they could bring. ships would have paid Those for themselves in every respect inside of a year; we would have them free of cost to the country, and we would have helped to insure this country against the possibility of a famine which is preached by our Food Board. The operations of the Food Board will cost us \$500,000 for the year. I am convinced that a more substantial benefit would accrue by putting that \$500,000 into one ship and sending it out to bring this wheat than we can expect from the efforts of the Food Board, intelligently, actively, and earnestly directed though they may be.

I have said enough, I think. If there be any ground at all for the calculations which I have made to show that there is a reason for the appeal which I have made to the Government before finally embarking upon a permanent policy and entering into a contract-which I think is not yet signed, and which would preclude any other contract with like industries in other parts of Canada-it would be as well to consider particularly the points I have mentioned. The province of British Columbia should be guaranteed a substantial share in any steel shipbuilding programme. We should utilize the established shipyards in British Columbia to continue the building of wooden ships until such time as we have steel ships in sight to take their place.

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

The Senate adjourned during pleasure. Hon. Mr. TAYLOR. The sitting having been resumed:

THE ROYAL ASSENT.

The Right Honourable Sir Charles Fitzpatrick, G.C.M.G., Chief Justice of Canada, Deputy Governor General, having come, and being seated on the Throne, and the House of Commons having been summoned, the Right Honourable the Deputy Governor General was pleased to give the Royal Assent to the following Bills:

An Act to provide for the time in Canada being in advance of the accepted Standard Time during the summer months.

An Act to amend the Supreme Court Act. An Act to authorize rearrangements and transfers of duties in the Public Service.

An Act respecting the Department of Immigration and Colonization.

An Act to amend the Montreal Harbour Advances Act, 1914.

An Act to amend the Dominion Forest Reserves and Parks Act.

The sitting having been resumed:

The Senate adjourned until Monday, April 15, at 8 p.m.

THE SENATE.

Monday, April 15, 1918.

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

Prayers and routine proceedings.

THE COST OF PUBLIC PRINTING.

INQUIRY FOR REPORT.

Hon. Mr. POWER: Honourable gentlemen, before the regular business of the House begins, I should like to ask the honourable leader of the House a question which is not in any sense a political one. It will be remembered by honourable gentlemen that last session the Committee on Printing presented a very able and important report, the effect of which, if put into operation, would have been to save a very considerable sum of money to the country. The report was adopted, if I remember rightly, but the Government wisely, I assume, thought it better to have some more particular inquiry made into the matter before acting, and I understand that the Government appointed a committee or a commission to deal with the subject, and I understand that this committee have been at work on the subject. If they have reached any conclusions, it is desirable that they should be submitted for the consideration of Parliament as early as practicable. I just wish to ask the honourable leader of

the House if they have been at work, and if a partial or a final report has been made, and when it will be laid before us.

Hon. Sir JAMES LOUGHEED: I shall be very glad to get the information desired by the honourable member from Halifax. I cannot speak with any very great accuracy on the subject to-night.

CHARLES DESJARDINS, ALIAS "TIT-NOIR."

INQUIRY.

Hon. Mr. DAVID inquired:

Is it true that the Government furnished part of the bail required by the Court to restore to liberty Charles Desjardins, alias "Tit-Noir," a member of the Federal Police, accused of several crimes and especially of having conspired with several persons with intent to murder Lord Atholstan, his wife, and daughter, and if so, what are the reasons which induced the Government to do him that favour?

Hon. Sir JAMES LOUGHEED: Charles Desjardins, unknown to the Government by any other name, a local constable in Montreal, and not a member of the Federal police, was employed temporarily by Inspector Giroux of the Dominion Police Force to perform some detective services in connection with the identification of the people who were committing various outrages and threatening life and property in Montreal last summer. He associated himself with the gang for the purpose of ascertaining and exposing their designs, and, not unnaturally, when they came to be indicted for their offences they accused Desjardins as a fellow-conspirator, and he was indicted accordingly. Desjardins having been committed for trial, the Government furnished bail required by way of surety. and assigned counsel to defend Desjardins, who was recently tried, with the result that the jury disagreed. The Government furnished the bail because the amount, \$10,000, was so excessive that Desjardins could not otherwise have obtained bail, and as having regard to the facts communicated it appeared that Desjardins had not committed any intentional wrong, and that he had become acquainted with the charges in his capacity as a detective while endeavouring to detect the criminals. Under these circumstances the Government considered it advisable to provide bail and to see, so far as it was in their power, that he should receive a fair trial.

GORDON DIVORCE PETITION.

MOTION.

Hon. Mr. LYNCH-STAUNTON (for Hon. Mr. Edwards) moved:

That the record of the proceedings before the Committee on Divorce on the Petition of Allbert Edwin Gordon, of the City of Toronto, Ontario, for a Bill of Divorce from Edna Gertrude Gordon, presented to the Senate during the last Session of Parliament, he referred to the Committee on Divorce for its consideration on the hearing of the Petition of Albert Edwin Gordon for a Bill of Divorce presented to the Senate during the present Session.

The motion was agreed to.

PARLIAMENT IN SECRET SESSION.

Before the Orders of the Day:

Hon. Mr. BOSTOCK: I should like to ask the honourable leader of the Government if he has any announcement to make to the House with regard to a statement made in the other Chamber to-day by the Prime Minister. A notice of it appeared in the papers to-night, and referred to what might happen. I understand the notice was to the effect that the Senate might be asked to join in a secret session with the House of Commons.

Hon. Sir JAMES LOUGHEED: I have no information upon the subject as yet. Tomorrow I may possibly have some information, which I will lay before the House.

DOMINION LANDS ACT AMENDMENT BILL.

SECOND READING.

Hon. Sir JAMES LOUGHEED moved the second reading of Bill 5, an Act to amend the Dominion Lands Act. He said: Honourable gentlemen, this Bill involves many amendments to the Dominion Lands Act, none of them of any fundamental importance with the exception of one, which proposes to abolish the right of pre-emption. Most of the other sections deal largely with the routine followed in the administration of the Act. When the Bill goes before the committee I shall be very glad to give any information which may be asked for by the House, touching the dif ferent sections which it is proposed to amend.

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

RAILWAY ACT CONSOLIDATION BILL. FURTHER CONSIDERATION IN COMMITTEE.

The Senate again went into Committee on Bill A, an Act to consolidate and amend the Railway Act.—Hon. Sir James Lougheed. Hon. Mr. Girroir in the Chair.

On section 387-cattle getting on railway:

Hon. Sir JAMES LOUGHEED: On Friday last we had reached section 387, and the honourable gentleman from Moosejaw (Hon. Mr. Willoughby) raised some question as to the propriety of further amending it. If my honourable friend has any further observations to make, we should be glad to hear them.

Hon. Mr. WILLOUGHBY: No; I have nothing to add.

Section 387 was agreed to.

Sections 388, 389, and 390 were agreed to.

On section 391-no claim for injuries in certain cases:

Hon. Mr. LYNCH-STAUNTON: "Posted up"—that is very indefinite. Posted up where? Posted up in the offices, or posted up in the railway trains? Would a man lose his claim for damages if the regulations were posted up in Montreal and the accident took place in Toronto? It strikes me that the regulation should be posted at some place where the passengers on the train could see it.

The Hon. the OHAIRMAN: These regulations are all posted in the cars.

Hon. Mr. LYNCH-STAUNTON: Then the section should say so.

The Hon. the CHAIRMAN: They are, as a matter of fact.

Hon. Mr. BOSTOCK: This clause has been in effect for a long time, I think.

Hon. Mr. THOMPSON: It was in the old Act.

Hon. Mr. BOSTOČK: And the custom, I thunk, is that the regulations are posted up in the cars themselves. I think they are posted in the lavatories.

Hon. Mr. LYNCH-STAUNTON: This section, no matter how old it is, should be definite, I submit, and should say posted up, either on the door or in the place where the passenger is standing.

Hon. Mr. BELCOURT: It should say "in a conspicuous place."

Hon. Sir JAMES LOUGHEED: It would scarcely do to put the notice, as my honourable friend (Hon. Mr. Lynch-Staunton) has suggested, in a place where the passenger might suffer the injury to be complained of. It might work out in this way, that he would go out on the platform to read the notice and would be injured while doing so.

Hon. Mr. DANDURAND: Is there not a general regulation which empowers the Railway Board to fix upon the form of Hon. Sir JAMES LOUGHEED.

notice and the place where it shall be displayed?

Hon. Mr. BEIQUE: I think it had better be left, with the Railway Board to determine where the notice should be posted.

Hon. Mr. LYNCH-STAUNTON: Does the Act leave it for the Railway Board?

Hon. Mr. BEIQUE: I think the Board would have the right to make the regulation.

Hon. Sir JAMES LOUGHEED: I move the adoption of that section as it is, and we can go back to it if my honourable friend (Hon. Mr. Lynch-Staunton) has any suggestion to make.

Section 391 was agreed to.

Sections 392 to 398, inclusive, were agreed to.

On section 399-removing industrial spurs:

Hon. Mr. POWER: Is not that a provision that is liable to abuse? A man owns a mill, say, near a railway line, and in order to meet his convenience the railway company put in a spur to connect his mill with the main line. After some time the mill ceases to operate. Nothing is going on. There is nothing doing on the spur, and the company remove the spur. Should they be liable to a penalty for doing that? It does not seem to me to be reasonable.

Hon. Sir JAMES LOUGHEED: The company may not own the spur, and likewise the person referred to, in contradistinction to the company, may not own the spur. There may be other interests. It is no great hardship to cast upon either party, the company or the person interested, the obligation of making application to the Board for leave to remove the spur.

Hon. Mr. BEIQUE: It is not in accord with section 187, which says:

No branch line or spur constructed pursuant to either of the last two preceding sections shall be removed without the consent of the Board.

Here is a section, in another part of the Bill, which goes far beyond that.

Hon. Sir JAMES LOUGHEED: Section 187 refers to a particular class of spurs known as industrial spurs and to spurs that have been constructed where there has been a disagreement between the two parties, the railway company and the industrial concerns interested. So section 187 has to be read in connection with sections 185 and 186; but the other is a general section. It seems to me that no hardship will ensue from an application having to be made to the Board. The Board then, if necessary, will bring all parties concerned before it and determine the question whether the spur should be removed or not.

Section 399 was agreed to.

On section 400-refusing to allow examination of mine workings:

Hon. Mr. BOSTOCK: What was the reason for this section being put into the Bill.

Hon. Sir JAMES LOUGHEED: I would refer my honourable friend to section 198 of the Act, dealing with the examination of mine workings. This has to be read in connection with that section, and might be considered as a penalty clause for a violation of section 198. Furthermore, as is self-evident, it is for the protection of the railways, or for the security of life and property that precautions of this kind should be taken.

Hon. Mr. BOSTOCK: This is really the penalty clause for section 198?

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. DANIEL: This refers, I presume, to mines operated after the railway has been constructed. If the mine workings started after the railway was built were liable to interfere with or injure the railway, then this clause might apply—is that the idea? But if the mine was being operated first, I should not think a clause like this would be quite fair.

Hon. Sir JAMES LOUGHEED: It would not necessarily interfere with the mine in such a case. The object of it is inquisitorial. This is for the purpose of permitting an investigation of the condition of the mine in relation to the railway. It does not necessarily follow that anything will be done, but it is quite proper that every facility should be given to the railway company to ascertain whether the property of the railway company above the mine is secure.

Hon. Mr. DANDURAND: That there may be no cave-in.

Hon. Sir JAMES LOUGHEED: Yes.

Section 400 was agreed to.

Section 401 was agreed to.

On section 402—structures not in conformity with this Act; penalty:

Hon. Mr. BELCOURT: Would my honourable friend say whether that would in any way affect the civil remedy of the party injured? Perhaps there is another section in the Act which would cover it.

Hon. Sir JAMES LOUGHEED: I am told that these penalty clauses are in addition to the substantive remedies which have been provided elsewhere in the Act.

Hon. Mr. BELCOURT: It is not so stated, is it?

Hon. Sir JAMES LOUGHEED: I cannot just put my hand on it at present, but if my honourable friend will make a note of that I will have it looked up. As I understand the question of my honourable friend, it is as to whether the imposition of the penalty would defeat the civil right of a claimant?

Hon. Mr. BELCOURT: Whether it would in any way affect it.

Hon. Sir JAMES LOUGHEED: I venture the opinion—it may not be a valuable one—that it does not. I think it is a wellknown canon of construction that one's common law right prevails unless it is taken away, or unless the statute provides some other remedy adequate to meet the situation.

Hon. Mr. BELCOURT: The only reason I asked the question was because it seemed to me that I had noticed in other clauses that the civil remedy was preserved.

Hon. Sir JAMES LOUGHEED: I understand that to be the case.

Hon. Mr. BELCOURT: There are several cases. I do not understand why it is not so here.

Section 403 was agreed to.

Sections 404 to 406, inclusive, were agreed to

On section 407—leaving gates open:

Hon. Mr. POWER: Paragraph a says:

wilfully leaves open any gate on either side of the railway, provided for the use of any farm crossing.

That is an awkward way of stating it, I think. Would it not be better to say:

leaves open any gate provided for use as a farm crossing on either side of the railway.

Hon. Sir JAMES LOUGHEED: I think it would read better as suggested by the honourable gentleman from Halifax (Hon. Mr. Power).

An Hon. SENATOR: It is the same thing.

Hon. Sir JAMES LOUGHEED: When you come to reconsider it, it is probably all right as it is. There are probably gates on

both sides wherever there is a farm crossing.

Hon. Mr. DANIEL: I should like to ask the honourable leader of the House why the word "wilfully" is left in. It appears to me that the trouble is caused by leaving the gate open, and it makes very little difference, as far as accidents are concerned, whether the gate is left open wilfully or negligently. It seems to me that the word "wilfully" should not be there if the section is going to have any effect. If it is left there, a man who leaves a gate open may say, "I did not intend to do it; I did not do it wilfully; I did not think anything about it, and so it happened."

Hon. Sir JAMES LOUGHEED: There is a great deal in what the honourable gentleman says, but it is quite a burden to place upon the owner of the property, that he must-pay a fine of \$20 if he accidentally leaves his gate open. It must be remembered that the railway has gone through his property and has constructed those gates. It would seem that the leaving open of the gate would be wilfully done.

Hon. Mr. DANIEL: It appears to me that no one would confess that he left the gate open wilfully. The trouble is caused by leaving the gate open, and I think negligence as well as wilfulness should be punishable.

Hon. Mr. BEIQUE: The section is for the protection of the public. I think the suggestion of the honourable gentleman from St. John (Hon. Mr. Daniel) is in the proper direction.

Hon. Mr. DANIEL: I move that the word "wilfully" be taken out.

Hon. Mr. BOSTOCK: Does not that make a farmer who leaves a gate open liable to a penalty of \$20?

Hon. Mr. DANJEL: Yes.

Hon. W. B. ROSS: I would suggest the substitution of the word "knowingly" for the word "wilfully."

Hon. Mr. BELCOURT: What is the matter with "negligently?"

Hon. W. B. ROSS: If you take out the word "wilfully" and the gate is opened by a neighbour's child, for instance, the farmer is going to be liable.

Hon. Mr. BELCOURT: If you are going to make any alteration at all, I would suggest that the word "negligently" be substituted.

Hon. Sir JAMES LOUGHEED.

Hon. Mr. DANDURAND: I draw the attention of honourable gentlemen to the fact that it is not only the leaving open of the gate which is an offence, but the leaving of it open without some person being at or near such gate to prevent animals passing through it on to the railway. If that is the offence, I wonder why the word "wilfully" is there. It is a question of fact. It will be impossible to establish that the gate was left open wilfully; but the simple fact that the law has been violated by leaving the gate open without leaving some one there to see that no animals move to and fro is easy to establish.

Hon. Mr. MURPHY: It seems to me that the intention of the Act is plain. As you all know, farmers hauling grain from the backs of their farms to their barns generally leave the gates open between fields, even when they are passing through pasture fields. As a consequence, the gate is left open wilfully, and if it were left unprotected cattle might stray onto the track. If they did such a thing, they should leave some one to guard the gate and keep the cattle off the track.

Hon. Mr. DANDURAND: The judge or magistrate will have to decide whether it is done through negligence or malice prépense. I would take it that the word "wilfully" means that there must be malice prépense—a design.

Hon. Mr. DANIEL: I think the point to be considered is not so much the penalty as the effect that it may have upon the running of the railway and the safety of the public. If a gate is left open either wilfully or negligently, and in consequence cattle stray on to the track and a train comes along and runs over one of those cattle, and is thrown off the track and twenty or thirty people are killed, it is a very serious matter. I do not think that it would be possible to convict a man of leaving a gate open if the word "wilfully" were left in the section.

Hon. Mr. BELCOURT: The word "negligently" commends itself to me. Under the section as it stands one might escape all liability if he put in evidence that the gate was left in charge of a child or a small boy who would not be able to protect it sufficiently. Therefore, if you want to be able to enforce the provision you can do so only by using the word "negligently."

Hon. Sir JAMES LOUGHEED: That would be in contradiction to the precaution which is taken in the third line of the sub-

section, "without some person being at or near such gate."

Hon. Mr. BELCOURT: The person put at the gate for the purpose of preventing animals passing through may not be such a person as is capable of doing that, and the person accused would get off by pointing out that he put a boy of five or six years of age there. If the word "negligently" were used, he would not escape.

Hon. Sir JAMES LOUGHEED: What would my honourable friend do in the case mentioned by the honourable gentleman from Prince Edward Island (Hon. Mr. Murphy), where the gates were wilfully left open for a particular purpose, namely, the passing from one field to another. It could not be said then that they were left open negligently. In regard to the immature person who may be left in charge, I think the law may presume that such a person would have to be of such intelligence as to meet the requirements of the Act.

Hon. Mr. POWER: I agree with the honourable gentleman from St. John (Hon. Mr. Daniel). I think this section is supposed to provide a remedy to the railway company against the wilful action of someone who leaves a gate open. If you leave the word "wilfully" there, it seems to me that it would be almost impossible for a railway company to secure a conviction before a magistrate of any one who left a gate open, because you could not prove that it was done wilfully. I think everyone is presumed to consider the effect of his act, and I for one would be prepared to vote for the amendment to strike out the word "wilfully.'

Hon. Mr. WATSON: I do not wish to interpret what the word "wilfully" means, but it appears to me that it is in favour of the farmer. I think that any jury would come to the conclusion that any gate left open for the purpose stated by the honourable gentleman from Prince Edward Island (Hon. Mr. Murphy) would not be left open wilfully—it would not be for the purpose of allowing animals to get on the track. With regard to the question of protection, it would probably take a host of men to keep a jersey bull off the track. I do not think a farmer, as a rule, allows his cattle to get on the track.

Hon. Mr. BELCOURT: He allows the other fellow's.

Hon. Mr. WATSON: I remember the late William White saying that the most valuable cattle in the Northwest that he knew of—he would not name any special breed—

1

were the cattle crossed by the Canadian Pacific railway locomotives. But as a rule I think a farmer tries to keep his cattle off the track. I agree with the honourable gentleman from Halifax (Hon. Mr. Power) that we should make every provision for the safety of the public, but I am inclined to think it will be more in the interest of the farmer to have the word "wilfully" left in.

Hon. Mr. MURPHY: Is that the old clause?

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. MURPHY: It does not seem to have worked any injury in the past?

Hon. Mr. BOSTOCK: I understand that the word "wilfully" was inserted in subsection d in the other House.

Hon. Sir JAMES LOUGHEED: Yes. We are now considering subsection a.

The amendment was negatived, and section 407 was agreed to.

On section 408-failure to have weeds removed from right of way:

Hon. Mr. POWER: That section is a somewhat important one and appears to be in the right direction; but I wish to call the attention of the honourable leader of the Government to the fact that the Government railway—I speak now of the county of Halifax, at any rate—has done more to spread Canada thistles_and other weeds through the county than all other agencies, and I think that he ought to see that the honourable gentleman's colleague the Minister of Railways instructs his subordinates to be more particular in the future.

Hon. Sir JAMES LOUGHEED: I will point that out to him.

Hon. Mr. WATSON: What is the meaning intended to be conveyed by the words in the thirty-sixth line, "which it is required by law to do for the purpose of cutting down," etc. Does that refer to the law of the municipality or the law of the province?

Hon. W. B. ROSS: To any law.

Hon. Mr. WATSON: Or is the railway company expected of its own motion to cut down those weeds before seeding?

. Hon. Sir JAMES LOUGHEED: I would refer my honourable friend to section 280 of the Act, which reads as follows:

The company shall at all times maintain and keep its right of way free from dead or dry grass, weeds and other unnecessary combustible matter. Hon. Mr. WATSON: That is for protection against fire.

Hon. Sir JAMES LOUGHEED: Then, section 279 deals with "thistles and weeds to be kept cut."

Hon. Mr. BEIQUE: It is in order that the railway company may be obliged to respect municipal or provincial regulations which may be made.

Hon. Mr. WILLOUGHBY: I do not see in the interpretation clause any definition of what "noxious weeds" are. In Saskatchewan the legislature has from time to time added the names of additional weeds to the list of those regarded as noxious weeds. You will find that the list of noxious weeds would not be the same in all the provinces. I do not want to move an amendment to the section, but is there not an interpretation clause which defines "noxious weeds?"

Hon. Sir JAMES LOUGHEED: I would say to my honourable friend that there is not; but, inasmuch as action or procedure would be taken within a particular province, the law of that province would determine what constituted noxious weeds. There would be no doubt about it.

(Hon. Mr. WATSON: I am inclined to think that if the clause read "thistles and weeds," it would cover the ground.

Hon. Mr. MURPHY: I should like to draw the attention of the honourable leader of the Government and to emphasize further the remarks of the honourable gentleman from Halifax (Hon. Mr. Power). The Government railway is the worst offender in this respect in the province from which I come. It makes very little effort to comply with the law of the province or the law of any municipality. In fact, it makes no effort at all to assist in eradicating weeds. Our province is probably freer from weeds than any other province in Canada, and we are trying to keep it so; but in this effort we are very much handicapped because the railway runs from one end of the province to the other, and on the part of the railway there is no endeavour to destroy the weeds or prevent their spreading. I would ask the honourable leader of the Government to take some steps to see that the Railway Department better their efforts in this direction.

Section 408 was agreed to.

Sections 409 to 412, inclusive, were agreed to.

Hon. Sir JAMES LOUGHEED.

On section 413-notification of accidents:

Hon. Mr. ROBERTSON: Some exception is taken to the second subsection of section 413, I understand, by the railway employees in Canada who are affected by it. It is a new clause, and, I think, ought not to be inserted in the Act. Honourable gentlemen will recall that at the session of Parliament last year, when the Railway Act was under consideration, it was asked that provision be made in the first subsection of section 413 which would enable a conductor or other employee to report direct to the Railway Commission the fact that an accident had occurred. The reason the amendment was sought was that, at least in some instances, days had elapsed, in other cases weeks, before the commission was even aware that a serious accident had occurred at a certain point on the railway. The commission was then unable to make any investigation of the causes of the accident, because meanwhile the evidence had all been removed. The Senate viewed that suggestion with favour and embodied the amendment in the Act passed last year. Now it appears that a new clause is inserted to make it compulsory upon the conductor to furnish that report. I am pleased to note that this is certainly a clear vindication of the propriety of the suggestion that was made last year that the conductor ought to be permitted to advise the commission direct, for the proposal now is that he shall be compelled to do so. I would, however, like to point out to honourable gentlemen that this requirement is scarcely fair to the employee, because of the fact that he may be seriously injured as a result of the wreck, or he may have so many duties to perform at the time, in endeavouring to clear the line or to render relief to persons who may be injured, etc., that he may overlook sending the telegram, and because of that omission he is to be penalized. Omission is a frailty to which all of us are liable. Up to the present time it has not been necessary for the conductor to send in such a report. It was even suggested by the railways last year that he ought not to be permitted to send such a report; but the employees said: "Gentlemen, we think that the commission ought to be advised of serious accidents, so that they may make an investigation in the public interest as early as possible after the accident occurs. and if possible before the evidence of the causes of it have been entirely removed." I think the additional responsibility ought not to be forced upon the employees, because there is perhaps not one conductor APRIL 15, 1918

in a hundred who is familiar with the various clauses of this Railway Act, and an employee may, entirely through ignorance, fall into error and make himself liable to the penalty. I think that the penalty for failure to comply with the requirement to send notification of accidents—if it is seen fit to impose a penalty upon the railway company for failure to report—ought not to be extended to the employees, who are probably in most cases not familiar with the Act.

Hon. Mr. CASGRAIN: I do not think that the contention as to the employee's unfamiliarity with the Act is a strong point. Every one is supposed to know the lawexcept lawyers, of course. But another point that I would make, and it is a serious matter, is that the conductor in making a report to the Board might find himself in a very bad position as regards the company, because in the excitement of the accident he may make a report which will result in the company being mulcted for a very large amount, because he has not made the report as it should be made. The conductor, not wishing to displease those who employ him, who give him his daily bread, would probably make a report which would be very guarded in order not only to protect the company but also to save himself from being blamed by the company for reporting too much.

Hon. Mr. BELCOURT: It is not a report which is required; it is merely a notice.

Hon. Mr. CASGRAIN: If the section simply says a notice of the accident shall be given, that is different.

Hon. Mr. DANDURAND: If I am not mistaken, we have passed section 285. That section savs:

Any conductors or other employees making a report to the company of the occurrence of any such accident shall as soon as possible after such accident notify the Board of same by telegraph.

I suppose that the section now under review simply provides the penalty for neglecting to do that which is ordered by section 285.

Hon. Sir JAMES LOUGHEED: That was in the statutes of last year.

Hon. W. B. ROSS: Yes.

Hon. Mr. BOSTOCK: Yes, we put that through at the end of last session.

Hon. W. B. ROSS: I would suggest that instead of the word "possible" we should substitute the word "practicable." That would cover the objection.

S-9

Hon. Mr. MURPHY: "Possible" and "practicable" would mean the same thing there.

Hon. W. B. ROSS: No, they do not. "As soon as possible" means one thing; "as soon as practicable" means another.

Hon. Mr. MURHPY: That might be stretched out ad infinitum.

Hon. W. B. ROSS: Because, if the employee is hurt, or if there is a bad smash-up and he is very busy looking after passengers, it might not be impossible for him to send notice, but it would be impracticable.

Hon. Mr. DANIEL: I remember very well the discussion that took place in the committee last year, but I do not think that the objection which the honourable gentleman from Welland (Hon. Mr. Robertson) makes, that possibly a conductor or other employee may be injured, exists at all under this clause, because the wording of the section is not "every conductor or other employee," but "any conductors or other employees making a report to the company of the occurrence." So, if the conductor or other employee is able to make a report to the company, he is surely able also to make it to the Railway Board. Therefore I think the objection the honourable gentleman (Hon. Mr. Robertson) makes is not borne out. I remember that, as the honourable gentleman states, there was a deputation asking for something of this very nature; and now that it is provided in the Bill it does not appear to give satisfaction. Why is that?

Hon. Mr. RICHARDSON: An accident does not always result in loss of life. Sometimes it is simply a derailment. How often does the consignee lose his freight because it is smashed up? A car may be only partially damaged and a leakage may occur; so that when the freight arrives at its destination there is a shortage of 100, 200 or 300 bushels, and it is impossible to trace it, no matter what effort is made. If the accident was reported to the Railway Board and it were placed on record that a certain derailment had occurred, or that certain cars were smashed or damaged, or a leakage had been caused, losses such as I have mentioned would be explained. Losses of this kind are occurring nearly every day on the railroads of this country, and it is very hard to ascertain their cause. It has not been compulsory to report such accidents. If the railway employee is able to notify the railway company, he is certainly able to notify the Railway Commission. I

REVISED EDITION

do not see anything wrong about this at all. Why cannot the employee notify the Railway Board?

Hon. Mr. DANDURAND: Those who were present last year will remember that the railway companies objected strenuously to this section, because they thought that the employee should continue as heretofore to notify the company, and the company would then in turn notify the Board. This view did not seem to be entertained by the majority of the committee, who passed section 285. I desire simply to call attention to the fact that we have passed section 285, and if the contention of the honourable gentleman (Hon. Mr. Robertson), as he nów lays it before this Chamber, should prevail, I would suggest that we return to section 285 to reconsider it.

Hon. Mr. ROBERTSON: May I point out to honourable gentlemen that subsection 1 of section 413 does lay an obligation upon the railway company to report to the Board the facts concerning such accidents, or rather it provides a penalty for failure to comply with the provisions imposed on the company in section 285. Section 285 was amended last session to permit the employees of the railway to advise the Railway Commission directly of the fact that an accident had occurred. It was only for the purpose of giving prompt information to the Commission, to enable them to investigate, if they desired, the causes of the accident; because instances were cited of weeks having gone by without the Commission being even advised. Railway employees individually and through the organizations last year submitted to you a proposition that they should assist the Railway Commission in ensuring safety in the operation of our railways; I now submit, honourable gentlemen. that because they were willing to do that they ought not now to be penalized along with the employer, because they are only the servants or the agents of the employer. and that the employer, the railway company, should be solely responsible, so far as the penalty clause is concerned, for making the returns to the Commission. If the railway company does not make a report on an accident to the Commission and the Commission does not know that the accident has occurred, the railway employee says that he would like the opportunity of reporting it-that he thinks it but night that the Commission should be advised, because the accident may have occurred as the result of some defect either in the track or in the equipment that was moving

Hon. Mr. RICHARDSON.

over the track, and the railway company, knowing their responsibility in the matter, and knowing that some negligence on their part was the cause of the accident, had not reported the fact to the Commission and the accident was not investigated. Now, I submit, honourable gentlemen, that [because that may have been the case, the individual employee ought not to be penalized or fined for something for which his employer is responsible. Therefore, I submit, subsection 2 of section 413 ought not to be in the Bill at all.

Hon. Mr. DANDURAND: But what about section 285?

Hon. Mr. ROBERTSON: That is all right.

Hon. Mr. DANDURAND: If my honourable friend will read the last portion of subsection 1 of section 285, he will see that it is imperative on the employees to send notice to the Board.

Hon. Mr. ROBERTSON: That is quite correct; but if for some reason the employee fails—if he is injured, or if his mind happens to have been diverted to something else, if the accident happens 10 miles from a telegraph office and he fails to send a message to or to get into touch with the Commission, or if he reaches a place from which he could send a telegram and goes by without sending it, he ought not to be penalized. But there is a provision in section 285 which gives him the right—

Hon. Mr. DANDURAND: The obligation.

Hon. Mr. ROBERTSON—to communicate the facts to the Board; but there is no necessity under section 285 as it stands for imposing a penalty.

. Hon. Mr. WATSON: Look at the thirtyfirst line in section 413.

Hon. Mr. POWER: Before we come to that, I wish to call attention to the point made by the honourable gentleman who has has just sat down (Hon. Mr. Robertson). The conductor is penalized. He is ordered to report to the board; the railway companies are ordered to report to the board. Does the honourable gentleman think that we should introduce class legislation, and provide that if the company do not report they shall be liable to a penalty, while if the conductor does not report he is not to be punished at all? That is not the sort of even-handed justice that we should expect from the honourable minister.

Hon. Mr. BRADBURY: This matter was thoroughly discussed in the other House. It seems to me that there was very good reason for framing the Act in this way. It was framed to make the conductor responsible. It says:

Every conductor or other employee who makes a report to the company of the occurrence of any such accident and fails, wilfully or negligently, to notify the Board of the same by telegraph as soon as possible after such accident, is guilty of an offence and is liable, on summary conviction, to a penalty not exceeding one hundred dollars.

If the man gets injured and cannot report, he will not be punished.

Hon. Mr. DANIEL: Not at all.

Hon. Mr. BRADBURY: But if he is able to make a report to the company, why should he not report to the Railway Board? This question was fully discussed in the other House, and I think it would be a great mistake to strike that provision out.

Hon. Mr. ROBERTSON: This clause was not in the Bill of last year. There was no penalty as far as conductors were concerned.

Hon. Mr. DANDURAND: Was it not consequential?

Hon. Mr. POWER: I think it only right to call attention to the fact that the penalty is not to exceed \$100. In the case of an employee it probably would not be more than \$5.

Hon. Mr. ROBERTSON: That is a suggestion which I think is worthy of consideration. I would move that subsection 2 of section 413 be amended by adding, after the word "penalty" in the last line, the words "not exceeding \$5."

Hon. Mr. POWER: Oh, no.

Hon. Mr. ROBERTSON: I submit that the difference between the resources of a company and \$100 is much greater comparatively than the difference between the resources of one of its employees and \$5.

Hon. Brigadier-General MASON: The-intention is that the board should get quick and complete notice of the accident.

The amendment was negatived, and section 413 was agreed to.

Sections 414 to 423, inclusive, were agreed to.

Section 424—intoxication of railway employees:

Hon. Mr. CASGRAIN: There will be no need for that, now that we have prohibition. $S-9\frac{1}{2}$

Hon. Sir JAMES LOUGHEED: The railways run through Quebec.

Hon. Mr. CASGRAIN: We have prohibition in Quebec now.

Hon. Mr. BEIQUE: We have exported all our liquor.

Hon. Mr. CASGRAIN: It has all gone to Ontario.

Section 424 was agreed to.

Sections 425 to 427, inclusive, were agreed to.

On section 428—false billing, etc., by any person:

Hon. Mr. DANIEL: May I ask the honourable the leader of the Government why leave should be had of the board in order to prosecute any officer or agent of any company for false billing? Why should it be necessary to get leave to prosecute a man for breaking into goods?

Hon. Sir JAMES LOUGHEED: It is not for breaking in. This provision is confined to subsection 1, and the board would be the proper persons to say whether there had been any contravention of the Act in that respect.

Section 428 was agreed to.

Sections 429 to 436, inclusive, were agreed to.

On section 434—refusing to check baggage (reconsidered):

Hon. Mr. DANIEL: It appears to me that the penalty imposed in case the company refuses to check a passenger's baggage is very small. Suppose a company refuses to give a check to a passenger, what is he going to do with his baggage? He is going to be put to all kinds of trouble. How is he going to get it to its destination? It seems to me that there is something rather slack about that section. I think the penalty provided, namely, \$8, would not be any sort of compensation for the trouble he would be put to. I move that the word "eight" in the 16th line be eliminated, and the words "one hundred" be put in its place.

Hon. Mr. ROBERTSON: That may work very unsatisfactorily. A very large proportion—probably the major proportion of the baggage handled upon the railways is worth much less than \$100 for each piece. Having been unfortunate enough, perhaps, to have served a railway company for a good many years in the capacity of station agent, I happen to know something about the games played upon railway companies by people who seek to obtain damages or compensation by means of unfair claims made. May I suggest that the amendment of the honourable gentleman should read, "not to exceed \$100?"

Hon. Mr. DANIEL: I think the honourable gentleman perhaps has not noticed the first part of the section. The railway company has got to improperly refuse to check the baggage before it becomes liable, and under those circumstances I think the penalty should be a large one. The value of the baggage does not make any difference. There is no reference to the value of the baggage at all. The section deals entirely with the improper refusal to check baggage, and imposes a penalty upon the company, not because it refuses to check baggage of a certain value, but because it refuses to put a check on it at all.

Hon. Mr. WATSON: The value of the goods has nothing to do with the matter.

Hon. Mr. BEIQUE: Of course, the owner of the goods should have recourse at common law to the extent of the damage which he suffered. I do not think the amount should be raised to \$100, because the refusal would be the act, not of the company, but of a negligent employee, and you would be penalizing the company. I think the clause is all right as it is. It is not intended to cover damages. The person complaining would not receive any part of the penalty if it were \$100.

Hon. Mr. CASGRAIN: The honourable gentleman from Welland (Hon. Mr. Robertson) says that he has had experience. Do not the railways often refuse to check baggage because there is no proper place to put the check on it, or because it may not properly be called baggage or is not pro-perly boxed in or locked up? In a case of that kind a baggageman has an excuse for refusing to check it. I have been refused myself, the baggageman saying, "No, we won't check that; that is an express parcel." For instance, suppose that, instead of the goods or clothing being put in a trunk, they are boxed, they will refuse to check that box although it may contain what might properly be called baggage.

Hon. Mr. ROBERTSON: I think the reguirement is that there shall be a proper place to affix a check.

Hon. Mr. WATSON: That is what the section says.

Hon. Mr. ROBERTSON: But it is more far-reaching than that. Many unlawful attempts are made to have baggage carried Hon Mr. ROBERTSON. on railways. People sometimes attempt to send baggage, or trunks containing something that is not wearing apparel, on someone else's transportation. The railway employees-ticket service and baggage menhave to exercise the greatest caution to prevent the company they are serving from being defrauded, and I submit that there should not be a minimum penalty of \$100 in case some employee does not exercise proper judgment, because, although he may think he is exercising excellent judgment, if it is proven upon investigation that he has not done so, the company is fined, and will be prone to blame him for being overzealous on their behalf. I think it should read "not exceeding \$100."

Hon. Mr. DANDURAND: Will the honourable gentleman tell me why this clause makes the amount of the fine payable to the passenger, and liquidates the damage to which the passenger is entitled? Penalties generally go to the Government. but this section purports to fix the amount to which the passenger is entitled if the company refuses to carry his baggage, and, as it stands, it mentions a miximum of \$8. Is it not departing from the general policy of the Act?

Hon. W. B. ROSS: The honourable gentleman has just mentioned a matter about which I was going to speak. I think this section 434 is bad, for the reason which the honourable gentleman mentioned and perhaps for one or two others. I doubt very much if we have the jurisdiction to limit the amount of damages in a civil action on the part of a passenger who has asked to have his baggage checked. I am in a position to know that there are cases, in which neither \$8 nor \$100 would be anything like adequate compensation to a man for not having his baggage checked at a particular place. Cases of that kind have occurred, particularly in the experience of men going from cities in the Upper Provinces to catch a steamer. If anything goes wrong, \$8 or \$100 is not adequate compensation. You can imagine cases where the loss is not merely the personal baggage; it may be important documents. Now, if you refer to section 351 you will see that it throws upon the company the duty of checking baggage and of course gives the company the right to collect toll before giving the check. Section 434, instead of affixing a penalty of \$5 or \$10 and leaving the question of the civil action open, sets the penalty question aside and deals with the civil action. I doubt, as I say, if that can properly be done; but even if it can be done, I think it is all wrong, and I suggest this amendment:

If any railway company improperly refuses upon demand to affix a check to any parcel of baggage, having a handle, loop or suitable means for attaching a check thereupon, delivered by a passenger to the company for transport, or to deliver a duplicate of such check to such passenger, the company shall be guilty of an offence and liable to a fine of a sum not exceeding \$10; but nothing in this section shall be deemed to take away the right of the passenger to maintain a civil action.

I think that that would meet the case.

The Hon. the CHAIRMAN: Perhaps we had better let this section stand until the amendment has been prepared.

Section 434 stands.

On section 437—failure to furnish returns to minister:

Hon. Sir JAMES LOUGHEED: In the third line of subsection I, after the word "form" I wish to have inserted the following words: "in accordance with the classifications" it will read: "and in the manner and form and in accordance with the classifications."

Hon. Mr. BOSTOCK: May I ask what are the classifications that are referred to?

Sir JAMES LOUGHEED: We made a similar amendment in other sections. It is because of the statistics being returnable to the Minister of Railways. We are dealing with statistics and returns, and those words refer to whatever classifications there may be.

Hon. Mr. DANIEL: We made a similar emendment in section 380.

Hon. Sir JAMES LOUGHEED: Yes.

The amendment was agreed to, and section 43 as amended was agreed to.

Sections 438 to 455, inclusive, were agreed tc.

On section 456-Sunday observance:

Hon. Mr. DANIEL: I see that the marginal note reads: "Railway to be subject to provincial legislation in force in 1964."

Hon. Sir JAMES LOUGHEED: The marginal note should read "1904."

Hon. Mr. DANDURAND: Why is that reference made to 1904?

Hon. Mr. BEIQUE: Why state a day? The law may be changed.

Hon. Sir JAMES LOUGHEED: There is no necessity of stating that in the marginal note anyway. Hon. Mr. BOSTOCK: But in the section itself?

Hon. Mr. BEIQUE: I am suggesting that I do not see the necessity of stating any day.

Section 456 was agreed to.

Sections 457 to 460, inclusive, were agreed to.

On section 456—Sunday observance (reconsidered):

Hon. Mr. DANDURAND: Would my honourable friend revert to section 456? Could the honourable gentleman tell me to what extent this section has been amended? I see that it has been amended, but I have not the old Act before me.

Hon. Sir JAMES LOUGHEED: There is a slight omission in the second line of section 456. The words "street railway and tramway" were left out of the second line of subsection 1, and the same words in the second line of subsection 4, after the word "railway," so as to make the section applicable to railways under this Act, I presume.

Hon. Mr. DANDURAND: Railways that are under the authority of the Dominion Parliament?

Hon. Sir JAMES LOUGHEED: Yes.

Section 461 was agreed to.

On section 372—putting wires across railways or other wires (reconsidered):

Hen. W. B. ROSS: We dealt with section 372 the other day. Honourable gentlemen will see that in line 32, page 138, these words appear: "placed or maintained along or across the railway." The honourable leader of the Opposition (Hon. Mr. Bostock) called attention to the word "along" being in subsection 1 of section 372, and he very properly said that if it is included there it ought to be in the other parts of the Act. But I have examined this carefully and have come to the conclusion that the word "along" ought to be struck out—

Hon. Mr. BOSTOCK: In both places?

Hon. W. B. ROSS: Yes.

Hon. Mr. BOSTOCK: That is right.

Hon. W. B. ROSS: The word should not be in the section at all. It makes nonsense of the section. When you come to study what section 372 is for, you see that the old Act does not contain the word "along."

Hon. Mr. BOSTOCK: No.

The Hon. the CHAIRMAN: Subsection 4 was amended by inserting the word "along."

Hon. W. B. ROSS: I know that the word "along" was inserted, but I am asking now that it be stricken out of section 372 altogether-out of subsection 1 and subsection 4. The word should not be there, because the words "along the railway" only require the company to deal with itself. The intention is to safeguard the public with respect to the crossing of the railway by electric wires, power wires and all that sort of thing. But the wires that run along the railway concern the railway itself. There is no sense in having the word "along" there. It has been interjected by some person who only half understood what is meant by this section.

Hon. Sir JAMES LOUGHEED: We had better let it stand, because it will lead to a discussion. We will reconsider it at the next sitting of the committee. We will take that up with the other sections that are to be reconsidered.

Hon. Mr. DANDURAND: But is the motion for reconsideration carried?

Hon. Sir JAMES LOUGHEED: Yes. We will hold that section over.

Section 372 stands.

Progress was reported.

DEPARTMENT OF SOLDIERS' CIVIL RE-ESTABLISHMENT BJLL.

FIRST READING.

Bill 12, an Act respecting the Department of Soldiers' Civil Re-establishment.—Hon. Mr. Robertson.

PUBLIC WORKS ACT AMENDMENT BILL.

FIRST READING.

Bill 40, an Act to amend the Public Works Act.—Hon. Mr. Robertson.

NAVIGABLE WATERS PROTECTION ACT AMENDMENT BILL.

FIRST READING.

Bill 41, an Act to amend the Navigable Waters Protection Act.—Hon. Sir James Lougheed.

DEPARTMENT OF RAILWAYS AND CANALS ACT AMENDMENT BILL.

FIRST READING.

Bill 42, an Act to amend the Department of Railways and Canals Act.—Hon. Sir James Lougheed.

Hon. Mr. BOSTOCK.

SECRET SESSION OF HOUSE OF COMMONS.

The Hon. the ACTING SPEAKER read a message from the House of Commons, as follows:

Resolved: that a message be sent to the Senate to acquaint Their Honours that the sitting of the House of Commons of Wednesday next, the 17th day of April, instant, shall be a secret session until the House shall then otherwise order, and that all strangers be ordered to withdraw during such secret session. Provided however, that this Order shall not

Provided however, that this Order shall not affect the privilege enjoyed by members of the Senate of being present at debates in the House of Commons.

Ordered that the Clerk of the House do carry the said message to the Senate.

W. B. Northrup, Clerk of the House of Commons.

The Senate adjourned until 3 p.m. tomorrow.

THE SENATE.

Tuesday, April 16, 1918.

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

Prayers and routine proceedings.

OFFICERS OF THE 78th HIGHLANDERS.

MOTION FOR RETURN.

Hon. Mr. TANNER moved:

That an Order of the Senate do issue for a Return referring to Return of the Senate (No. 7, August 23, 1917, re officers 78th Regiment, Highlanders of Pictou County, Nova Scotia)--

1. (a) Giving the names of the officers mentioned in the said Return who served with the overseas forces at the fighting front since said Return was compiled.

(b) The unit and date each one so served. (c) The number who became casualties, and when.

2. The location, connection and rank of each of the officers mentioned in said Return in the overseas forces at the present time.

Hon. Mr. POWER: I am not opposing the motion, but it seems to me that the honourable gentleman from Pictou should give us some reason why he is asking for this return.

Hon. Mr. TANNER: The reason is that I am desirous of getting the information.

The motion was agreed to.

TRANSLATION OF PARLIAMENTARY DEBATES.

MOTION FOR RETURN.

Hon. Mr. DENNIS moved:

That an Order of the Senate do issue to the Clerk for the following information:

1. The number of pages of the Senate Debates of last Session, giving the number of Unrevised and the number of Revised.

2. Is the French translation made from the Unrevised Edition or from the Revised?

3. Is the French translation of the Debates of last Session completed? If so, when was the last copy delivered to the Printing Bureau? If not yet completed, how many pages remained untranslated on the 13th of March last? 4. How many translators are employed on the regular staff for this work? 5. What is the name and the salary of each?

each?

6. Have they or any of them been employed

b. Have they or any of them been employed at any other work for the Senate during or since last Session? If so, what work?
7. Has any other person or persons been employed to assist the regular staff in the work of translating the Debates of last Session? If so, state the name of each such person? If so, state the name of each such person? son, the length of time he has been so employed, and the amount of his remuneration therefor.

8. Is each translator expected to translate a definite minimum number of pages of the Debates each working day? If so, how many printed pages are supposed to constitute a fair day's work for each man?

9. Did the regular staff of translators transate into English the speeches delivered in French during the last Session? If so, how many pages? If not, who did this work, and what extra remuneration, if any, was paid for it?

SECRET SESSION OF HOUSE OF COMMONS.

ATTENDANCE OF SENATE.

Before the Orders of the Day:

Hon. Mr. CLORAN: I beg leave to offer a suggestion to the honourable leader of the Government in this House. The Prime Minister yesterday announced in another place that a session of Parliament would be held within closed doors to receive very important information from the British Government regarding the war situation. The Prime Minister stated that everybody would be excluded from that session except members of the House of Commons and members of the Senate. Our rules call for the meeting of the Senate at 3 o'clock to-morrow afternoon. My suggestion is this, that it will be necessary not only for the members of the House of Commons to be present and listen to that confidential information or whatever may be said thereon, but also for the members of the Senate to have the same information imparted to them. It could not be imparted to them unless they were present. I therefore suggest to the honourable leader of the Government that when he moves the adjournment of the House this afternoon or to-night he should move that the House may adjourn so that the members of the Senate may be enabled to attend the secret

session to-morrow afternoon. I suggest that when this House meets at 3 o'clock we should call it 6 o'clock, so that we may all go in a body to the House of Commons.

Hon. GEORGE TAYLOR: Or adjourn during pleasure.

Hon. Mr. CLORAN: Or the honourable leader of the Government could move that. when the House adjourns to-day, it stand adjourned until the secret session is over. Of course, nobody knows whether it will take a quarter of an hour, half an hour, or an hour. Another suggestion would be that the honourable leader of the Government move that the House adjourn until to-morrow evening at 8 o'clock. We could do as much work between 8 and 10 or 11 o'clock to-morrow night as we could during the afternoon. I make these suggestions or behalf of members of this House. especially myself, who would like to receive the important information to be communicated by the Prime Minister to the Parliament of Canada.

Hon. Sir JAMES LOUGHEED: I discussed the matter with my honourable friend the leader on the opposite side of the House (Hon. Mr. Bostock) and we agreed that, with the leave of the House, we should adjourn to-morrow after the House opened, for the purpose of attendirg the secret session.

RAILWAY ACT CONSOLIDATION BILL.

FURTHER CONSIDERATION IN COMMITTEE.

The Senate again went into Committee on Bill A, an Act to consolidate and amend the Railway Act .- Hon. Sir James Lougheed. Hon. Mr. Girroir in the Chair.

On section 374-putting lines or wires along or across highways:

Hon. W. B. ROSS: I gave a notice of a motion yesterday in respect to section 374; not that technically it was necessary to give the notice of motion, but I thought it might be well to have the new section I intended to move as a substitute for section 374 printed for the information of honourable members. A portion of this section 374 was originally in part of what is now section 373, when the new Railway Bill was introduced into the House of Commons. The last part of it, subsection 5, was a piece of special legislation put into the Bill after it was introduced into the House of Commons, and thereupon section 373 of the Bill as it was introduced there was split up into the present sections 373 and 374. Now, section

374 was discussed in the Railway Committee of this House for several days at the last session. It was discussed by men on each side, for and against. Some members spoke, I think, as many as ten or twelve times, and for an hour or an hour and a half at a time. I am satisfied that the majority of the committee had made up their minds as to the merits of section 374. As far as I was concerned, I made up my mind independently of any one.

The Bill was so fully discussed last year, and members are so fully conversant with the terms of section 374, that I do not intend to make any prolonged remarks upon the section. But before I refer to the amendment that I propose, I should like to point out that at the beginning of section 374 there is a definition of a company, and also of a municipality. Then, in the first part of subsection 2, you find these words:

Notwithstanding anything contained in any special or other Act or authority of the Parliament of Canada or of the legislature of any province, the company shall not—

I propose striking out all the words down to the word "company" in the third line of subsection 2. so that the section as amended will refer to the company as defined in the very first section of the Bill.

Then, coming down to subsection 4 of section 374, we will find these words:

Nothing contained in this section shall be deemed to authorize the company, nor shall the company have any right, to acquire, construct, maintain or operate any distribution system.

In the second and third lines of this section you will see these words:

Nor shall the company have any right.

These words are very comprehensive, and would have the effect, practically, of taking away any existing right that a company with a special charter might have. In my proposed amendment I am leaving out the words:

Nor shall the company have any right.

If they have any rights, I think it would be bad legislation to take them away in the left-handed way in which it is done by this subsection.

Subsection 5 v:as interjected, and was entirely new whea the Bill was before the committee of the House of Commons, and you will see that on its face, without any pretense whatever it is simply cold-blooded legislating away of rights that were acquired many years ago. Notwithstanding that, I do not know that it is quite so repre-Hon. W. B. ROSS. hensible as the words which I have pointed out contained in subsection 4.

Now, I am opposed to section 374 for the reason that it is an interference with rights that have been created by the Parliament of Canada, by statutes that have been passed in the regular way, and assented to by the Governor General. It is upon the authority of these statutes that the officers of these companies have gone into the markets of the world and have gotten money upon securities that are based upon the faith of those statutes, and to allow any one to come now and say that such and such a representation was made in order to get a statute passed-to allow a trial now with regard to the merits of that statute-is simply to throw doubts upon the whole legislation of this country. I think it is a fundamental principle of legislation, as well as of ethics, that if you make a contract which turns out to be beneficial to you, you are entitled to the benefit of it; but, on the other hand, if the contract turns out to be against you, if you are an honest man you are bound to carry it out. If you appeal to religion, I think you will find the principle asserted that the man who is entitled to go before his Maker is the man who has persisted in making good a contract that was injurious to himself. In any system of ethics that has received any credit from mankind you will find that principle asserted, and if you depart from that principle I do not know where you will end. If contracts solemnly made and entered upon were to be treated as scraps of paper, civilization would come to an end; not only that, but business would come to an end. How can business be carried on if solemn contracts are to be treated as mere scraps of paper ?- a phrase that we have come to understand recently.

Hon. Mr. CHOQUETTE: That was done in the case of the Election Act of last year.

Hon. Mr. ROSS: Oh, you have got that on your mind yet.

Hon. Mr. CHOQUETTE: It is the same principle.

An Hon. SENATOR: He comes from Quebec.

Hon. Mr. CLORAN: That is a good place to come from.

The Hon. the CHAIRMAN: Order.

Hon. W. B. ROSS: I will discuss that matter with the honourable gentleman almost any time if he brings it up on a special motion.

Now, there is another phase apart from the fundamental ethics and the religious principle back of the contract. I do not care to dilate upon it, but no sovereign legislature like this can afford altogether to ignore it. Some people want to be very practical. If you look at this matter from the practical point of view, I venture to say that, if section 374 as it stands were to become law, no Canadian bonds or securities would be worth fifty cents on the dollar south of the American boundary. More than that, if any country-and it is particularly true of a young country-is going to develop, one of its first requisites is cheap money. Even our farmers understand that. For years we have heard from them that they cannot develop their farms with money for which they have to pay eight per cent. If they can get money at four per cent, there would be great de-velopment. It is the A-B-C of political economy that if you want to develop a country you must have cheap money. In building a railroad or any other public or private work, if you can get money at four per cent, you will be able to do what you could not do if it cost you eight per cent, and you are able to give better service. As a matter of fact, cheap money is the power that enables a company to develop its resources. Now, the first requisite with regard to cheap money is confidence; that also is elementary. If you destroy public confidence in your security, cheap money comes to an end. Any man who lends money knows that if he is lending it to a man who is certain to return it, he will lend it at a lower rate than if he were lending it to a man whose character was doubtful, and where the return of the money was doubtful. You have only to look at the history of the South American republics. which had to borrow money at 20 per cent. 30 per cent, 40 per cent. or 50 per cent from Jews in Europe. A good illustration of the reverse condition is the state of Massachusetts. There was a time when that state borrowed money at one per centless than the rate at which the last National Government at Washington could borrow it-and it was because at a particular time in its history it paid interest on its public debt in gold when other states undertook to pay it in silver. Massachusetts gained in the end. The same thing applies with reference to section 374 of this Bill. If the rights of companies which were created years ago, and which have fought their way through the period necessary for the development of such companies as railway companies,

power companies, and so on, now that they are beginning to be prosperous institutions, are to be swept away and these companies are to be left high and dry without any of the rights with which they were vested at the time they began business, I should say there would be an end to practically all business of any great size in this country.

More than that, it is a little surprising to me that subsection 5, and especially the words that I refer to in subsection 4, should come from the source from which they do. I have no doubt that they emanate from the city of Toronto. The city of Toronto is supposed, morally and intellectually, to be built on a hill, and to be a light and guide for all the rest of Canada.

Now, I suppose that the general provisions contained in section 374 would remain, but that everything which undertakes to take away the vested interests of any company now existing should be eliminated from the section. I say this with one qualification, which is contained in the proposed subsection 5 which you will find on page 124 of our Minutes of Proceedings. I could have moved-and perhaps it would have met the views of some honourable gentlemen-that section 374 be stricken out altogether; but I am prepared to accept this principle with regard to companies having special charters, that they go on the footing of individuals. A foreigner in this country is put on the same footing as a citizen except with regard to voting. He has the same right that I have to trade, to own land, and to do other things; but it is an implied condition that he is subject to the general laws of the country, the same as I am. I have certain rights, but those rights are qualified by the general law. Now, under subsection 5, I propose that:

Any specific powers inconsistent with the provisions of this section and conferred on any company by any special or other Act or authority of the Parliament of Canada or of any province shall not be affected by the provisions of this section.

That is a complete reservation of whatever rights private companies may have. I am not specially interested in the Toronto and Niagara Power Company, but this provision saves all companies. Then there is this qualification:

But if any municipality complains to the Board that any company, whether incorporated by special or other Act or authority of the Parliament of Canada, is exercising its powers oppressively or in bad faith, the Board may hear such complaint and if it sees fit supervise the exercise of such powers.

SENATE

It cost me considerable thought and investigation to arrive at what would be apt language to express this qualification; and I found the language used by the Imperial Government with regard to colonial legislatures, in laying down the principle that where the Imperial Parliament gives power to a colonial legislature to legislate, and that legislature legislates in pursuance of that power, the Imperial Government never disallows an Act passed under that power unless it is seen that the power is being used oppressively or in bad faith. The language fits in exactly with the qualifications that I wish to express by subsection 5 of section 374. I myself have known cases of railway companies that had power to do certain things--for instance, to take land for a railway. They may have a young engineer, inexperienced, and perhaps feeling just a little bit the "swelled head" at being in the employ of a company having the right to run through farms. But I have seen cases of a neat exercise of power taking land, for instance, running a railway line through the centre of an orchard when it could just as well have been run alongside of it. I can imagine a company with power to string wires across land, at the instance of some youngster of an engineer, suffering, as I have said, from "swelled head," crossing through the middle of a garden, when he could very well have gone along the side or along a line fence. That would be an abuse of power. And there may be a case in which something of the same kind occurred in regard to a municipality. If a company persisted in an attempt to run unsightly wires up a beautiful street in a town, when they could be carried through another street, I should say that would be an abuse of power: that would be using it oppressively or in bad faith, and the municipality would be entitled to go to the railway board and say: "We want you to tell this company to put that line somewhere else." In other words, I do not think that, while these companies have special powers, they should have an unlimited right to do anything at all whether it is right or wrong or whether it is oppressive or not. For myself, I should be quite willing, and I think it is quite fair and quite consonant with sound legislation, that that power should be given to the railway board, while conserving to the company all the rights that are conferred upon it. The amendment I propose is as follows

That Section 374 of the said Bill be struck out, and the following substituted therefor: Hon W. B. ROSS.

a- 374. (1) In this section,
 (a) "company" means any person or company having legislative authority from the Par-

pany having legislative authority from the Parliament of Canada to acquire, construct, operate or maintain works, machinery, plant, lines, poles, tunnels, conduits, or other means for receiving, generating, storing, transmitting, distributing or supplying electricity or other power or energy, but does not include a railway company, or a telegraph company or telephone company. (b) "municipality" means the municipal

(b) "municipality" means the municipal council or other authority having jurisdiction over the highways, squares or public places of a city, town, village or township, or over the highway, square or public place concerned.

(2) The company shall not, except as in this section provided, acquire, construct, maintain or operate any works, machinery, plant, line, pole, tunnel, conduit or other device upon, along, across, or under any highway, square or other public place within the limits of any city, town, village or township, without the consent of the municipality.

(3) If the company cannot obtain the consent of the municipality or cannot obtain such consent otherwise than subject to conditions not acceptable to the company; the company may apply to the board for leave to exercise its powers upon such highway, square or public place; and all the provisions of section three hundred and seventy-three of this Act with respect to the powers and rights of any company covered by that section, and with respect to proceedings where the company cannot obtain the consent of the municipality, shall, subject to the provisions of this section, apply to the company and to any application to the board and to all proceedings thereon, and to the powers of the board in the premises.

(4) Nothing contained in this section shall be deemed to authorize the company to acquire, construct, maintain or operate any distribution system or to distribute light, heat, power or electricity in any city, town, village or township: or to erect, put or place in, over, along or under any highway or public place in any city, town, village or township any works, machinery, plant, pole, tunnel, conduits. or other device for the purpose of such distribution without the company first obtaining consent therefor by a by-law of the municipality: Provided that this subsection shall not prevent the company from delivering or supplying such power by any means now existing or under the provisions of any contract now in force for use in the operation of any railway or for use by any other company lawfully engaged in the distribution of such power within any such city, town, village

(5) Any specific powers inconsistent with the provisions of this section and conferred on any company by any special or other Act or authority of the Parliament of Canada or of any province shall not be affected by the provisions of this section, but if any municipality complain to the board that any company whether incorporated by special or other Act or authority of the Parliament of Canada is exercising its powers oppressively or in bad faith the board may hear such complaint and if it sees fit supervise the exercise of such powers.

Hon. Mr. DAVID: Will the honourable gentleman tell me how he reconciles the definition of the word "company" in the Railway Act with the definition which he gives of the word "company" in his amendment? In his amendment the honourable member says:

"Company" means any person or company having legislative authority from the Parliament of Canada . . . but does not include a railway company or a telegraph company or a telephone company.

The Railway Act says that "company" includes a person or company, and, unless otherwise stated or implied, means railway company.

Hon. W. B. ROSS: We are not trying to reconcile the two definitions. The word "company" in section 374 receives its special definition for the purposes set out in that section. It is a special definition.

Hon. Mr. DANDURAND: Do I understand that the amendment, which I have before me, but which I have not had time to compare word for word with the draft Bill, has for its purpose the striking out of the two first lines of subsection 2:

Hon. Mr. ROSS: Yes.

Hon. Mr. DANDURAND: And part of the third line up to and inclusive of the word "province?"

Hon. W. B. ROSS: Yes, that is right.

Hon. Mr. DANDURAND: Then in subsection 4, striking out the words: "nor shall the company have any right?"

Hon. W. B. ROSS: Yes, those words.

Hon. Mr. DANDURAND: And then replacing subsection 5 with the one which is contained in the amendment?

Hon. W. B. ROSS: Those are all the changes.

Hon. Mr. MACDONELL: Mr. Chairman and honourable gentlemen, the amendments that have been proposed and read to the committee revolutionize-if I may use the word-the entire dealings in the past with power companies and companies for the transmission of power. I will endeavour to prove to the honourable gentlemen present that the legislation in regard to power has been consistent for the last twenty or thirty years, and that the power clauses in . section 374 of this Bill are just in line with what has been the policy of the Parliament of Canada since Parliament started dealing with power companies, or since power companies start-ed in business. The effect of the amendment which is now moved would be to intensify and perpetuate the hardships from which municipalities are now suffering. The

consequence of passing the amendment would be worse than if section 374 were taken out of the Bill entirely and no legislation whatever were enacted on the point under consideration. I was a member of the select committee of the House of Commons to which this Bill was referred. It was before the committee for some months. This section particularly was under discussion for some weeks. Men came from all parts of Canada to give evidence before the committee. The muicipalities and other public interests The language were there represented. of the section is complicated, and yet it is very complete and ample. It is more or less interlaced with the rest of the Bill, and for the first time power companies are segregated or separated, in the general legislation of Canada, from telegraph, telephone and railway companies. Section 374 embodies all the existing law with regard to power companies which was put into a section by itself so that it would be simple, easily understood, and easily complied with.

Now, it is impossible to deal offhand with the amendment which is proposed. I am not in the least alarmed about the result of this section; but it is difficult to deal with it now, after months of discussion in the Commons over it. This amendment makes conditions worse for the public, because subsection 5 perpetuates ad infinitum the powers of the company granted in its special Act. The whole crux of the difficulty is that the Toronto and Niagara Power Company had a special Act which_ they got through this Parliament in 1902, and which gave them greater powers than any other company had theretofore or has since been given. They are a law unto themselves. They correspond exactly with the definition given by the honourable gentleman from Middleton (Hon. W. B. Ross) of the attitude of the public and of municipalities with regard to the very section under consideration. It is the companies who have all the devouring of wealth, and they hope to entrench themselves behind the legislation which my honourable friend proposes. They would then be a public menace ad infinitum. There is a difficulty. therefore, in dealing finally with section 374 at this panticular moment, because of the complication in the section now moved in amendment, but subsection 5 makes it repugnant to anybody who heard the discussion in the House of Commons committee and has followed this question in the public interest, because it proposes to continue the

powers of this company forever by the proposed amendment. If the company is guilty of acting oppressively or in bad faith towards a community, it may be brought before the railway board; but the proposed amendment does not attempt to correspond with either of two things: either the existing law or the existing public opinion with regard to the matter.

Now, I will refer just briefly to the consideration which was given this section and the reasons for its being enacted. The memorandum which is submitted to the honourable members of this House by the railway commission makes mention of the fundamental changes in the law. In section 374, at page 6 of the memorandum, copies of which have been distributed by Mr. Blair of the railway commission, it is 'stated:

Section 374, dealing with power companies, is new, and is designed to preserve to municipalities the complete control of their streets with reference to the distribution system.

It is new, because it segregates power companies from other companies; but it was contained in the old law. Let me make this plain here and now, as it was made plain in the House of Commons. The distribution system is only one department of the power company's operations. The power company does two or three things: first, it generates power; secondly, it transmits power; then it distributes power or sells it in communities. This company does not generate power; it buys its power from the electrical development company; but it has a main transmission line. I quite agree with public opinion, and with the opinion of honourable gentlemen in this House, that it would be wrong to interdict or prohibit a power company from using its long-distance transmission system. One community might rise up and prevent the continuance of the line of wires, which would not be proper and should not be allowed. An appeal may be made to the railway board, as provided for in the section now under consideration. The last thing a power company does is to distribute power, that is, to sell it in the community, just as the milkman who comes around in the morning sells his milk, or the baker delivers his bread. It has always been the law, as far back at any rate as 1899, three years prior to the time this company was incorporated by special Act-I think I could refer back as far as 1888-that the distribution company had to get the consent of the municipality before it could build its line and high-voltage conduits on the streets and sell its power to the community. That has Hon. Mr. MACDONELL.

always been the law, and is the law to-day, applying to all companies unless and except this company, which obtained special power to enter municipalities and to vend power without the leave or license of the community.

So one thing that is aimed at in this Bill is the special provision in subsection 5 of section 374, which makes the effect of the section retroactive to 1906; and I will give you the reason why that was done by the committee. It is a public necessity to have this law as it is. I will explain in a word or two by reference to what took place before the Commons committee. The committee had a hearing of the parties interested, and the matter was discussed at great length in the Commons. In No. 16 of the special committee's report it is stated what interests appeared there and protested against the existence of the powers given to this company-the Toronto and Niagara Power Company-and urged the passage of the section we are now considering.

The city of Toronto was mentioned by my honourable friend from Middleton (Hon. W. B. Ross). I mention it because Toronto has been a sufferer; but my words are not uttered on behalf of Toronto cr of any particular community or locality or province. What this company did to Toronto they can do, unless their powers are amended, and unless they are put in conformity with all other power companies, to any and every municipality in Canada. They can do the same thing as they did in Toronto, which was to go upon the public streets without leave or license and chop down trees, erect poles of their own choosing, and generally act as though they were the owners of those highways.

While I am dealing with that point, I want to say, for it occurs to me and it is a propos of what we are discussing, that quite recently this very company against which we were trying to saleguard the public, the Toronto and Niagara Power Company, have gone into the city of London. I will read a memorandum reciting the facts briefly. It shows what they are doing and what they will continue for all time to do unless their powers are restricted. The London Electric Company was incorporated by a certain honourable gentleman whose name I will not mention, and who is present here to-day. He is, I believe, also a director of the Toronto and Niagara Power Company. This London company has been doing business in the city of London for about 15 years. It was given a franchise

allowing it certain rights on the streets to sell and distribute electricity. It also for a time lighted the streets and municipal buildings. That contract ran out some years ago, and the company was superseded by the Hydro, but its franchise continued. Something over a year ago its franchise in London having expired, the company was taken over by the Toronto and Niagara Power Company, which had and has a perpetual franchise. This company raised the rates; but, notwithstanding this, in February last the customers were notified that the company would cease doing business on April 1. An appeal for relief was made to the railway and municipal board, and also to the Dominion Railway board; but the people were told by both of those bodies that they had no jurisdiction over that company. Accordingly the people were notified that shortly before midnight on March 31 the company would cut off the light and power supplied to their consumers, including the Grand Trunk and Canadian Pacific railways, and the street railway. The power controller was urged to take action and compel them to continue the service. He also advised London that his order or power did not extend to this company, as its power was generated by steam. So the company simply discontinued in London. When fuel became cheap againfor the power is generated by fuel-the Toronto and Niagara Power Company bobbed up as the owners of this franchise, which had terminated in the hands of the original London Electric Company, and they can carry on their business in London as long as they please. They can shut it down when fuel is scarce, and they can jack it up again when fuel is cheap. That is an instance of what they are doing. So, in view of the powers of this company, it is no wonder that the public became greatly alarmed. The Committee of the House of Commons heard an immense amount of evidence. The evidence of the following mentioned parties is among that which appeared in protest against the then existing law and in support of what we have before us to-day in section 374 of the Bill: the city of Toronto, the Ontario Government, Mr. Lighthall, representing the Union of Canadian Municipalities, and the Hydro-Electric Power Commission made representations. While I am referring to the Hydro-Electric, I want to make this point emphatically. My honourable friend who moved the amendment (Hon. W. B. Ross) proposes that these companies shall have the right to go into municipalities without let or hindrance and do what they please.

Hon. Mr. CLORAN: That is not democratic.

Hon. Mr. MACDONELL: No; and we have had the Hydro-Electric paraded before us ad nauseum. You would think it was an Arabian night's varn, the story of Aladdin and his lamp, Aladdin being in the form of Sir Adam Beck, and that the Hydro-Electric had a mysterious way of removing competitors and getting all the business. The Hydro-Electric of the province of Ontario must get the consent of the municipalities before entering, and before it can distribute or sell light or power in any manner; and, in the second place, it must afterwards have a by-law passed by the people giving it financial aid-not a money payment, but a guarantee of a certain amount of money, which is the equivalent of what they spend in installing the plant in the community. So the Hydro-Electric must get two conbefore entering a community. sents and every other power company but the Toronto and Niagara Power Company must do the same thing; but the Toronto and Niagara Power Company seems to be the pet and favourite of this Parliament, and its rights, it is now proposed, shall not only continue but shall be perpetuated by the amendment which my honourable friend has proposed.

Hon. Mr. CLORAN: Will the honourable gentleman allow a question?

Hon. Mr. MACDONELL: Certainly.

Hon. Mr. CLORAN: Under this charter have they the power to go into the municipalities even against the will of the municipalities?

Hon. Mr. MACDONELL: Yes.

Hon. Mr. CLORAN: That power was granted by this Parliament?

Hon. Mr. MACDONELL: Yes.

Hon. Mr. CLORAN: Did this Parliament have the right to grant that power?

Hon. Mr. MACDONELL: It had the constitutional right, but not the conscientious right.

Hon. Mr. CLORAN: Nothing is constitutional unless it is conscientious. Will the honourable gentleman admit that this Parliament had the right to grant power to any company or any person to interfere with democratic and municipal rights?

Hon. Mr. MACDONELL: I have my own personal opinion, but the Privy Council in

England said that they had this right. That is why we are here to-day.

Hon. Mr. CLORAN: They ought to revise their judgment.

Hon. Mr. MACDONELL: A large number of other interests and practically all the communities in Ontario were represented before that committee, to protest against what this company was and is doing, and all in favour of the insertion of section 374 which we are now considering. The Ontario Government made a long and urgent appeal, which is in writing, and which is part of the proceedings of the committee, protesting against this company, and urging the passage of section 374 as it stands. I have mentioned the Canadian Municipal Association.

Hon. Mr. CLORAN: They had better not come to Quebec.

Hon. Mr. MACDONELL: In a moment I will refer to a meeting that took place the other day. The Ontario municipalities have an organization of their own. They appeared here and protested against the Bill as it stood, and advocated the Bill as it stands before us to-day. The following cities of Ontario were represented: Toronto, Chatham, Galt, Guelph, Hamilton, Kitchener, London, Niagara Falls, St. Thomas, Windsor and Woodstock. I will not read the names of the towns that were represented.

Hon. Mr. CLORAN: Read them.

Hon. Mr. MACDONELL: Very well. The towns were Bothwell, Dresden, Dundas, Dunnville, Forest, Goderich, Hespeler, Milton West, Paris, Petrolea, Ridgetown, Sandwich, Seaforth, Strathroy, Tilbury, Tillsonburg, Walkerville, Wallaceburg, Waterloo, Weston, Welland. A large number of villages were also represented.

Hon. Mr. CLORAN: Practically all of Ontario.

Hon. Mr. MACDONELL: Yes, practically all of Ontario, and they protested strongly against the Bill as it stood, and favoured the amendment as it now stands as section 374 of the Bill. I followed this matter very closely. I have it very deep in my heart, because of public interest. That is the only interest that I have in the matter. The select committee of the House of Commons heard the evidence, week in and week out, and decided by a majority of nine to three to retain the clause as it now stands. In Committee of the Whole House of Commons it passed by a vote of 32 to 13, and the report of the Committee was adopted; Hon. Mr. MACDONELL.

in short, there was a majority for it of about 3 to 1.

I should like to refer to a remark made by a member of the committee. I think it is entitled to very great consideration. I refer to Hon. Mr. Cochrane, then Minister of Railways, who, if I may say so, had slept, with this Bill for two or three years, and was imbued with the spirit of it and was thoroughly conversant with every section of it. Several honourable gentlemen gave their reasons for voting as they had done. Those who voted against the section in the Bill endeavoured to make their offence as light as possible. In supporting the section, Hon. Mr. Cochrane gave this as his justification:

My justification for taking the position I do is that I think the Parliament of Canada did wrong in giving the company these powers. They did an injustice to the different municipalities in the provinces of Canada, and I think it is the duty of this Parliament to mend that wrong.

He does not say Ontario; he says Canada. There is the whole matter in a nutshell. If you were to argue from now to this day next year, you could not have it put more succinctly before honourable gentlemen. That is the story of the Bill so far as the Commons is concerned.

Before I leave the question of the various interests here represented, I may say that I received, as apparently every other honourable gentleman likewise did, a short memorandum last week from the Union of Canadian Municipalities, who were holding a general meeting at Ottawa on the 10th of April. They distributed a circular which contained the following:

Bill A, an Act to consolidate and amend the Railway Act.

Resolutions unanimously adopted by the executive committee of the Union of Canadian Municipalities, Ottawa, April 10th, 1918.

Then, the last clause but one says:

Resolved unanimously, that this union, after due consideration, strongly supports the proposal of the City of Toronto regarding section 374.

This resolution simply refers to Toronto because that city took the leading part with regard to this section, because it had been smarting under the injustice of what had been done. It was the city of Toronto that first brought this matter before the select committee of the Commons. What I have read shows that I am safe in saying that all the municipalities in Ontario which have spoken are in favour of this section, and that every public-spirited interest or individual desires it.

I desire now to refer shortly to a matter of very great importance, and I am prepared to make the statement that, with the exception of the retroactive feature at the end of paragraph 5, the law as embodied in this section is identical and verbatim with the law that we have had in this country ever since we had power companies. I will endeavour to prove that statement by reading extracts from the statutes. We are asking nothing new. The Government of Canada presents this Bill. It received the support of the Government in the Commons, and it comes here as a Government Bill, and it is in that aspect that we are dealing with it. The House of Commons gave this Bill ample consideration and sufficient support to ensure its passage, and they are not connected with anything that is revolutionary, startling or unfair. This section 374 is simply a perpetuation of the general law as it has been heretofore, making it applicable to this company, which, under the decision of the Privy Council, has escaped-a company which is a law unto itself, which can buy out expiring franchises and continue the business while it is profitable in perpetuity.

The Toronto Electric Light Company is a public corporation distributing and selling light in the city of Toronto. It has a municipal franchise which will expire in 1919. The franchise was given to it by the city of Toronto, and an agreement was entered into in due form. This was a liberal agreement to the company, because it was drawn some twenty or thirty years ago, when power and light companies were few in number and when their franchises were valuable and the cost of power high. As I have said, this franchise will expire in a year or two, and the reason that the city of Toronto became apprehensive was, not so much on account of the wires and poles which had been erected by the company in North Toronto, but because of the fact that the general manager of the Toronto Electric Light Company had made a statement in the public press-and I am not going to do him an injusticeto the effect that although the Toronto Electric Light Company's franchise was expiring in two or three years, the Toronto and Niagara Power Company would come in and take over their business and continue it without leave or license, and that they would be in a position to continue perpetually because of the fact that the Toronto and Niagara Power Company had a perpetual franchise under which they could go anywhere without the

consent of the community, and the game would be continued as it had gone on before. The city became alarmed because the people believed, and they still believe, that an agreement has been made by which the expiring franchise of the light company will be continued ad infinitum by the Toronto and Niagara Power Company; and, unless this retroactive feature in this Bill has effect, they will do so. Let me point out that the retroactive feature is simply aimed at prohibiting the Toronto and Niagara Power Company from buying this expiring franchise, and makes provision for the protection of all existing contracts and all existing lawful business that the power company may have. So that it would not kill the company's business, as has been stated in the corridors of this House. Nothing of the kind would occur. The draftsman of the Commons was careful to make provision-and I will refer to it later-in subsection 4 of section 374, to protect the existing business of this company.

Now, I would like to give a short resumé of the law on this point, in chronological order, because I think this section does not ask anything that is new. This section simply seeks to evade the consequences of the decision of the Privy Council, which was given on technical grounds, and which reversed the judgment of the Court of Appeal of Ontario, and gave a perpetual franchise, notwithstanding the fact that the general Act provided general safeguards. I will read Lord Haldane's judgment later to prove that the decision of the Privy Council was based upon a technical point which was contained in the private Act.

I want to justify the statement that this Bill, with the sole exception of the retroactive feature. is the old law. It has been the law since 1899, and even back of that. I would ask honourable gentlemen to bear in mind that this Toronto and Niagara Power Company was incorporated in 1902. That is the year before the railway commission was established, the year before the Railway Act was consolidated in 1903. At that time there was no railway commission to which the matter could be referred, but that has not changed the current of legislation since then. Let me again make it plain. This company does two things: it transmits power and it sells power. In so far as the transmission of power is concerned, it can always do that, because it would not be fair that municipalities should hold up the building of through lines and wires for

transmitting power to other municipalities farther on. Now I will read the general law in force when this company got its Act in 1902. At that time the Railway Act of 1899 was in force. It was chapter 37 of that year. 'Section 1 is as follows:

Section 90 of the Raflway Act, chapter 29 of the Statutes of 1888, is hereby amended by adding thereto the following subsection; provided that the said subsection shall not apply to any company incorporated or chartered under any Act of the Parliament of Canada passed prior to the first day of January, one thousand eight hundred and ninety-nine.

Then, subsection 2, as it applied from that date, is, I believe, in almost the identical form that we have before us. It says:

When any company has power by any Act of the Parliament of Canada to construct and maintain lines of telegraph or telephone, or lines for the conveyance of light, heat, power or electricity, such company may, with the consent of the municipal council, or other authority having jurisdiction over any highway, square or other public place, enter thereon for the purpose of exercising the said power, and, as often as the company thinks proper may break up and open any highway, square or other public place, subject, however, to the following provisions.

Then follow various qualifications. I will refer to subsection i, which says:

Nothing herein contained shall be deemed to authorize the company to enter upon any private property for the purpose of erecting, maintaining or repairing any of its works, without the previous assent of the owner or occupant of the property for the time being.

Hon. Mr. BOSTOCK : What is the honourable gentleman reading?

Hon. Mr. MACDONELL : The Dominion statute of 1899, chapter 37. Now, even at that remote date, they had no power to go into a man's private property and walk over it or use it; but the special Act incorporating this company gives them power not only to do that but to take easements and other rights over private property. Suppose any honourable gentleman in this House had a home in the city, the company have a right to put their wires or poles across his property under the guise of what is legally known as an easement. They can do that; but away back in 1899 they were prohibited from doing it. So that when they got their charter in 1902 the general law said that they could not enter a community without the consent, by bylaw, of a municipal council or other authority.

With reference to the discussion which took place in the Senate with regard to this very clause in 1902, on the passage of the Toronto and Niagara Power Company's Bill, my honourable friend from De Salaberry Hon. Mr. MACDONELL.

(Hon. Mr. Béique) very properly raised the point that any committee or the Committee of the Whole of this Senate should be guided by the Act of 1899, for reasons I will give later. Then, the general Act of 1906 came along in due course and provision is made there in the same terms as in the Act of 1899, requiring the consent of the municipality before the company would have the right to enter a community and sell its power. I have the statute here, but it is the general Revised Statute of 1906 where the whole law is consolidated and made very ample and very plain. That law in the Act of 1906 is continued up to date, and it makes plain two things, transmission and distribution, and makes provision for appeal to the railway board where transmission is unreasonably denied by a municipality, and provides that a community is master in its own home, in reference to distribution or sale, and that no company shall be allowed to come in there without the consent of the community obtained by by-law. I stated that some little time ago manager Fleming, of the Toronto Electric Light Company, had stated that that company was selling or contemplating selling out to the Toronto and Niagara Power Company, the light company having a perishable franchise while the power company had a permanent franchise. Particulars of that statement will be found in this extract from the Star newspaper of Toronto, dated January 26, 1917, showing that Mr. Fleming made a public statement to that effect. The statement is reported as follows .

Toronto a Village-Manager Fleming laughs at city and praises Providence.

General Manager R. J. Fleming positively affirmed Thursday that the charter rights of the Toronto Power Company give to them the power to erect poles, etc., in any municipality in the province and to distribute power to any place within the province.

Asked if the Privy Council judgment against e Toronto Electric Light Company was as the good as an order to take the poles off the streets, the manager stated that it was. Asked to explain the situation, the manager said: "The judgment of the Privy Council was against the Toronto Electric Light Company. The Toronto Electric Light Company have an agreement with the city whereby they were permitted to distribute power. When the city objected to distribution of power why, of course, that meant we couldn't erect poles. When it was found that a steam plant couldn't provide for the distribution of power in competition with power developed at Niagara falls, and, as the Toronto Railway Company was a customer of the Toronto Electric Light Company, arrangements had to be made to ensure a supply of power adequate to meet the needs. The Toronto Power Company took over the Toronto Electric Light Company and the Electrical Development Company, and charter rights

were obtained for distributing power throughout Ontario. Providence, as you might say, was on our side, because, you know, you wouldn't expect a village to be allowed to stand in the way of a great distribution system upon which millions have been spent.

"You are not comparing Toronto with a village are you?" said the reporter. "Why not? the principle is the same. Some six or seven years ago when we were erecting poles upon North Bathurst street, the city took exception, and the case went to the Privy Council. The Privy Council then said that we had rights under the charter of the Toronto Power Company, and the city knows that as well as we do."

do." "Then you claim that the Toronto Power Company has a blanket charter to go into any municipality and erect poles in the province of Ontario." "Why, certainly we have the right to distribute power to any place in the province, and, of course, the power to erect poles." "Put it this way," said the general manager, "when the city; in a moment of resentment, objected to the arcetion of poles and took we to

"Put it this way," said the general manager, "when the city; in a moment of resentment, objected to the erection of poles, and took us to the Privy Council, a kind Providence came to our aid in the shape of the charter rights of the Toronto Power Company given to us some years ago, and the people were pleased that we should have them so that we might distribute power at a low rate. You know that for thirty years the city took power from us, and we spent millions of dollars to provide power at a low rate, and" —the manager's eyes twinkled—" then very unkindly the city says: 'We have entered the business, get off the streets.' Now that isn't fair, and so you see Providence has intervened, and we are able to continue the great work of distributing power."

Hon. Mr. MURPHY: I would like to ask the honourable gentleman if the city of Toronto has the first option to buy out the Toronto Electric Light Company?

Hon. Mr. MACDONELL: Yes, that is quite true. The city of Toronto has the power to buy the plant and assets of the Toronto Electric Light Company if they do not renew it on its expiry in a year or two; but what they are apprehensive of and what has been stated publicly is that the light company will probably sell to the power company before their time expires, and leave the city of Toronto without any means of redress except that contained within the four walls of a naked barren action at law. and I do not know what their relief would be; but if the light company sells its whole equipment and all its plant to the power company, there would not be anything for it to sell to the city of Toronto when their franchise runs out in one or two years.

Hon. Mr. MURPHY: They have the authority to do that before the expiry of the franchise?

Hon. Mr. MACDONELL: I would not like to say definitely, for I do not know; but that statement was made before the committee, and Mr. Fleming, the manager, 8-10 practically makes it in the item here mentioned.

Hon. Mr. DAVID: I would like to ask the honourable gentleman if the retroactive clause affects the rights of the bondholders?

Hon. Mr. MACDONELL: I am very glad my honourable friend has 'called my attention to that. I will endeavour to be as frank with that as with everything else, and if I may be permitted, although a recent member of your honourable body, I will be only too glad if any honourable gentleman will ask any question on any feature of this matter that I am able to answer, and I will do so as frankly and faithfully as I possibly can. I would answer the honourable gentleman in this way: In the first place, there is a knot or nest of companies-the Toronto Railway Company, the Toronto Electric Light Company, the Toronto Power Company, the Electric Development Com-pany, the Toronto and Niagara Power Company, and, I think, others-that are inextricably interlocked, and they are all under practically one management. No one can tell what is going on behind the footlights. because they are all under one ægis or system, or management, by which they exchange their power rights, and one does the developing work, another the transmitting, another the financing, and so on. No man from a public point of view can ascertain their relative positions or conditions. However, with reference to the bonds, last session before this committee Mr. Beck, a celebrated' New York lawyer, was here, representing the Toronto & Niagara Power Company, and there were many other lawyers and witnesses present that day, and a good many honourable gentlemen; and, as our small committee room would not accommodate them, we moved into this Chamber during the morning. Mr. Beck was supporting the power company, and was antagonistic to the public clauses. He was here as a paid counsel-I do not object to that in the least; but he represented the companies here, and made the statement that there were bonds outstanding to the amount of some \$35,000,000 or \$36,000,000-I think he said of this company or led the people to believe it was this company. I knew that was impossible. Doubtless there is a large amount of bonds issued by this whole group of companies collectively-issued and held either individually or collectively. But later in the evening Mr. Osler of Toronto, a lawyer of the highest possible reputation there, appeared here as representing the Empire Trust Company, I think, or some trust company

REVISED EDITION

SENATE

that held the bonds issued by the Toronto and Niagara Power Company-the company we are aiming at to-day-and I asked him the total issue of bonds that had been made by the Toronto and Niagara Power Company, and he said one and a half millions. I asked him about stock, and he said it was either \$850,000 or \$860,000, or thereabouts. I suppose that stock went with the bonds; but there was their total securities issue. I am no expert on power companies, or the value of their assets; but tney have an immense transmission line: I think it is 100 feet wide from Niagara Falls to Toronto-in fact, including North Toronto; and they have a very large equipment; and I should say the outside amount of their securities is probably trifling compared with their assets. In order to keep their assets good, the Commons inserted in this very clause a sub-clause protecting their present and existing work and bargains and agreements in selling their power. So that to say that the bondholders would lose anything if this legislation passed is a bugaboo of the very worst kind. because the bonds are, I believe, small compared with their assets. Mr. Osler emphasized that in one or two ways when I pressed him. He said that the whole bonds they had issued were a million and a half, with some eight hundred thousand odd dollars of stock; I do not know whether the stock was ever paid for or not.

Hon. Mr. McSWEENEY: Two millions altogether.

Hon. Mr. MACDONELL: Somewhat more than two millions altogether. Mr. Beck had given the impression in the morning that from \$35,000,000 to \$36,000,000 had been issued. I do not think he did it wilfully or knowingly wrongfully.

Hon. Mr. CHOQUETTE: But there are some vested rights?

Hon. Mr. MACDONELL: Yes.

Hon. Mr. CHOQUETTE: Are we not called upon to decide these points? Some years ago this Parliament gave a charter to a company to pass through municipalities without the permission of those municipalities. Now, are we not asked to decide that this company or some other company is going to be deprived of that right? Is that not the only question to be decided?

Hon. Mr. MACDONELL: This one company.

Hon. Mr. CHOQUETTE: One company or many companies? Clause 374 says that any company incorporated in the past had a right to go through municipalities Hon. Mr. MACDONELL. without their consent, but they will be deprived of that right by this legislation.

Hon. Mr. MACDONELL: No.

Hon. Mr. CHOQUETTE: That is the question I asked. Am I mistaken in saying that according to a law passed by this Parliament a certain company or companies have been authorized to pass through municipalities without their consent?

Hon. Mr. MACDONELL: No, no.

Hon. Mr. CHOQUETTE: Are we not under clause 374, taking away this right, given to any company to go through municipalities without their consent? If so, are they vested rights? If they are, are we going to do away with them? It is for the honourable gentleman to convince us that there are no vested rights. There is something in the last point he made, but that is the question.

Hon. Mr. MACDONELL: I would be only too happy to explain if the honourable gentleman will follow me for a moment. T repeat that the power company does two things-really three things: it generates power, then it transmits power. With regard to the right to go through municipalities, the municipality is consulted as to whether it shall permit the power company to pass through or not, and if the municipality says no, then the company goes at once to the railway commission. That has always been the law, a uniform law, and it is the same law to-day; and this section preserves in perpetuity that right to this company, and it has the same relief.

Hon. Mr. DANDURAND: But the judgment of the Privy Council has gone further; it has allowed them the right to distribute.

Hon. Mr. MACDONELL: Yes. Then the third feature of a power company's operations is the distribution. Now with regard to that, the general law of Canada, and every private Act that was ever given to a power company, except that of this Toronto and Niagara Company, has always contained a prohibition against the distribution or selling of power in a community unless the community consents. The general law of the country has always, since power companies started, contained such a clause, and every Act that was ever passed without such a clause has been amended since by the insertion of such a clause, except the Act of this company.

Hon. Mr. CHOQUETTE: If they have no right to pass through they have no right to distribute power.

Hon. Mr. MACDONELL: They can pass, but they cannot sell or distribute without the consent of the community. That has been in every Act, without any amendment, except this one company. I hope I have made that plain. The honourable gentleman has called my attention to the Privy Council's decision. That is the crux of the whole matter; that is the place where the trouble arises. When this company got its charter in 1902 the city of Toronto was represented in the House of Commons by Sir Edmund Osler and the late E. F. Clarke, and both of them called attention to the absence from this Bill of the usual public safeguards that were contained in other power company Bills, and that were provided for by the general Railway Act. That is, they protested against the wide powers that were being given to this company without any let or hindrance, and the matter was discussed in the House. Mr. Clarke moved an amendment and Mr. Osler wanted to move an amendment, and when the Bill was in Committee of the Whole in the Commons in 1902, the following discussion took place, as given on page 3629 of the Hansard of that date:

Mr. Osler—Would it do any harm to put in this simple clause stating that this Charter will be subject to all Acts, that may be passed by this House referring to electrical companies of this kind?

Then Mr. Pringle, who was a member of the House, and I think he was in charge of this Bill—I say that subject to correction, but he was an active participant in the discussion and in the promotion of the Bill, said:

Mr. Pringle—I cannot see the necessity for adding that clause. Parliament is supreme in these matters and it can at any time pass a general Bill which will govern matters of this sort.

We thought we passed a general Act in 1903, the year following this, and another in 1906, requiring the consent of the municipality before they could go in, but the Privy Council held that these general Acts did not apply. Honourable gentlemen will recollect Mr. Mahlon K. Cowan, a man of very great ability, and a very prominent public man of Ontario, who was a member for one of the Essexes; he was chairman of the Railway Committee of the Commons when this Bill was before it; and when the Bill of the Toronto and Niagara Power Company was before the committees it was referred to the railway committee, of which Mr. Cowan was chairman, and, therefore, he spoke more or less authoritatively, I would say. As reported on page 3630 of the Commons Hansard, Mr. Cowan said:

When this Company goes to erect poles or wires across the streets of Toronto it can only do so with the consent of the Municipal Council of that city.

Then Mr. Clarke says:

If the hon. gentlemen opposite who are objecting to these amendments will provide in this Bill that this Company cannot enter into the City of Toronto or exercise the powers asked for under this Bill without the consent of the Municipality we shall be prepared to withdraw all these amendments.

Then Mr. Pringle puts the following question:

The question I wish to put is this: how this section 90 of the Railway Act as amended in 1899 affects this question.

That is, generally dealing with power companies on streets. Mr. Pringle continues:

The amendment is as follows:

And he cites the amendment. Then:

Mr. Pringle—I understand that it means just what it expresses. All companies have to obtain the consent of a municipality before passing through it.

Now, it was on the faith of that that the Bill passed the House of Commons, and on the assurance that the general Act governed and the company could not, without the consent of a municipality, enter upon its streets and perform such acts as they have been performing, and propose to continue forever unless they are prevented.

That brings me to the discussion of the Privy Council decision. This company fully believed, as everybody believed, as the Parliament who gave them their powers believed, that they had to get the consent of the municipality before invading the municipality. They managed their business for years, until 1911, I think, when they started erecting poles in North Toronto. I will short-circuit my argument as a power company does sometimes, and will simply say that the question came before the Court of Appeal in Ontario, whether this power company had by its special Act, rights which were supreme and overrode those of the general Act, and whether they had the right to enter the city of Toronto without leave or license. The Court of Appeal of the province of Ontario decided, I think unanimously, that this particular company was bound by the general Act, as everybody believed they were-as the members of the House of Commons, including the chairman of the committee, said they were bound when they got their charter. But the power company thought they had a pretty good case; so they went to the Privy Council. With the permission of the committee, I

S-103

shall read a short extract from the judgment as given by Lord Haldane, which I contend is a very frank statement, and in effect is that the merits of the case were with the municipality, though the technical language favoured the corporation. The case will be found reported in P. C. Law Reports, Appeal Cases, 1912, at page 834:

Lord Haldane delivered the judgment of their Lordships and said in part (beginning at foot of page 839): Companies which had power to bring electrical power and wires into Canadian cities might prove a serious danger to the public. The evidence in the present case shows the peril to the safety and the lives and property of the inhabitants of a populous district which a high voltage, such as that of a Power Company, might occasion. The Parkiament of Canada, not unnaturally anxious to avoid dangers of this kind, accordingly passed general statutes conferring upon municipal authorities large powers of control.

Section 90 of the Railway Act, 1888, was amended by the Railway Act, 1899, which added to it a subsection illustrative of this kind of control. The new subsection enacted that when any company had power by any Act of the Parliament of Canada to construct and maintain lines of telegraph or telephone or for the conveyance of light, heat, power or electricity, such company might, with the consent of the municipal council or other authority having jurisdiction over any highway, square or other public place, enter thereon for the purpose of exercising such power and break up and open any highway, square or other public place. Certain further restrictions on the manner of these powers by the Company then follow.

They are enumerated, but I will not dwell upon them here because they do not refer to the report under consideration. Then Lord Haldane continued:

If the powers conferred by this section displaced the less restricted powers of entering without any consent conferred by the Act of incorporation the appellants are in the wrong. Their Lordships have, therefore, to determine this question. They have to bear in mind that a court of justice is not entitled to speculate as to which of two conflicting policies was intended to prevail, but must confine itself to the construction of the language of the relevant statutes read as a whole.

Which was a very beautiful apology for deciding against what was apparently in the public interest and in favour of the technical construction urged by the corporation which was obtaining the verdict.

Hon. Mr. DAVID: Was the judgment given by the Court of Appeal of Ontario unanimous?

Hon. Mr. MACDONELL: I think so, but I am speaking subject to correction. I would not be positive, because I want to be care ful.

Hon. Mr. MACDONELL.

Now, the language of the judgment shows what was intended by the Parliament of Canada, although, as honourable gentlemen of the legal profession know perfectly well, in construing an Act of Parliament, courts have not the right to consult Hansard as to what discussion took place on the passage of a Bill; but their Lordships of the Privy Council seemed to have a seventh sense—the instinct which enabled them to see behind —and they very faithfully interpreted public opinion in Canada in the very gentle and delicate terms used by Lord Haldane.

The section, then, is retroactive. I am free to say-for I am making my statement as faithfully as I can within the bounds of truth-that I am opposed usually to retroactive legislation; but such legislation is sometimes essential and must be enacted. In the other House honourable gentlemen arose and tore out their hair, so to speak, in their agony and speeches against the retroactive section. Now, unless it is eesential, I agree that retroactive legislation should not be passed; but we are confronted every day with the necessity for passing retroactive legislation. What would be the condition of any civilized country to-day if none of its laws were ever repealed? What would be the state of England, for instance? Like the regular rotation of crops, new laws are made and old ones are rescinded. That must be done in the ordinary movement of events. In the interests of democracy and for the public good it is sometimes necessary to make legislation retroactive. In this case the retroactive legislation is restricted by protecting this company in all its existing contracts. The language of subsection 5 of section 374 is very plain:

And it is hereby declared that the powers of any such company have been so restricted since the date of enactment of chapter thirtyseven of the Revised Statutes of Canada, 1906, that is to say, the thirty-first day of January, 1907.

That date was fixed because it was thought to be a fair date; it was the date of the revision and consolidation of the general Railway Act and of all the Canadian statutes—the general decennial revision of 1906. That date was fixed so as to safeguard the Toronto community, and then other communities, against this company now under consideration buying out expiring franchises or going into any community they chose to enter without let, leave, or license. From Vancouver to Halifax they have the right to go in without the consent of anybody.

I would like just to refer to a few clauses in the present Bill which we have passed

and which contain retroactive language. I refer to this matter simply to make it plain that this is not an exceptional clause and that there are a large number of clauses of a like nature in the very Bill now going through. Section 133. subsection 4, is expressly retroactive. It refers to securities pledged for loans. In a sense all restrictions of existing companies may be termed retroactive. In section 2, subsection 28: "Special Act means an Act heretofore or hereafter passed." Section 5 makes the Act apply to companies "heretofore or hereafter incorporated." In section 259 the board may apportion cost of work "notwithstanding anything in this Act or in any other Act." The "other Act" may have been passed years ago. In section 373, the clause immediately preceding the present one, subsection 2, the restrictions re telegraph and telephone wires on highways were passed "notwithstanding any Act," etc. In section 376, the very next section to the one we are considering, subsection 2 contains the words, " notwithstanding anything in any Act heretofore passed;" it refers to telephone tolls bringing them under the general Act. Section 316, subsection 7, and section 365, subsection 1, taken together, provide that "agreements contrary to these sections are void." The agreements may have been made long ago. I will not elaborate argument or encumber the discussion further.

Hon. Mr. DAVID: If I understand the honourable gentleman's contention, it is that the retroactive clause has the effect of placing the parties in the position they were in when the charter was granted to the company.

Hon. Mr. MACDONELL: It is more comprehensive than even that. It is a broad sweep. No matter when these Acts were passed, they are dealt with by these sections.

Hon. Mr. DAVID: But, in other terms, the retroactive clause gives effect to the agreement which was made, to the understanding which was arrived at in the House of Commons, when the charter was granted.

Hon. Mr. MACDONELL: It may be that the retroactive clauses give effect to it or they cancel it; but the point I am takingis not the individual case, but the principle of retroactive legislation.

I could enlarge upon what took place in the House of Commons Committee of the Whole when the Bill of 1902 was passed, but I do not desire to do so. The Bill was passed and the company was given its charter upon the basis of the statements made by Mr. Cowan, the chairman of the committee, and Mr. Pringle, that the company was bound by the general Act and by all the safeguards which were then in the general law or might thereafter be passed; whereas their lordships of the Privy Council held that under section 21 of the Special Act of this company-a most skilfully worded, a most cleverly drawn clause-all the force and effect of all the general public Acts were null and void with reference to this company, which had a special right of its own, a sort of divine right as of kings to all the powers that were given them, and were not bound or governed in any way by the general Acts, either those which had been passed before the company got its charter in 1902, or by subsequent legislation. This is a nice condition for the people in any British community to be face to face with: the principle that no matter what Parliament ever did-for if it applies to company legislation it applies also to all other legislationit can never be undone by Parliament; it cannot be questioned nor repealed, nor can any new law be substituted for it. Every lawyer in this House is well aware of the principle upon which the courts deal with rescinded legislation. If an Act is rescinded and a new Act is put in its place the courts interpret the company as being bound by the substituted or new Act in place of the old one that has been repealed, and if there is no new Act, if the old Act is abolished governing any company or set of companies. then the courts determine that the old Act stands, revived for the purpose of compelling the company to comply with its terms, notwithstanding that it has been, generally speaking, abrogated, or repealed. The courts and the legislatures of every British community deal with matters past and present according to the public needs and desires, according to the fairness of the case.

Now, I would refer briefly to what took place in this House when the Toronto and Niagara Power Company's Bill was before the Senate. The discussion, which took place on the third reading of the Bill, is reported in the Senate Debates of 1902, at page 407, as follows:

Hon. Sir Alphonse Pelletier, from the Committee on railways, telegraphs and harbours, reported Bill 100, an Act to incorporate the Toronto and Niagana Power Company.

Hon. Mr. Kirchhoffer moved the suspension of rule 70 in so far as the same relates to this Bill.

That was in order to have it given a third reading on that occasion. An interval of one day, I think, usually elapses between

the reporting of a Bill and the third reading. The report continues:

Hon. Mr. Beique—I desire to call attention to the fact that in this Bill reference is made to clause 90 of the Railway Act, as being incomporated in the Bill, and clause 90 states a great number of things which may be done by the company. But section 91 and the following section state how these things shall be done and how the compensation should be paid, and these clauses have been left out. I would suggest that they be added to the Bill. Section 90 says the company shall restore the river, stream, etc., to its former state, and section 91 says that the company in doing its work shall do as little damage as possible, and section 92 that they shall pay any damage done. These two sections should form part of the Bill and should be mentioned in the Act as being incorporated under clause 90; otherwise the company would take power to do these several things, and be relieved from paying damages.

Hon. Mr. Kirchhoffer stated that he proposed leaving for home that night and wished the Bill read a third time before leaving.

Hon. Mr. Young here suggested that the motion of Senator Kirchhoffer be passed and Senator Béique could bring up the matter on the third reading.

The motion to suspend the rules was agreed to, whereupon Hon. Mr. Kirchhoffer moved the third reading of the Bill. Then, the report says:

Hon. Mr. Beique—I move that clause 90 of the Bill be amended by adding after the words "section 91," the two sections, namely 91 and 92.

"Section 91" is evidently a misprint for "section 90," because section 90 was referred to and is the one in the Act. Senator Béique evidently moved that this safeguarding clause be put in. Hon. Mr. Kirchhoffer would not consent to any amendment being made to the Bill then, whereupon Senator Béique (page 408) said:

I thought it was my duty to call the attention of hon. members to the matter. It is not at all a company which will affect the province from which I come, and I do not desire to insist. I thought it was our duty to see that private Interests were protected.

The Bill passed the third reading and became law.

So it is quite evident upon what faith this company got its charter. I will not further elaborate the matter for the moment. I could do so by referring to the discussions reported in the House of Commons Hansard, but those are past. By a technical decision of the Privy Council, which their lordships evidently lamented giving, as is quite evident from Lord Haldane's remarks, this company is declared to be a free lance, and within a year or a little over it has bought

Hon. Mr. MACDONELL.

over the London Electric Light Company and is proposing to buy the Toronto Electric Light Company and to continue their expiring, or expired, franchises.

Let me point out to honourable gentlemen that this clause in section 374 applies to all power companies, consequently there is no particular hardship imposed upon this company. Why is it that this is the only power company that comes here and complains? It is because this company, an outlaw company, if I may use the termand I have searched the records, and have had the Clerk of the Railway Committee in the Commons search them-is the only one which has the power to go where it pleases and do what it pleases. All other power companies are governed, and they are satisfied to be governed, by a clause safeguarding the public interest? What is the harm in directing this company to get in line? The railway board, without any delay or trouble, will invariably give a power company the right to erect transmission lines through any community. This right has never been denied as far as I have been able to find out

The other feature of this section is the distribution system. It is provided in the statute of 1899 that no company vending power, light or heat, has the right to go into any community without the consent of the company. It is sought to make that provision applicable to this company in the same way that it is applicable to other power companies. It is the old law that is embodied in this section with the sole excaption of the retroactive clause and the fact that provision is made to protect any company in all existing rights, franchises and agreements which are lawful and which it may possess or own, and which would be interfered with or nullified or cancelled by the retroactive feature. What hardship is there? If this company has been doing wrong, why should it object to being made amenable to public requirements and the public demands? Because there are public requirements, and public demands for this law have come from all parts of the country, from ocean to ccean, as represented by the Union of Canadian Municipalities. On one side we have the wish of this power company to change this section, and on the other we have the just demand of the Canadian municipalities from ocean to ocean that this company be not permitted to continue its nefarious operations in the procuring of expiring franchises at the expense of communities and operating them ad infinitum. This question has been

weighed with the greatest possible care, forethought and justice. Everything has been done that should have been done. Every one who desired to be heard was heard. The section was carried by the House of Commons by a vote of about 3 to 1. The Government presents this section to us, and I respectfully ask my colleagues in this House to pass it.

I apologize to the Committee for taking up so much time at the present juncture, because I know that all hearts and minds are deeply concerned with the war, but we had to proceed with this section to-day. There is much more to be said, but I shall not trespass any further at present upon the time of the Committee; I shall simply close by asking this Committee to uphold what has been done by the Commons in compliance with public opinion and for public needs.

Hon. Mr. LYNCH-STAUNTON: Honourable gentlemen, I wish to make a suggestion concerning this Bill. I am not speaking on behalf of Toronto, the company, or anyone else. To me retroactive legislation is repugnant, unfair, and has no moral support. Sometimes a legislature, carried away by popular clamour, may say that it is in the public interest that some other man's ox should be gored. As the clause stands, I should be very reluctant to support it; but I am just as reluctant to support the amendment proposed by the honourable gentleman from Middleton (Hon. W. B. Ross).

Let us see what is the condition that we have to deal with. It is evident that the only company opposing this legislation is the Toronto and Niagara Power Company, and it has been stated here that the reason for their opposition is that they propose to acquire the undertakings of the Toronto Electric Light Company, with a view to operating that plant in the city of Toronto, after the expiration of the franchise of that company.

Hon. Mr. BOSTOCK: Will the honourable gentleman excuse me for a moment? Does he make that statement as coming from the company?

Hon. Mr. LYNCH-STAUNTON: I understood the honourable gentleman from Toronto (Hon. Mr. Macdonell) to say that the general manager of the Toronto and Niagara Power Company or one of those companies had stated that they proposed to acquire this property under the authority of their charter. Now, this Bill allows any transmission company to carry its line through any municipality in Canada on condition that the company obtains the consent of the municipality through which it is desired to pass. But there is a rider to the Statute which provides that if the company cannot obtain the consent of the municipality, the company may go to the railway board. Some little township lying in the direct path which the company proposed to take might hold them up, it might wish to exact unfair conditions, and if there was no appeal to the railway board, that township could compel a company to grant it favours to which it was not entitled; therefore the right of appeal to the railway board is provided.

I was counsel for the Bell Telephone Company for many years, and that company had the authority of Parliament to erect its plant in any municipality in Canada without the consent of the municipality; they could go through the streets, build their lines, and put up their poles in any city, town or village that they chose. There was a great uproar throughout Ontaric about it, and eventually Parliament enacted legislation providing that the Bell Telephone Company. or any other company thereafter should not, without the consent of the railway board, build their lines through any city. That was retroactive legislation. That cut down the rights and powens of the Bell Telephone Company very seriously. One might fairly argue that the value of their franchise and the value of their property were affected. As every one knows, the Bell Telephone Company is a very large corporation, in which many millions of money are involved. The company submitted to the legislation and has not been injured by it. The Bell Telephone Company has had justice from the railway board, and, while I was connected with the company, it was always willing to submit to the decision of that board. I give that as an instance of retroactive legislation which adversely affected the value of a corporation's property.

Now, assuming that I am right in the statement that this company proposes to purchase the Toronto Electric Light property, if this Parliament allows that to be done, in my judgment Parliament is conniving at a fraud upon the city of Toronto. The city of Toronto gave a thirty-year franchise to the Toronto Electric Light Company. A contract was made and signed by the city and by the company, which stipulated that at the end of thirty years, pro-

SENATE

vided the city gave one year's notice, the city should have the right to purchase the undertakings of that company by paying the value of the physical assets. If the city failed to give that notice, then by the operation of the provisions of the contract the company received an extension of twenty years. At the end of that period the city again had the right, after giving one year's notice, to take over the property on the same terms; otherwise the company got another twenty years' extension-in all, seventy years' right to operate. Not only did the Toronto Electric Light Company make that bargain with the city of Toronto, but they solemnly promised and agreed that they would not sell that property to any other company. Now, we have a corporation and a municipality entering into a bargain which is clear as noonday. Both parties intended and agreed that the municipality should have the right to purchase the property at the end of thirty years, and the company made a solemn covenant and promised that they would not sell the property to any person else.

Hon. Mr. DANDURAND: Is not that contract valid?

Hon. Mr. LYNCH-STAUNTON: It is valid, and should be enforced; it should not be treated as a scrap of paper.

Now, under the decision of the Privy Council, the Toronto and Niagara Power Company has the right to operate through the streets of the the city of Toronto, the right to erect an electric light plant in the streets of Toronto and the right to buy any erected plant in the streets of Toronto. They may sit down to-day and bargain with the Toronto Electric Light Company to buy their property. What, then, is the remedy of the city?

Hon. Mr. DANDURAND: The Toronto Electric Light Company has no right to sell.

Hon. Mr. LYNCH-STAUNTON: The honourable gentleman has just touched the heart of the question. The Toronto Electric Light Company has the power to sell—any company in Ontario may, by a vote of its directors, sell and give good title to any other company. That was decided in a ship case in England thirty years ago, and many corporations have transferred their property under that decision. In my opinion, and in the opinion, I believe, of this company. the Toronto Electric Light Company can give a good title to their plant to this other company, and then what will happen?

Hon. Mr. LYNCH-STAUNTON.

Hon. Mr. BEIQUE: Cannot they be enjoined?

Hon. Mr. LYNCH-STAUNTON: No. If honourable gentlemen will have patience, I will show them why. Suppose that I make an agreement with any honourable gentleman here to sell him my property, and also agree that I will not sell it to anybody else, no lawyer will deny that if I choose to be guilty of bad faith I may sell it to some one else and leave myself open to an action for damages for breach of promise to sell.

Hon. Mr. BEIQUE: Provided that you are not enjoined by the courts.

Hon. Mr. LYNCH-STAUNTON: No court in Ontario has power to enjoin a company from selling. Under the law of Ontario the only remedy that a man has for breach of contract to sell property, excepting real property, is an action for damages. If I agree to sell real property, and you have not registered the agreement in the registry office, then I may sell, and your remedy is against me personally. That is my whole case.

I have no interest in this question outside of trying to make people keep faith. My proposition is that if the Toronto Electric Light Com-pany, having agreed to sell to the city of Toronto, sell this property to any other buyer, secretly or otherwise the property passes to the buyer, and the only remedy that the city has is an action for damages against the Toronto Electric Light Company. To-morrow the people of Toronto might wake up and find this property had passed away, and all they could do would be to sue the Toronto Electric Light Company for damages. Now, if it had been stated in the agreement that, on the notice being given, the plant of the Toronto Electric Light Company should pass to the city of Toronto, and that failing an agreement as to compensation it should be decided by arbitration. Then by the operation of the agreement the title would pass to the city of Toronto. But that was not done.

Hon. Mr. BELCOURT: Suppose the corporation of the city of Toronto were to begin an action to-morrow for specific performance against this company of this agreement, stating its readiness and willingness to go on, would not the court order specific performance?

Hon. Mr. LYNCH-STAUNTON; No.

Hon. Mr. BELCOURT: Oh.

Hon. Mr. LYNCH-STAUNTON: I think the honourable gentleman will agree with me that no man can bring an action against another man until the time arrives when, under the agreement, the property is to be handed over. They could no more do that than I could to-day sue a man on a note which would be due a year hence. The point is that there is nothing to prevent the company from selling this property now. For instance, I own a house, and I agree to sell it to John Smith in the beginning of 1920. John Smith cannot bring an action against me before 1920 to compel me to sell that house. The only way he can protect himself under our law would be to register the agreement; but there is no power to register such an agreement as this.

Hon. Mr. BELCOURT: Why not?

Hon. Mr. LYNCH-STAUNTON: There is no law for it. It is not real property, it is personal property. That question has been decided by the Privy Council half a dozen times.

Hon. Mr. BELCOURT: An action for specific performance with an injunction would mighty soon put the corporation beyond the possibility of dealing with the property.

Hon. Mr. LYNCH-STAUNTON: No; an action for specific performance cannot be be brought, and no injunction would granted by any courts in Ontario. If the Senate is in doubt about that, take the opinion of the law officers of the Crown. I am not advocating anything here; I am only giving my view as a senator. I have no interest in this matter on one side or the other, and I will not vote to deprive this company of any right at all; but I will not vote to allow the Toronto Electric Light Company to be guilty of any violation of their contract with the city of Toronto. So, if I am wrong in my view, and if an opinion is brought here from the Department of Justice showing that I am wrong, then I am quite willing to withdraw the proposition that I am going to make to this Senate.

Hon. Mr. BEIQUE: Does not the Toronto Electric Light Company own a power house as part of its plant?

Hon. Mr. LYNCH-STAUNTON: I do not know.

Hon. Mr. BEIQUE: They own a power house, and, that being so, surely it is real estate.

Hon. Mr. LYNCH-STAUNTON: I understand that the Toronto Electric Light Com-

pany does not develop any power at all, but that they buy their power from the transmission company which brings it from Niagara. When I say that their plant is not real estate, it is because we had this question threshed out in the Bell Telephone Company cases for taxation purposes, and in all the litigation with which I was connected for them their wires and poles and their plant erected in the city were decided to be personal property. The city owns the ground; they own the poles that are stuck in the ground, and they have no power house. If the company have a power house certainly it is real estate; but the city of Toronto does not care anything about the power house. The city of Toronto wants to prevent the power company from buying from the people who have promised to sell to the city of Toronto, and who have erected a plant for distribution, which is in the city's streets. That is the point, and no honourable gentleman can defend the Toronto Electric Light Company for doing a thing which would make them guilty of a gross fraud on the city of Toronto if it were carried out.

Now, what I suggest to the committee is this, that instead of the retroactive clause in the Act, which is objectionable, a clause should be inserted similar to this, which I drew out while sitting here and listening to the honourable member from Toronto (Hon. Mr. Macdonell)—the phraseology may not be exactly correct, but honourable gentlemen will get the substance of it from these words:

It is hereby declared and enacted that no Company heretofore incorporated under any special or general Act of the Parliament of Canada shall operate in any municipality of Canada the undertaking or plant of any company after the right of the company to operate in such municipality has expired by effluxion of time or otherwise.

That clause will prevent this company from dishing Toronto.

Hon. Mr. DANDURAND: But it would not prevent the Toronto and Niagara Company from erecting poles.

Hon. Mr. LYNCH-STAUNTON: Oh, no.

Hon. Mr. DANDURAND: Without the consent of Toronto.

Hon. Mr. LYNCH-STAUNTON: No. I am not dealing with that. All I am dealing with is this: I am not going to stand here and advocate retroactive legislation; I will not do that for anybody; but I am trying, so far as in me lies, to compel the Toronto Electric Light Company to live up to its contract, and I want to prevent any deal

between this company and the Toronto Electric Light Company which will deprive Toronto of the bargain that city made. If my amendment is passed no company can buy this plant from the Toronto Electric Light Company or operate it after that company's franchise has expired. They can go on and build their own plant in Toronto if they choose, so far as I am concerned.

Hon. Mr. BELCOURT: The difficulty with that would be this. Supposing the city of Toronto does not choose to exercise their option with the company, then that company could not make any agreement of that kind with anybody else.

Hon. Mr. LYNCH-STAUNTON: They could make an agreement with them to operate it so long as they had a franchise. Honourable gentlemen, this is a matter of great importance. I have put this suddenly before the committee, and I suggest that it be referred to a sub-committee to thresh it out and see if they cannot arrive at an agreement between the two contending sides, something similar to this.

Hon. Mr. McMEANS: Suppose they have bought it already?

Hon. Mr. LYNCH-STAUNTON: If they have, they have to sell it to Toronto as they agreed, and they should be made to sell it to Toronto.

Hon. Mr. BELCOURT: But Toronto could not operate it under that clause.

Hon. Mr. LYNCH-STAUNTON: It says "Company." If that is not right I do not want to press it, but I do suggest that it be submitted to a subcommittee to consider.

Hon. Mr. BOSTOCK: The honourable gentleman moves that as a separate clause of this Bill, not as an amendment to the amendment?

Hon. Mr. LYNCH-STAUNTON: I move it as an amendment—to strike out clause 5 of the Act and substitute this for it.

Hon. Mr. CLORAN: Does not the honourable gentleman think that the proposed amendment is too general for the purpose for which he wants to have it adopted? Should it not state that no company shall have the power or the right to purchase the property of another company which has already_entered into an agreement to sell to a municipality? Explain why this clause is put in; otherwise, if it is passed, any company whose charter is expiring will have no right to sell to another company, although under no bond agreement to hold Hon, Mr. LYNCH-STAUNTON. the property for a corporation or for anybody else. Do you see the point?

Hon. Mr. LYNCH-STAUNTON: I see the point; that is why I think it should go to a subcommittee. I have not had time to think it out carefully, and I am not wedded to these words. My object is to preserve this contract for the city of Toronto.

Hon. Mr. CLORAN: Your amendment would be too restricted.

Hon. W. B. ROSS: If that clause passed, would it not also be well to put in a clause compelling the city of Toronto to buy the Toronto Electric Light Company?

Hon. Mr. LYNCH-STAUNTON: I do not think that the Toronto Electric Light Company would want that in; they would want it to stay as it is.

Hon. W. B. ROSS: If you do not allow the power company to supply the electric light company with current the city will not buy the property, and it will leave the company in the air, so to speak.

Hon. Mr. LYNCH-STAUNTON: The Toronto Electric Light Company do not want to sell. They want to have the franchise extended; and, if Toronto does not exercise that right, the company can go on operating and buying power from the transmission company. That is another proposition that I would leave for the law officers of the Crown.

Hon. Mr. BEIQUE: One of the difficulties that I see is this. As I understand the matter, there are two possible buyers today of the plant of the Toronto Electric Light Company. They are the Toronto and Niagara Power Company and the city of Toronto.

Hon. Mr. LYNCH-STAUNTON: Yes.

Hon. Mr. BEIQUE: Now, your amendment would deprive one of the intending purchasers of the right to purchase, so that you would place the Toronto Electric Light Company entirely at the mercy of the city of Toronto.

Hon. Mr. DANDURAND: It is at their mercy just now.

Hon. Mr. LYNCH-STAUNTON: No, it would not; I do not assent to that for a moment.

Hon. Mr. BEIQUE: If Toronto is not willing to buy it their only recourse -would be to remain in the field and sell their power;

but they would be deprived of their right of selling to any other company.

Hon. Mr. LYNCH-STAUNTON: From remarks I have heard about this matter, I do not think the honourable gentlemen—I say it with great respect—are quite seized of the situation. The Toronto Electric Light Company does not want to sell; that company would like to get an extension for twenty years.

Hon. Mr. BELCOURT: Does Toronto want to buy?

Hon. Mr. LYNCH-STAUNTON: Yes.

Hon. Mr. BELCOURT: Why do they not send the company their notice now?

Hon. Mr. LYNCH-STAUNTON: They cannot do it until the time is up, which is 1919. They can only do it according to their bargain. If this amendment is sent to a sub-committee, they can have the agreements and all the facts before them. It is sometimes said, "The lady doth protest too much;". but I protest here that if it is shown that my apprehension of the facts is not correct I will withdraw this amendment. I am suggesting this only with one view—so that they will not take away from this company their rights, and will not deprive Toronto of what it has bargained for. That position seems to me eminently fair.

Hon. Mr. BEIQUE: I suppose the honourable gentleman would be satisfied if the Toronto Electric Light Company were consenting to amend the agreement with the city of Toronto in such a way that they would have no power to sell in violation of their agreement.

Hon. Mr. LYNCH-STAUNTON: Oh, yes, if they had no power to sell in violation of that agreemnt I would not tender to the Senate this amendment.

Hon. Mr. BEIQUE: That could be done with the consent of Parliament.

Hon. Mr. LYNCH-STAUNTON: No, because the Toronto Electric Light Company is not subject to the jurisdiction of this Parliament, but is a provincial corporation.

Hon. W. B. ROSS: Is it not a fact that the registration of agreements is for the purpose of protecting innocent purchasers for value, but that where a man has a notice of an agreement or deed or mortgage, the fact whether the conveyance is recorded or not is immaterial?

Hon. Mr. LYNCH-STAUNTON: Not immaterial on a mere agreement for sale.

Hon. W. B. ROSS: If the city of Toronto has rights that are well known to all those companies with special charters, and if the latter buy the Toronto Electric Light Company with a contract outstanding under which the city of Toronto has rights, they only get into the position of the Toronto Electric Light Company. If it was a secret agreement it would be different.

Hon. Mr. LYNCH-STAUNTON: Honourable gentlemen here have spoken about interfering with vested rights, injuring our credit abroad, doing us financial wrong in the markets of the world. But, if a man goes to New York or London, and some one who sees his contract says, "Oh, well, somebody will go down to Ottawa and get an Act of Parliament that will deprive you of that right," would that not affect our credit? The duty and business of Parliament is to protect the property of every person who has a right to demand protection at the hands of Parliament. Therefore I will not vote for any retroactive legislation, but I will not vote for any legislation that is going to help any company seeking to get the advantage of any municipality of Canada.

Hon. W. B. ROSS: I would like to ask the honourable gentleman if there is aline or a word in section 374 as proposed by me that prevents any company or any city or any municipality from asserting any right it has to the full in the courts of the country?

Hon. Mr. LYNCH-STAUNTON: I think it has. With great respect, I think that that clause 5 is putting a sword in the hand of this company to exercise against Toronto.

Hon. W. B. ROSS: It preserves its rights. What rights does it take from the city of Toronto?

Hon. Mr. LYNCH-STAUNTON: Then I will say, the right to buy. But why enact the clause at all? If it comes to that, why not leave the parties as they are? But now you put in a clause and say, "We are going to protect them in that purchase." I am satisfied that the honourable gentleman from Middleton (Hon. W. B. Ross) feels as I do on this retroactive clause. I am satisfied he is animated with the same feeling as I am that we should not take away these people's rights. Toronto, the second city of this Dominion, has invested an enormous amount of money in an electric plant. has put millions upon millions of dollars into it, and has acted upon the faith and expectation that it would acquire that property. It has pledged the city's credit for many millions of dollars under the expectation and belief that some day it would own the Toronto Electric Light; and I say that it is entitled to protection as much as any individual or corporation in this country. Suppose the city of Montreal came here and said, "We have involved the city of Montreal in fifty millions of dollars on the idea that some day we would get that property, but we find that somebody has bought it over our head," would not Parliament pass a special Act, if necessary, and protect that great municipality in its property? And I say that if it were necessary this Parliament should pass a special Act providing that no corporation incorporated by it shall be a party to any such fraud as the Toronto Electric Light Company proposes to inflict upon the city of Toronto.

Hon. Mr. BELCOURT: Could not the provincial government expropriate this company?

Hon. Mr. LYNCH-STAUNTON: No. The provincial legislature is not sitting.

Hon. Mr. BELCOURT: But I mean-

Hon. Mr. CLORAN: By Order in Council.

Hon. Mr. BELCOURT: Simply taking it over?

Hon. Mr. LYNCH-STAUNTON: No, it could not.

Hon. Mr. BELCOURT: Could it not simply exercise the power of expropriation, without passing any law at all?

Hon. Mr. LYNCH-STAUNTON: Under the general Electric Act, perhaps it could.

Hon. Mr. BELCOURT: Then it could complete that agreement to-morrow if it chose?

Hon. Mr. LYNCH-STAUNTON: But the Government is not the city of Toronto; and ior all we know, if we went up to the Park we might get the same reception there.

Hon. Mr. DANDURAND: I would like to ask the honourable gentleman if the point he wants to cover could not be dealt with by a clause to be added to the amendment noved by the honourable gentleman from Middleton (Hon. W. B. Ross)? I have not yet noticed anything irreconcilable between such a clause and the amendment proposed.

Hon. Mr. LYNCH-STAUNTON: I think that suggestion is a good one. I think it could. I think the honourable gentleman's

Hen. Mr. LYNCH-STAUNTON.

clause, so far as I have read it—I have seen it only this afternoon—could be added to, and if that addition were made the amendment would be unobjectionable.

Hon. Mr. POWER: I would make one suggestion, if the honourable gentleman from Middleton (Hon. W. B. Ross) will permit me. It seems to me that the difficulty of the honourable gentleman from Hamilton (Hon. Mr. Lynch-Staunton) would be met almost completely if the honourable gentleman from Middleton would insert in his new subsection 5, just at the end of the first line, the word "heretofore."

Any specific powers inconsistent with the provisions of this section and heretofore conferred on any company—

That would prevent future legislation in . contravention of the spirit of this Bill.

Hon. W. B. ROSS: That is what it means. I am only protecting what they have now. I do not propose they should get more.

Hon. Mr. POWER: The honourable gentleman intends that the Niagara Power Company and the others shall have the rights that they have been granted. Then why not insert the word "heretofore?"

Hon. W. B. ROSS: At present I do not see any objection, and I do not know that it alters the meaning. I would call the attention of the committee to chapter 61 of the Statutes of 1906, that is, the Act respecting the Bell Telephone Company of Canada. The Bell Telephone Company of Canada asked for leave to increase its stock to a limit of \$50,000,000, and it got leave to increase the stock up to \$30,000,000; but under an agreement with Parliament that in being made so big a company it should come under the Railway Act. In the Bell Telephone Company's Act it is provided:

This Act shall be subject to the provisions of the Railway Act, 1903, and amendments thereto.

Hon. Mr. DANDURAND: In what year was it amended?

Hon. W. B. ROSS: In 1906; it is in Chapter 61. Nothing was taken from the Bell Telephone Company against its will. This provision was assented to by the company.

Hon. Mr. DANDURAND: When the Bell Telephone Company came to ask for additional powers it was met with that?

Hon. W. B. ROSS: Yes. Parliament said: We will give you the right to increase your stock, but in that case you must come under

the Railway Act. If you do not come under the Railway Act, we will keep you where you are, as a smaller company.

Hon. Mr. BOSTOCK: It was done in a special Act dealing with the Bell Telephone Company alone.

Hon. Mr. LYNCH-STAUNTON: I knew that the company consented to it, but I did not know that it was a trade. I have no doubt the honourable gentleman is quite right. I was always under the impression that Parliament did it without the consent of the Bell Telephone Company, but the company made no serious objection to it. I will move, if I am in order—

The CHAIRMAN: As an amendment to the amendment?

Hon. Mr. LYNCH-STAUNTON: No.

- The CHAIRMAN: We have an amendment to section 374 now under consideration.

Hon. Mr. LYNCH-STAUNTON: I would move in amendment to the amendment that we strike out subsection 5—

Hon. Mr. MACDONELL: Just the last part of it.

Hon. Mr. LYNCH-STAUNTON: ——that the words which I have read be added to subsection 5 of the amendment. The motion will have to be re-drafted; or I would suggest that it be sent to a sub-committee, so that it may be ascertained whether the facts which I have stated are quite correct or not.

Hon. Mr. McHUGH: I have listened with a good deal of attention to all that has been said on this question. I was for a considerable time last year a member of the committee before whom this matter was threshed out. I do not know whether my understanding of it is correct or not; I have not a legal mind, and do not follow such matters as legal members of the House do; but my understanding from a layman's point of view is this: The Toronto and Niagara Power Company, when it was incorporated, got certain rights, but not the right to distribute power in the city of Toronto, nor the right to place poles on the streets of Toronto. When the Toronto Electric Power and Light Company got a charter, they were granted rights of transmission in Toronto and the right to place poles in the city streets; but those were privileges which could be terminated, if the company's franchise were purchased by the city of Toronto, at the end of 30 years. But the Toronto and Niagara Power Com-

pany, which had not those rights, amalgamated with this company, whose rights were terminable, and now seeks by this amalgamation, by the interlocking of the different companies, to impose upon the city of Toronto a claim to a perpetual right. When the Toronto Electric Light Company was granted the privilege of transmitting power and placing poles in the streets of Toronto, which was a terminable right, the people of Toronto offered no opposition to an agreement being made which they supposed would be terminable at the end of 30 years. Now, if my understanding of this matter is correct, I do not think the Senate ought to be a party to allowing a company or a set of companies, by any interlocking or switching of powers from one to another, to do the municipalities of Canada an injustice. If I am not placing the right construction upon this matter. I should like to be put right. I am giving the impression which I have formed from the evidence placed before the committee by the various witnesses, and from the statements made by honourable members. I do not want to see the Toronto Electric Light Company permitted to make a transfer to the Toronto and Niagara Power Company, by interlocking or amalgamation, which would leave the city of Toronto nothing to take over at the end of 30 years. If the Toronto and Niagara Power Company can by this amalgamation come into Toronto and place poles and transmit power in the city, then the city will have nothing to take over from the Toronto Electric Light Company.

At six o'clock the committee took recess.

The committee resumed at eight o'clock.

Hon. Mr. BEIQUE: During the recess I have had prepared an amendment for giving effect to the suggestion made by the honourable member from Hamilton (Hon. Mr. Lynch-Staunton), which is to this effect:

By striking out the word "but" in subsection 5 of 374 of the amendment suggested by the honourable member from Middleton, and replacing it by the following words:—Provided that no plant which may be used in the exercise of such power, and which under any recorded agreement at the time of passing this Act is subject to the right of purchase by the said town or other municipality, shall remain subject to such right of purchase for the full term; provided also, that if any municipality make complaint that any such company, whether incorporated by special Act or other authority, is exercising its powers oppressively, the Railway Board may hear the complaint and deal with it.

There has been placed in my hand a draft of another amendment, which would be to • the same effect, and I would have no objection to accepting this second draft, which would merely add to the end of subsection 5 the following words:

Provided always that whenever any company incorporated by a special Act of the Parliament of Canada acquires the assets of a distribution company operating within the municipality, which said municipality has the right by agreement to purchase the assets of such distribution company, then and in every such case the rights so acquired shall be preserved to the municipality in accordance with the terms of the said agreement.

I think this would be to the same effect, and I would have no choice between the two.

Hon. W. B. ROSS: I would prefer the honourable gentleman to take the last.

Hon. Mr. BEIQUE: I have no objection.

Hon. Mr. McMEANS: Does that take the place of the amendment of the honourable member from Hamilton?

Hon. Mr. WATSON: That is the amendment.

Hon. W. B. ROSS: I am quite willing to accept that.

Hon. Mr. BEIQUE: I do so, subject to coming back to subsection 4, until we dispose of section 5.

Hon. Mr. MACDONELL: These two amendments are proposed without notice given. It was quite impossible to follow the honourable member when he was proposing technical amendments to the Bill. It was impossible either to follow the language or to understand its effect.

Hon. W. B. ROSS: This is the last amendment, if you care to see it.

Hon. Mr. MACDONELL: There is an amendment before the Chair now. I would suggest that the committee might delay further action on the section until the honourable member from Hamilton returns, and we can dispose of his amendment, and possibly consider all these amendments together.

Hon. Mr. WATSON: I understand this is carrying out the idea of the honourable member from Hamilton.

Hon. Mr. MACDONELL: I do not know whether it is or not.

Hon. Sir JAMES LOUGHEED: Might I suggest that we should deal with the various subsections consecutively before we reach number 5? We are now discussing Hon. Mr. BEIQUE. subsection 5, whereas we have not disposed of the others. Doubtless the honourable gentleman from Hamilton will be here before we reach number 5.

Hon. Mr. BOSTOCK: Speaking to this amendment of the honourable senator from Middleton (Hon. W. B. Ross), I consider that it is along the right lines. I have very great objection to the clause in the Act as it stands. As has already been pointed out this afternoon, clause 374 as it stands enacts retroactive legislation, a thing which I think this Parliament should not do. It is a most serious matter for us to be affecting the rights of companies that have been in existence for a great many years, which rights have been exercised in accordance with the charters given to them by this Parliament. For that reason I am very much opposed to that clause. Then also, as I understood the argument of the honourable gentleman from Hamilton this afternoon, the company with which it is proposed to deal under this clause is a company incorporated under the laws of the province of Ontario. The Niagara Power Company obtained a charter from this Dominion; but, if I understand the position rightly, the Toronto Electric Light Company obtains its powers from the province of Ontario; and that company's agreement with the city of Toronto, with which we are now trying to deal, was made under powers given to the company by the province. I quite think that as far as possible the city of Toronto should be protected in any honourable dealing of that kind that it made with the company, and I can hardly understand that any company would want to avoid carrying out an agreement which, from the statements made this afternoon by the honourable member from Hamilton, it is quite evident they should carry out. But the question is whether it is right for this Parliament to be dealing with this matter in this way. It seems to me very objectionable that we should deal with a matter of this kind in a general Railway Act. If the Government were satisfied that this matter should be dealt with by this Parliament, a special Act should have been prepared, and we could then have gone into the whole question properly and thoroughly. Legislation should not be passed in a general Act when it is for the purpose of correcting some particular matter affecting only one part of the country, without reference to the way in which it may affect other parts of this Dominion and other companies. I think such legislation is very objectionable. We ought to be careful that such legislation

is for the benefit of the whole country, and not aimed at any particular corporation or any particular charter that has already been granted by this Parliament. Therefore, on account of the retroactive features in this clause, I am very strongly in favour of the amendment proposed by the honourable gentleman from Middleton. As far as I am personally concerned, I would waive my objections to dealing with special legislation in this way if we could get over this present difficulty, because I realize that this matter has been before Parliament for some considerable time, and that it has been very keenly contested by the parties particularly interested in it. Therefore, to that extent I think possibly the proposed amendment of my honourable friend from Middleton (Hon. W. B. Ross) may be along the right line. I understand that this amendment has practically been agreed to by all parties, and it seems to carry out the views of my honourable friend from Hamilton (Hon. Mr. Lynch-Staunton). At the same time I must register a protest against this kind of legislation. To go into this matter clearly and distinctly, we ought to have all the information before us. It is not the business of Parliament to go into all the details, such as the question of the agreement between the city of Toronto and the Toronto Electric Company. That question ought to be settled in some other way. But for the purpose of arriving at some conclusion in this matter. I am prepared to waive my objection to that. As this is a very much discussed question throughout the country, I should like to know what my honourable friend the leader of the Government in this Chamber has to say with regard to the matter. I think that we ought to hear from him.

Hon. Mr. DANIEL: I should like to ask the honourable gentleman a question. He spoke of an agreement. Where can that agreement be found? I have heard and seen several references to it, but I have not yet seen this agreement. I do not know where it can be found. Can the honourable gentleman tell me where it can be found?

Hon. Mr. BOSTOCK: I am in exactly the same position as the honourable genueman. I have heard the agreement mentioned on several occasions, but I have never had an opportunity of examining it. The honourable gentleman from mamilton (Hon. Mr. Lynch-Staunton) referred to it this afternoon.

Hon. Mr. DANIEL: I think that agreement should be placed on the table of the House so that we could examine it.

Hon. Sir JAMES LOUGHEED: Honourable gentlemen, my honourable friend has made to me a very proper suggestion, and I have no hesitation in stating my attitude upon this question. It may seem somewhat anomalous that I, having charge of the Bill. should not be in harmony with this particular section. When the Bill came before Parliament last session I reserved the right to differ from my colleagues in the Cabinet as to the desirability of embodying this section in the Act. I have been in Parliament a great number of years, during which time I have been a member of Senate; and if the Senate of Canada has stood for anything, it has stood for the protection of vested rights when there was no evidence that the public interest was abused by the exercise of those rights.

It seems to me that this section was passed by the special committee in the Commons without due consideration being given to its effect. When the Bill was first prepared, the adoption of this legislation was not in contemplation at all; but when the Bill went before the committee, apparently a very large delegation from Ontario waited upon the minister who had charge of the Bill and were heard by the committee, with the result that this legislation was imported into the Bill. The unwisdom or the impolicy of this has now become quite apparent. My honourable friend from Toronto (Hon. Mr. Macdonell), who made a very lucid speech upon the question this afternoon, and also my honourable friend from Hamilton (Hon. Mr. Lynch-Staunton), who recited the various complications which are in controversy in the city of Toronto and in the province of Ontario, touched on this question. The very references which they made to the complexity of the situation on account of the interlocking of the many companies which are associated with one another in carrying on the undertakings upon which they have entered, furnished to this House the very best evidence of the impolicy of the House of Commons in adopting this legislation last session, without having a due knowledge of what they were doing, for the purpose of meeting the clamour which apparently had been raised in Ontario. Will my honourable friends who are supporting the section as it appears in the Bill contend for a moment that it is the duty of Parliament, upon the ex parte representations of delegations who may wait upon them, to settle matters that have required the very best attention of the highest courts in the realm? From the very statement of the case made this

SENATE

afternoon, it must be apparent to every honourable gentleman in this Chamber that it would require the closest possible attention of the highest courts that we have in Canada to deal with the problems of the situation which have been outlined.

Furthermore. we are dealing with a matter which has already been dealt with by the Privy Council, the highest court in the realm. We are taking the judgment of that court upon this subject, and we are setting it up that we may reverse it. So far as the rights of the companies are involved in the question, we are askedwithout any evidence before us of those agreements or of the situation except the bald statements which are made by delegations and others who feel a degree of animosity to the company-we are 'asked to interfere with the vested rights which Parliament deliberately gave to this company in 1902. These have been confirmed by the Privy Council, and on the strength of them financial obligations representing fifteen or sixteen millions of money have been entered into by these companies. And with one wave of the hand we are asked to wipe out these very important rights.

Now, I am not saying that this company is not unpopular in the province of Ontario, particularly in the city of Toronto.' On the contrary, I fancy that such is the case. I am not saying anything in vindication of the company. All I am stating to this honourable body is what I regard to be the principle that we have always consistently observed, namely, that we should not interfere with the vested rights of corporations which have been granted by this Parliament, even notwithstanding what public opinion may be on the subject. As I have already stated, if the Senate of Canada stands for anything it must stand as a bulwark against the clamor and the agitation and the caprice of the public upon all such questions as this. If the second chamber, which is not answerable to the electors, cannot take that position and cannot stem the pressure of agitation which is brought to bear upon the House of Commons, the popular chamber, in passing legislation of this kind, there is no place in Canada for a second chamber. It seems to me that this is an occasion when this chamber should assert the principles which it has asserted ever since Confederation, and which, so far as I know, have never been violated in such a way as is proposed under section 374.

What are the facts, honourable gentlemen? I shall deal with the broad principle; I am not going into all the complexities of law and facts. The broad facts are that Hon. Sir JAMES LOUGHEED.

the province of Ontario is committed to the Hydro-Electric system of that province. That system undoubtedly stands as a monument to the enterprise, not only of the Ontario Government, but of those originally associated with it in furnishing electricity and power to the people of that province. That corporation, because I shall refer to it as such, has become interlocked with all the municipalities of the province of Ontario. The Provincial Government of Ontario and the municipalities have become so interlocked with each other that the interests of one are the interests of the other and the interests of all. I think that can scarcely be disputed. The province of Ontario, for the purpose of protecting itself in the financial obligations which it has assumed in connection with that enormous undertaking, and for the purpose, undoubtedly, of preventing companies that have been organized under Dominion legislation, has passed legislation forbidding the municipalities of Ontario, without the consent of the province, from entering into any agreement with any public utility company incorporated by the Parliament of Canada. If I make a mis-statement of law, I hope my honourable friends will correct me, for I have not given this matter the very close attention which they have. In other words, the province of Ontario has exercised its legislative powers, as far as it can do so, to prevent companies incorporated by this Parliament from exercising their rights, as far as the municipalities are concerned. We therefore have in subsection 2 of section 374 the provision that if a Dominion company, incorporated by the Parliament of Canada, should make application for consent to enter the streets of a municipality and should not get that consent they then have the right to appeal to the railway board. But consider for a moment, honourable gentlemen. The Government of Ontario has absolutely prevented the municipalities of Ontario from giving their consent to such an application; consequently it is idle to say that this or any other company can go before a municipality in Ontario and ask their consent to put poles and wires upon the streets, because they are at once confronted by the prohibition in the statute that the municipality cannot exercise that authority. It is, therefore, folly to talk about giving this company. or any other company incorporated by the Parliament of Canada, an appeal to . the railway board.

Then we come to subsection 4, which deals with the distribution of power or light or heat. According to that section, before the

companies can do anything in the municipality they must get the consent of the municipality, and they have not the right to appeal to the railway board. They are out of court at once. As soon as they appeal to the municipality for its consent, the municipality says: "We cannot give you our consent because here is the Ontario statute taking that power from us." Is that fair play? Is that legislation that the Senate of Canada-a Chamber brought into existence for the purpose of revising legislation and stemming the tide of agitation and public clamour-should pass or confirm? 1 hope that we have not sat in this Senate as long as we have, for the purpose of giving effect to legislation of this kind, which is bound to paralyse the energy of any company that may be incorporated by the Parliament of Canada under such circumstances.

My honourable friends who spoke this afternoon referred particularly to the fact that this Bill had passed the House of Commons and therefore bears the imprimatur of the calm deliberations of that body. Figures were given to show that, after the Bill left the Committee and was introduced into the House of Commons, 32 voted in favour and 13 against it-in all, 45 out of a House of 220 odd members. Is that the deliberate act of the House of Commons? I think not. The fact that 45 members of the House of Commons dealt in a certain way with certain legislation would in no way reflect the sentiment of that House. We therefore certainly do not cast any discredit upon the House of Commons if we fail to agree with their attitude on this question, as not over onefifth of the entire House have dealt with this Bill.

I was hopeful that my honourable friend from Hamilton (Hon. Mr. Lynch-Staunton) would make some reference to the existence of this agreement between the Toronto and Niagara Power Company and the Toronto Electric Light Company, which it is alleged does exist, and which has proved such a bugbear since this Bill was introduced into this House last session. Up to the present I have not seen any evidence of that agreement. It seems to be a phantom that appears upon the scene whenever it is necessary to summon a bogey and to point out why this legislation should be passed. I think I am justified in saying that the Ontario Government and the city of Toronto are one in opposing this legislation and in seeking practically to injure S-11

this company. I say without hesitation that the Ontario Government will be only too glad to help the city of Toronto in passing legislation or doing anything necessary for the purpose of protecting the rights of that city, and very properly so; but, inasmuch as the province of Ontario was represented by counsel before the Committee last session, and likewise the city of Toronto, and as their interests appear to be one, there is no question of the province of Ontario being only too anxious to help the city of Toronto in giving effect to any policy which they may have in view for the purpose of meeting the alleged difficulties which have been pointed out by my honourable friends this afternoon.

It seems to me that justice will be done, if any questions should arise between the company and any municipality in Ontario, by permitting them to invoke the services of the Railway Commission, who will examine into the matter and make_such order as they may see fit in the premises.

I need not point out to my honourable friends the serious effect the passage of this legislation would have upon the financial interests of Canada. We are compelled at the present time to go into a foreign country, the United States, for capital. The United States are fortunately not very foreign to us so far as friendly sentiment is concerned. We are precluded, and shall probably be precluded for years to come, from floating our enterprises in the European markets, and we have to depend upon the financial ability of the United States in floating the many undertakings we shall be called upon to promote after the cessation of the war. If we by deliberate legislation repudiate contracts that we have entered into-for this is as much a contract as any contract that may be entered into between two parties-it is a contract between the Parliament of Canada and this company in pursuance of which \$15,000,000 or \$16,-000,000 in bonds were floated—it is needless to say that the reputation of Canada will be so seriously affected that we shall hereafter find it difficult, if not impossible, to make a successful flotation for any Canadian enterprise. Under these circumstances, honourable gentlemen, I am unalterably opposed to the principle that has been imported into section 374 of this Bill, and I shall welcome any agreement which may be arrived at between the conflicting parties for a fair and just settlement of this difficulty.

REVISED EDITION

Hon. Mr. LYNCH-STAUNTON: Since the adjournment some gentlemen on both sides, some who are interested in the company and others representing the city, have spoken to me, and I am satisfied that an arrangement satisfactory to the city of Toronto and to the company can be arrived at. It seems to me that it is very desirable that such an understanding should be reached, and for that reason I would ask that this matter be allowed to stand until to-morrow.

Hon. Sir JAMES LOUGHEED: Let me understand this. Does my honourable friend from Hamilton (Hon. Mr. Lynch-Staunton) say that he is satisfied to accept the amendment of my honourable friend from Middleton (Hon. W. B. Ross) with the additional amendment which was presented to-night?

Hon. Mr. LYNCH-STAUNTON: It is not a question of my being satisfied. I am really not advocating either side in this matter. I have not seen the amendment proposed by the honourable gentleman from Middleton, and have not studied it. I am not in a position to commit the city of Toronto or to act as their representative, but I am sure from the little conversation we had during the recess that if the matter is allowed to stand until to-morrow afternoon a solution of this difficulty can be reached which will satisfy all parties concerned.

Hon. Sir JAMES LOUGHEED: I may say to my honourable friend that I would be quite prepared to accept the amendment of the honourable gentleman from Middleton (Hon. W. B. Ross) plus the amendment which my honourable friend signified this afternoon he was willing to have tacked on to the amendment.

Hon. W. B. ROSS: I think we had better go on with the matter and take a vote, because every suggestion of delay only brings in a few dozen more. Now, when the honourable gentleman from Hamilton (Hon. Mr. Lynch-Staunton) suggests that possibly an arrangement can be arrived at, the honourable gentleman from Toronto (Hon. Mr. Macdonell) says that there are many more, and we are going back to where we were in the committee stage last year, when everybody was saying, "We are going to churn this thing all over again." For myself, I think the matter was well threshed out last year and all parties interested were heard.

Hon. Sir JAMES LOUGHEED.

Hon. Mr. LYNCH-STAUNTON: Surely, honourable gentlemen, a matter in which so many people are interested, and which has stood for six months, can stand for a few hours longer, in the hope that the Senate may be able to satisfy the province of Ontario in the legislation which is being enacted. Surely there is no such pressing necessity for jumping this measure through now, before members have read the amendment moved by the honourable gentleman from Middleton. I am not for one moment doubting that he wants to put through a clause which will be satisfactory and a credit to the Senate, but I should not like to say that my amendment tacked on to his amendment would be satisfactory to either side. So far as I am concerned, I am opposed, as is the honourable leader of the Government, to any retroactive legislation. but I think that for the credit of Parliament, if it is made evident that a matter which is agitating public opinion so much as this is can be settled, we should not say: "Oh, well, we won't have anything to do with it; we will put the amendment through as it stands." The honourable leader of the Government has said that he is willing to adopt my suggestion as to the amendment moved by the honourable gentleman from Middleton (Hon. W. B. Ross). That may be perfectly satisfactory. I have not asked anybody who represents Toronto. If we do make an amendment, let us try to make it one which will suit all parties. It may be that when I read it I would be very glad to support it. I want it clearly understood that I am not here representing Toronto any more than I am representing the company, or any other party, but I do hope that when we have dealt with this legislation everybody will be contented with it.

Hon. Sir JAMES LOUGHEED: We may not sit to-morrow afternoon.

Hon. Mr. LYNCH-STAUNTON: Then, Wednesday, the next day.

Hon. Sir JAMES LOUGHEED: I shall be content with whatever the committee does.

Hon. W. B. ROSS: Honourable gentlemen, the objection urged all this afternoon against the new section which I moved by way of amendment to section 374 was that a contract existed between the city of Toronto and the Toronto Electric Light Company that might in some way or other, on account of its not being registered, get away from the city of Toronto. The city has the right

to buy out that company, and the fear was expressed that the Toronto and Niagara Company might buy out the Toronto Electric Light Company and thus deprive the city of Toronto of what they say is a contract right. My idea was that if the Toronto and Niagara Company, or any other company, bought out the Toronto Electric Light Company, knowing that the Toronto Electric Light Company was under a contract to sell to the city of Toronto, the purchasing company should stand in relation to the city of Toronto in just the same position as the Toronto Electric Light Company stood, and the fact of no registration having been made should not be a matter of any importance. That is the view I took of the question, and when this proposal was submitted to me I said: "I will read it in one minute. Yes, I will accept this, because it only carries out what I say is now the law with regard to the rights of the city of Toronto." This is the proviso which it is suggested should be added at the end of the new section 374:

Provided always that whenever any company incorporated by special Act of the Parliament, of Canada acquires the assets of a distribution company operating within the municipality, which said municipality has the right by agreement to purchase the assets of such distribution company, then and in every such case the rights so acquired shall be preserved to the municipality in accordance with the terms of the said agreement.

That protects the city of Toronto or any other city which has the right to buy out a company. If the company is bought out before the time arrives when the municipality may buy it out, it will be held in trust and subject to the terms of the agreement under which the municipality has the right to buy. I am quite willing to accept that. Thus the position of things is simply that every municipality, or every company, whether it is incorporated by general Act or by special Act, is remitted to the rights that it had under the legislation of the Parliament of Canada and is at liberty to have these defined and adjusted by the courts of the country, or to appeal from the courts of this country to the Privy Council if it so desires. For myself, I do not think we ought to be called on to try out the details of a number of complicated and very important contracts which are affected by statutes of this Parliament and of the Parliament of Ontario, which have exercised the Supreme Court of Ontario and the Privy Council as well, and as to which they have not always agreed. It is not fair to ourselves to assume the duty of exercising the

S-111

functions of the courts. It is sufficient for us to say: "You have the law. Now fight it out."

Hon. Mr. BOSTOCK: Honourable gentlemen, I agree with what has been said by the honourable gentleman from Middleton (Hon. W. B. Ross); but there is this point to be considered, that if this particular question can be more satisfactorily settled by being allowed to stand until to-morrow evening, it would be better to settle it in that way. Of course, I quite agree with the honourable gentleman from Middleton that we should not he dealing with these questions as we are now doing, and I hope this will be the last time Parliament is asked. as we have been on this occasion, to deal with a special matter in a general Act. If it will help to settle the matter or bring it to a more satisfactory conclusion, I would ask the honourable leader of the Government to agree to let the question stand over until to-morrow evening.

Hon. Sir JAMES LOUGHEED: Yes; if it is the judgment of the committee, I shall be very glad to let the matter stand until to-morrow evening.

Hon. Mr. POPE: Until the next sitting.

Hon. Sir JAMES LOUGHEED: Until the next sitting, which will probably be to-morrow night.

Hon. Mr. DANDURAND: We may have returned here by 4 o'clock, for all we know.

Hon. Sir JAMES LOUGHEED: To-morrow afternoon we shall adjourn during pleasure, but we may possibly be sitting again before the evening.

Progress was reported.

VAN BUREN BRIDGE COMPANY BILL.

CONSIDERED IN COMMITTEE.

On motion of Hon. Sir James Lougheed the Senate went into committee on Bill 14, an Act to confirm an agreement between His Majesty the King and the Van Buren Bridge Company. Hon. Mr. McMeans in the Chair.

On section 1—agreement of March 8, 1918, with Van Buren Bridge Company confirmed:

Hon. Mr. BOSTOCK: Can my honourable friend give us any information as to what will be the effect with regard to the International railway? I understand that this is for the purpose of making a connection between the International and the National Transcontinental.

Hon. Sir JAMES LOUGHEED: They are parallel roads, and this will do away with duplication. The line is two miles in length, and we shall use only one set of tracks and one railway terminal.

Hon. Mr. BOSTOCK: The Government have a lease of the International at the present time, I think.

Hon. Sir JAMES LOUGHEED: Yes, we have taken over the International.

Hon. Mr. BOSTOCK: They will give up that lease, will they?

Hon. Sir JAMES LOUGHEED: No; but the International is a much longer route.

Hon. Mr. BOSTOCK: This is only a small section?

Hon. Sir JAMES LOUGHEED: Yes, this is simply a spur.

The Bill was reported without amendment.

CRIMINAL CODE AMENDMENT BILL.

FIRST READING.

Bill B, an Act to amend the •Criminal Code so as to provide for the revision of excessive or inadequate punishments.— Hon. Mr. McMeans.

WOMEN'S FRANCHISE BILL.

FIRST READING.

Bill 3, an Act to confer the electoral franchise upon women.—Hon. Sir James Lougheed.

PRIVATE BILLS.

FIRST READINGS.

Bill 8, an Act respecting the Cosmos Cotton Company.—Hon. W. B. Ross.

Bill 9, an Act respecting Fraser Lumber Company, Limited, and Fraser Companies, Limited.—Hon. Mr. Bostock.

Bill 22, an Act respecting The Canadian Society of Civil Engineers and to change its name to "The Engineering Institute of Canada."—Hon. Mr. Casgrain.

Bill 29, an Act respecting the Patent of O.G.C.L.J. Overbeck.—Hon. Mr. McHugh.

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

Hon. Mr. BOSTOCK.

THE SENATE.

Wednesday, April 17, 1918.

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

Pravers and routine proceedings.

SECRET SESSION OF HOUSE OF COMMONS.

ATTENDANCE OF SENATORS.

On motion of Hon. Sir James Lougheed, the Senate adjourned during pleasure, for the purpose of enabling honourable senators to attend the secret session of the House of Commons.

The sitting was resumed at 5 o'clock.

THE FOOD CONTROLLER.

INQUIRY-COST OF PRINTING AND STATIONERY.

Hon. Mr. BOSTOCK inquired of the Government:

1. The expense incurred for printing and stationery from the time of the appointment of the Food Controller to date?

2. The number of circulars and pamphlets ordered to be printed?

• 3. The number of circulars and pamphlets distributed?

Hon. Sir JAMES LOUGHEED:

1. \$46,237.33.

- 2. 4,015,820.
- 3. 3,633,395.

GORDON DIVORCE PETITION.

MOTION.

Hon. Mr. EDWARDS moved:

That the fee paid during the Session of 1917 upon the Petition of Albert Edwin Gordon for a Bill of Divorce be applied to a similar Petition presented during the present Session.

Hon. Sir JAMES LOUGHEED: May I suggest to my honourable friend that the motion be amended so as to deduct the cost of printing and translation.

Hon. Mr. EDWARDS: Oh, yes.

The motion, amended as suggested, was agreed to.

THE SENATE AND FINANCIAL LEGISLATION.

SPECIAL COMMITTEE APPOINTED.

Hon. Mr. BEIQUE moved:

That a Special Committee be appointed to consider the question of determining what are the rights of the Senate in matters of financial legislation, and whether, under the provisions of the British North America Act, 1867, it is permissible—and to what extent—or forbidden,

APRIL 17, 1918

for the Senate to amend a Bill embodying financial clauses (money Bill), the said Committee to report to the Senate as soon as possible. Such Committee to be composed of the following members: to wit: the Honourable Messieurs Béique, Belcourt, Bolduc (Speaker), Bostock, Dandurand, Landry, Lougheed (Sir James), Power, Ross (Middleton), and Tanner.

The motion was agreed to.

VAN BUREN BRIDGE COMPANY.

THIRD READING.

On motion of Hon. Sir James Lougheed, Bill 14, an Act to confirm an agreement between His Majesty the King and the Van Buren Bridge Company, was read the third time and passed.

RAILWAY ACT CONSOLIDATION BILL.

FURTHER CONSIDERATION IN COMMITTEE.

The Senate again went into committee on Bill A, an Act to consolidate and amend the Railway Act.—Hon. Sir James Lougheed. Hon. Mr. Girroir in the Chair.

On section 374—putting lines or wires along or across highways:

Hon. Mr. MACDONELL: Mr. Chairman and honourable gentlemen, the honourable senator from Hamilton (Hon. Mr. Lynch-Staunton), who is not in his place at the moment, has been endeavouring to find a modus vivendi, or via media, or something of the kind, by which this clause could be agreed upon. Personally I have not participated in the discussion, forvarious reasons. I know that the honourable gentleman did not expect that the Bill would be discussed until this evening. In his absence I would suggest to the honourable leader of the House that it would be perhaps better to let the matter stand until this evening, when the honourable gentleman will be here.

Some Hon. SENATORS: Until to-mor-

Hon. W. B. ROSS: I admit that the honourable senator from Hamilton and we arrived at an agreement. I do not wish to force a decision now, but I think that it is important that section 374 should be disposed of, and I would suggest that it be understood that if a vote is to be taken on this section it shall be taken to-morrow about 4 o'clock.

Hon. Mr. BOSTOCK: Why to-morrow?

Hon. Mr. BEIQUE: Are we not going to sit to-night?

Hon W. B. ROSS: There are members who do not come here to-night and who would like to vote on this Bill. For instance, the honourable gentleman from Halifax (Hon. Mr. Power) is not here and, I understand, will not be here again until to-morrow; he has gone away. However, if the committee is going to sit tonight, we can have a vote to-night. I would suggest that there should be some understanding.

Hon. Mr. BELCOURT: Perhaps my honourable friend will state whether the compromise is one on which it is expected that a vote will be taken.

Hon. W. B. ROSS: There may be no vote on it at all. As a matter of fact, when we arrive at one agreement, somebody comes in with other suggestions.

Hon. Mr. WATSON: What is the compromise?

Hon. W. B. ROSS: The arrangement is really not what you might fairly call a compromise. I argued here the other night that the new section which I proposed in place of 374 safeguarded the rights of the city of Toronto.

Hon. Mr. BELCOURT: If my honourable friend will tell us what the compromise is, we can perhaps proceed better.

Hon. W. B. ROSS: I am trying to tell you. I said that I submitted to the committee the other day an amendment to section 374 which safeguarded the rights of the city of Toronto. It was argued that it did not, and then it was suggested that these words be added to the section as it is printed in my notice of motion:

Provided always that whenever any company incorporated by special Act of the Parliament of Canada acquires the assets of a company operating within a municipality, which said municipality has the right by agreement to purchase any of the assets of such company, then and in every such case the municipality may enforce its rights under such agreement as fully as if such purchase had not been made, and may enforce against such purchaser the provisions of such agreement as if it were the original party entering into such agreement with the municipality.

That gives the city of Toronto the right to enforce the agreement with the Toronto Electric Light Company in case it is bought out by the Toronto and Niagara Power Company, or by anybody else, before the time arrives when the city may buy. When that time arrives, the city is to have whatever rights there are under the contract, no matter into whose hands the contract has passed. As I argued the other day, any

person purchasing that property, with the notice of the contract with the city of Toronto, will be bound by the contract. I am quite willing that this should be stated in the amendment.

Hon. Mr. BELCOURT: Is the other side satisfied?.

Hon. W. B. ROSS: The honourable gentleman from Hamilton agreed to it.

Hon. Mr. MACDONELL: I have not seen the section which the honourable gentleman has in his hand. I do not know the effect of it, because I was disinclined to participate in any of the negotiations. The honourable gentleman from Hamilton not being here, I do not think we can profitably discuss the question at present. I have not seen the amendment of the honourable gentleman from Middleton (Hon. W. B. Ross).

Hon. Mr. McSWEENEY: You have heard it read.

Hon. Mr. MACDONELL: I have heard it read only now. I cannot form any opinion as to its effect.

Hon. Sir JAMES LOUGHEED: Would the honourable gentleman be willing to have the vote taken to-morrow at 4 o'clock?

Hon. Mr. MACDONELL: Yes.

Hon. Sir JAMES LOUGHEED: I would suggest, in order that every opportunity may be given for an amicable arrangement between the parties, that it be agreed that the vote shall be taken to-morrow at four o'clock in the event of a vote being necessary, and that we postpone discussion of the section until then.

Hon. Mr. THOMPSON: That is all right.

Hon. Mr. BEIQUE: If the committee is to sit this evening, why not proceed this evening?

Hon. Sir JAMES LOUGHEED: I am merely making a suggestion because my honourable friend from Toronto (Hon. Mr. Macdonell) says that he has not had an opportunity of considering the matter as fully as he would like to do.

Hon. Mr. BEIQUE: Let us discuss it this evening. For my part, I shall not be here to-morrow.

Hon. Mr. CLORAN: I would like to know if the amendment suggested by the honourable gentleman from Hamilton (Hon. Mr. Lynch-Staunton) is of the same nature as the one he read here yesterday after-

Hou. Mr. W. B. ROSS.

noon. Has he amended it in the way that I suggested to him?

Hon. W. B. ROSS: He proposed an amendment yesterday afternoon, but he has changed that—has put it into the shape in which it is now.

Hon. Mr. CLORAN: So that a company wanting to buy from another company which is under contract with a municipality will not have the right to do so as long as the municipality wants to exercise its right of purchase.

Hon. W. B. ROSS: That is it.

Hon. Mr. CLORAN: Then, if the municipality does not exercise, or does not want to exercise, the right of purchase, the other company shall have the right to buy?

Hon. W. B. ROSS: Yes.

Hon. Mr. CLORAN: That is fair.

Hon. W. B. ROSS: Yes, certainly; it does not hang them up.

Hon. Mr. CLORAN: Does not hang them up. The honourable gentleman's (Hon. Mr. Lynch-Staunton's) first amendment would hang up any company who wanted to buy.

Hon. W. B. ROSS: The honourable member for Hamilton admits now that the amendment that he proposed yesterday does not express what was in his mind. He says he sees that it is unfair.

Hon. Mr. CLORAN: You have that provided for in yours now?

Hon. W. B. ROSS: We have the difficulty straightened out.

Hon. Mr. CHOQUETTE: Will the honourable gentleman's (Hon. Mr. Ross's) amendment be printed in the Minutes of Proceedings?

Hon. W. B. ROSS: Perhaps it might be a good plan to have that done.

The CHAIRMAN: We have now before the committee two amendments: an amendment to section 374, and an amendment to the amendment; that is all. We have to dispose of these before we can go further. If the honourable gentleman wants that printed to-morrow he must—

Hon. W. B. ROSS: There ought to be some way of having it done.

Hon. Mr. CLORAN: Read it,

Hon. W. B. ROSS: I can give notice of motion.

APRIL 17, 1918

Hon. Mr. DANDURAND: But have we decided that we shall not proceed to vote upon these amendments this evening?

Hon. Mr. CHOQUETTE: It will be only fair to give a chance to the different parties to agree. Let us give them until to-morrow. I understand that the amendment now proposed is pretty fair, and I should like to have it printed, in order that we may read it to-morrow morning when we receive the report of the Debates. To-morrow afternoon we shall have given a chance to the different parties to come to an agreement, and if they have not agreed we can proceed to vote. I am sorry, however, that some members will not be here this evening. It is always so.

Hon. Mr. BEIQUE: Yesterday we understood that if there was to be an agreement it would be had between yesterday and the next sitting of the House. Now we are here to proceed with the Bill. If it is necessary to wait until after 6 o'clock, why not have the question taken up at a sitting this evening?

Hon. Sir JAMES LOUGHEED: I propose that the committee should sit this evening anyway and deal with the other sections.

Hon. Mr. BEIQUE: Let us proceed with the other sections of the Bill now, and deal with that section this evening.

Hon. Sir JAMES LOUGHEED: My honourable friend from Hamilton (Hon. Mr. Lynch-Staunton) has been, during his absence, the subject of some discussion as to the alleged arrangement or agreement between himself and my honourable friend from Middleton (Hon. W. B. Ross). What does my honourable friend say on the subject?

Hon. Mr. LYNCH-STAUNTON: What does my honourable friend from Middleton say the agreement is?

Hon. W. B. ROSS: I read what we agreed on.

Hon. Mr. LYNCH-STAUNTON: Will the honourable gentleman allow me to see the amendment?

Hon. Mr. BELCOURT: Do I understand that an amendment is before the Chair?

Hon. W. B. ROSS: Yes, I understand it has been moved as an amendment to the amendment.

Hon. Mr. BELCOURT: No, it is not-before the Chair at all.

Hon. W. B. ROSS: It should be.

The CHAIRMAN: The situation is that we have an amendment to section 374 under consideration; we have also an amendment to the amendment moved by the Hon. Mr. Béique yesterday. These are undisposed of.

Hon. Sir JAMES LOUGHEED: I understand that the amendment moved by the honourable gentleman from De Salaberry (Hon. Mr. Béique) is to be superseded by the amendment which my honourable friend from Middleton is willing to accept and to move as part of his amendment.

Hon. Mr. BEIQUE: I am willing to add the words to the amendment which I moved yesterday. I moved the amendment which is printed in yesterday's Minutes of Proceedings at page 137. I ask the leave of the committee to withdraw that amendment, and instead, to move:

That the following be added to subsection 5 of the amendment proposed by the Hon, Mr. Ross (Middleton): "Provided always that whenever any company incorporated by special Act of the Parliament of Canada acquires the assets of a company operating within a municipality, which said municipality has the right by agreement to purchase any of the assets of such company, then and in every such case the municipality may enforce its rights under such agreement as fully as if such purchase had not been made, and may enforce against such purchaser the provisions of said agreement as if it were the original party entering into such agreement with the municipality."

The amendment previously moved by Hon. Mr. Béique was withdrawn, and thereupon he moved the new amendment.

Hon. Mr. WATSON: I would like to have more information as to what effect that amendment or the Act would have in a case where a company has a terminating contract with a municipality, but where conditions such as those affecting the city of Toronto do not apply. Could a company step in and purchase the franchise for an indefinite period and occupy the territory? This proposed amendment applies particularly to one case, that of Toronto; that is the only case we have heard up to the present, but in this case there is a terminating contract. This company has apparently a franchise to erect poles, etc., on highways, without the consent of the municipality. In a case where a municipality has not a terminating contract or a right to purchase, what effect would the proposed section have on the company?

Hon. Mr. BEIQUE: No effect.

Hon. Mr. LYNCH-STAUNTON: As to this subsection 5, I have not given it sufficient

SENATE

study to know whether or not the opinion is correct, but I am told that in accordance with the principles laid down by the Privy Council when the case of the Toronto and Niagara Power Company was before it, the insertion of subsection 5 in the amendment proposed by the honourable gentleman from Middleton (Hon. W. B. Ross) would have the effect of putting all corporations which have been heretofore incorporated by special Act in as favourable a position as is now the Toronto and Niagara Power Company, notwithstanding the fact that if the old law were allowed to stand as it is they would not be in that position. That is a result which, I am sure, neither the honourable member nor this committee desires to bring about. It appears to me that this clause is not necessary. I am not venturing my own opinion on this, but it would be a most disastrous result if all companies which have not now the power to go through the streets of any city should be given that power by this section. I draw the attention of the committee to this, because my attention has been brought to it by counsel for the city of Toronto, who professes to be familiar with the decision of the Privy Council and has assured me that this section will not only protect, if it is necessary to protect, the Toronto and Niagara Power Company in its right, but will clothe many companies who have not now such rights with the same rights as those of the Toronto and Niagara Power Company.

Hon. W. B. ROSS: No, it will not.

Hon. Mr. LYNCH-STAUNTON: As I say, not having read the decision of the Privy Council for some time, I give you that opinion for your consideration as it has been given to me. Personally I cannot see any reason for changing the statute of 1906 in this regard. It appears to be the sense of the committee that there should be no retroactive legislation. If the proviso which has just been read were adopted as a subsection in lieu of subsection 5, I cannot see how the Toronto and Niagara Power Company would be injured. But I do see-because it is said that if anything is concealed from Providence it is the final judgment in a lawsuit-that it would open up a long vista of litigation for the various municipalities of Canada. I think it should be made absolutely clear, if that clause is to stand, that no lawsuit could be based upon an argument such as I have informed you has been addressed to me concerning it. Having made this statement, I consider that I have explained my

Hon. Mr. LYNCH-STAUNTON.

position. I do not wish, and will not vote, to deprive any corporation of its rights; but, as I said yesterday, I wish to guard against any municipality being deprived of its rights. I think it is a grave matter to enact this section without making it amply clear that it will not bring into the ambit, in which the Toronto and Niagara Power Company now has the good fortune to be, all other corporations who are not equally favoured.

Hon. W. B. ROSS: Subsection 5 is not made altogether for the city of Toronto, the Toronto Electric Light Company and the Toronto and Niagara Power Company. They are not the only things in the world to be considered. Subsection 5 provides, first, that whatever substantive special rights any companies have by special Act of the Parliament of Canada shall not be taken away from them by section 374; but it confers absolutely not one scintilla of a new power on them. The second part of the subsection provides that if they are abusing the special powers that we are preserving to them, the Railway Board may intervene on the petition of municipalities and supervise them. There is not in it a line that confers any new right. It simply says: "What you have you hold; if you abuse your privileges, the Railway Commission will take you in hand."

Hon. Mr. BEIQUE: I do not think the honourable gentleman from Middleton (Hon. W. B. Ross) is quite right in saying that there is nothing new in subsection 5 as proposed by him. This matter is covered by section 3, which says:

Except as in this Act otherwise provided,— (a) this Act shall be construed as incorporate with the special Act; and

(b) where the provisions of this Act and of any Special Act passed by the Parliament of Canada relate to the same subject-matter the provisions of the Special Act shall, in so far as is necessary to give effect to such Special Act, be taken to over-ride the provisions of this Act.

Therefore I do not see the necessity of the subsection proposed by the honourable gentleman, as it adds nothing to what I have read. For my part, I would prefer that the law remain as it was. If I may be permitted to do so, I would call attention to the new paragraph which it is proposed to add at the suggestion of the honourable gentleman from Middleton. Subsection 4 says:

Nothing contained in this section shall be deemed to authorize the company to acquire, construct, maintain or operate any distribution system or to distribute light, heat, power or electricity in any city, town, village or town-

APRIL 17, 1918

ship; or to erect, put or place in, over, along or under any highway or public place in any city, town, village or township any works, machinery, plant, pole, tunnel, conduits, or other device for the purpose of such distribution without the company first obtaining consent therefor by a by-law of the municipality.

So far, this portion of subsection 4 is copied from section 247 of the present Railway Act, subsection 8. Now the honourable gentleman proposes to add this proviso:

Provided that this subsection shall not prevent the company from delivering or supplying such power by any means now existing or under the provisions of any contract now in force for use in the operation of any railway or for use by any other company lawfully engaged in the distribution of such power within any such city, town, village or township.

What is the object of this addition? I take it that there may be a number of companies who, by mere suffrance and without having obtained the consent of the municipality, have erected a plant in the municipality, and this would give them a permanent right which the municipality had never granted to them. I do not think it is fair that we should go that far. I think we have been very jealous in the past to protect the municipalities to a reasonable extent, and to protect also all vested rights. I think we should be consistent, and not now interfere with the rights of any municipality. I do not see that this addition can have any other effect; and for my part I would be against infringing upon the rights of municipalities. If any electrical company has gone into a municipality without having obtained the consent of the municipality, let them obtain that consent or stand upon the rights which they have acquired. Do not let us declare that, because they have gone there and have exercised rights, they will be protected to that extent and will be able to continue for all time to exercise those rights. I hope my hon. friend from Middleton will not insist upon that addition being made to subsection 4.

Hon. W. B. ROSS: I did not make any addition.

Hon. Mr. BEIQUE: It is my mistake, then. I beg the honourable gentleman's pardon. It is an addition in the Bill as printed.

Hon. W. B. ROSS: Does the honourable gentleman propose that the whole of section 374 be struck out?

Hon. Mr. BEIQUE: No, I propose that the proviso at the end of subsection 4 be struck out.

Hon. Sir JAMES LOUGHEED: That is in the Bill.

Hen. Mr. LYNCH-STAUNTON: What is the objection to allowing the old law to stand?

Hon. Sir JAMES LOUGHEED: Why not strike out section 374 in its entirety if we do not agree with it?

Hon. Mr. BOSTOCK: I thought that the motion of the honourable gentleman from Middleton (Hon. W. B. Ross) was to strike out section 374 and substitute his amendment in its place.

Hon. Sir JAMES LOUGHEED: The amendment adopts most of the section, and, as you will see, my honourable friend from De Salaberry (Hon. Mr. Béique) has found something else objectionable in the section. It was not inserted by the honourable gentleman from Middleton.

Hon. Mr. BEIQUE: It is my mistake. I take exception to that portion which is new and which I do not think should receive the approval of this honourable House. Would it not be better to proceed with section 374 clause by clause?

- Hon. Sir JAMES LOUGHEED: I am quite willing to do that. As it is now five minutes to six, we might call it six o'clock. When we meet, we will proceed with the. different sections seriatim.

At six o'clock the committee took recess.

After Recess.

The committee resumed at eight o'clock.

Hon. Mr. MACDONELL: The original clause in the Bill which passed the Commons, which it is proposed to alter by the amendment now before the committee, reads as follows:

(2) Notwithstanding anything contained in any special or other Act or authority of the Parliament of Canada or of the legislature of any province.

From that point to the conclusion it is identical with the amendment now proposed. The effect of the amendment, therefore, is to delete from subsection 2 of the Bill as passed by the Commons-which I contend contained substantially the law heretofore on the subject—the words I have quoted. Now, the intention in passing the section as originally drawn was to provide that where power companies, or telephone or telegraph companies, which were heretofore included, desired to enter a municipality, they could do so only by the con-

SENATE

sent of that municipality. That is fundamental law, and if this honourable committee departs from that, it is departing from one of our most fundamental principles of constitutional British right and liberty. The law has been consistent from 1899 onward-I need not go further back than that—as I can show by reference to the Railway Acts of 1899, 1903 and 1906, the last being the law to-day. Those Acts all made provision that a municipality shall have in certain cases, especially for distribution purposes, the right of veto on companies coming in and selling and distributing power, tearing up streets, and so on. The effect of taking out these words, as the proposed amendment would do, would be to pass a general Act saying that "the company shall not, except as in this section provided, acquire, construct, maintain or operate any works," etc., without consent. This will be in a general Railway Act. But the decision of the Privy Council in the case of the Toronto and Niagara Power Company, which we have had before us. shows that the court would hold that this being a general Act, and there being special powers conferred upon the power company in a special Act, that is, as to going into a community, those special powers would be inconsistent with the general Act. The Privy Council has held-and I presume their decision is our law to-day-that the provisions of the general Act are set aside. and the provisions of the special Act govern. But the very idea and intention in prefacing the operative part of this subsection 2 with the words, "Notwithstanding anything contained in any special or other Act," etc., was to make the law uniform and of general application to all power companies, requiring them to obtain the consent of a community or municipality before invading it. If those words are allowed to remain in-the words proposed to be deleted by this amendment-the purpose of the law will be satisfied, and the various municipalities will have the right of saying who shall enter their streets. That was the law heretofore, under an omnibus clause in a general Act relating to telephones, telegraphs and power companies. This is the first time it has been separated, as I pointed out to the committee last night. This will be perceived by looking at clause 373, subsection 2 of which requires the consent of the municipality. That law has heretofore applied to power companies, so that I can fairly say, and I am safe in saying, that the law as contained in the Bill now before this House in section 374, Hon. Mr. MACDONELL.

subsection 2, appears to be the same law that we have since we have been dealing with power companies. The proposed amendment is a departure from that.

Hon. Mr. BOSTOCK: That is not in the Act of 1906—either section 247 or 248. I thought my honourable friend was arguing that those words were the same as we had in the Act of 1906.

Hon. W. B. ROSS: He did argue that.

Hon. Mr. MACDONELL: They are in section 373. I read the exact language of both sections, and, as I understand it, that is the same section that was the general law with reference to telephone, telegraph or power companies. I have not here the volume of statutes of 1906, but the words that are proposed to be stricken out of this section are in substance the same as the prefacing words of section 2, of the immediately preceding clause, 373, which has been passed.

Hon. Mr. BOSTOCK: No, we have not dealt with that yet.

Hon. Mr. MACDONELL: It was passed by the Commons, and it has been in the Bill; but even if it be not yet adopted, surely there should be uniformity with regard to the rights, powers and obligations of the municipalities and communities on the one hand and of the companies on the other. That is the desire and design of making this a uniform general Act-that all shall be bound by it; but if those words are deleted, then the company is simply at large, because the special powers contained in the charter would be inconsistent with the general powers contained in subsection 2 as altered by the honourable gentleman's amendment, for the Privy Council says the special Act shall prevail, and we might go ahead drawing general Acts until we were black in the face and they would be of no application. What is the use of our passing general legislation here, as we think, governing and applying to all companies with uniformity and equality if we are practically legalizing any and every power that is contained in any charter or Act granted or passed by the Dominion Parliament or a provincial legislature, or given to a company incorporated by a department of any province, where those powers come in conflict with the general policy of Canada as enacted in the general Railway Act. The decision of the Privy Council being that where those two sets of powers are in conflict the special Act prevails, the uniformity we are striving to obtain amounts to

APRIL 17, 1918

nothing; yet this amendment would legalize perhaps hundreds of special powers conferred by special Acts passed by the Dominion Parliament or by any or all of the provinces of Canada either under letters patent from departments or by Acts of their legislatures. Surely that is a step in the dark, and it is a step we should not take, or take only with the greatest hesitation and after the fullest investigation. I am not concerned about this matter except from a public standpoint. It affects in no way the other part of the clause, but, in connection with subsection 5, as proposed in the amendment, it makes it emphatic that anything contained in a special Act, either of the Dominion or of any province, shall prevail for all time against the provisions of a general Act that we may pass here. Therefore I appeal to the committee to support the clause as submitted to us in the printed Bill, being subsection 2 of section 374 :

Hon. Mr. BEIQUE: The honourable member from Toronto (Hon. Mr. Macdonell) is repeating in another form the argument he made the other night. He is raising the same question. What is proposed is to adopt the exact provision that was incorporated in the Railway Act of 1903, and which is to be found in the Revised Statutes of 1906. The rule to which the honourable gentleman objects is to be found in section 3 of the Railway Act as incorporated in the Revised Statutes.

This Act shall, subject to the provisions thereof, be construed as incorporated with the Special Act, and, unless otherwise expressly provided in this Act, where the provisions of this Act, and of any Special Act passed by the Parliament of Canada, relate to the same subject matter, the provisions of the Special Act shall, in so far as is necessary to give effect to such Special Act, be taken to override the provisions of this Act.

This is the principle upon which all our legislation has been enacted; and not only our legislation, but if the honourable gentleman will refer to Maxwell's "Interpretation of Statutes," fourth edition, he will find on page 367 the very plain rule:

Where a general Act is incorporated into a special one, the provisions of the latter would prevail over any of the former with which they were inconsistent.

That has been the uniform practice, and the principle upon which we have always legislated; and because the honourable gentleman objects to a special charter which was granted by this Parliament in 1902 to the Toronto and Niagara Power Company, he now asks us to reverse that principle. incorporated in the Railway Act. I cannot see the soundness of the proposition.

I do not desire to take up the time of this honourable House, but I think that the arguments of the honourable gentleman should not go to the public without being answered. Let me recall in very few words the legislation on this very important question. Up to 1899 there had been very few companies incorporated with the power to develop and distribute electricity. In 1899 it was deemed proper to protect the municipality, and an amendment was passed in 1899, as found in the first paragraph of section 247 of the Railway Act as embodied in the Revised Statutes, which read:

When any company is empowered by Special Act of the Parliament of Canada to construct, operate and maintain lines of telegraph, or telephone, or for the conveyance of light, heat, power or electricity, the company may, with the consent of the municipal council or other authority having jurisdiction over any highway, square, or other public place, enter thereon for the purpose of exercising the said powers, and, as often as the company thinks proper, may break up and open any highway, square or other place, subject, however, to the following provisions.

Then the safeguards that were to be adopted for the protection of the municipality are enumerated. There was at that time no railway commission which could regulate the exercise of power in any manner, and by this clause the electric and telegraph companies were obliged to obtain the consent of the municipality. It was found that these companies had of necessity, if they wanted to distribute power from a long distance, to cross a number of different municipalities, and it would put them at the mercy of one municipality if that power were maintained without any control whatever. For that reason, in 1903, at my own suggestion, what is now subsection 5 of section 247 of the present Railway Act, was adopted:

If the company cannot obtain such consent from such municipal council or other authority, the company may apply to the Board for leave to exercise such powers, and upon such application shall submit to the Board a plan of such highway, square, or other public place, showing the proposed location of such lines, wires and poles.

Hon. Mr. MACDONELL: Will the honourable gentleman read subsection 8 as well in connection with that?

Hon. Mr. BEIQUE: Yes, J am going to read it. At the same time it seems to me that that was for the protection of the power company, in order that it might not be at the mercy of a single municipality,

when it had to cross a number of municipalities.

Hon. Mr. MACDONELL: That is right, too.

Hon. Mr. BEIQUE: Because the time had come when electric power could be transmitted quite a long distance. But at the same time I suggested the incorporation of subsection 8, which is in the Revised Statutes:

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

So there were two things: the electric company was protected, so far as long distances were concerned, for the transmission of power, and could obtain either the consent of the municipality or the consent of the railway board; but, as regards the distribution and sale of power in municipalities, as it might be done in competition with a municipality owning an electrical plant, it was deemed proper further to protect the municipality by exacting in that case, and in all cases, the consent of the municipality. That was the law which was adopted in 1903, and it has remained the law to this day. I think it was a wise provision to adopt.

Hon. Mr. MACDONELL: Will the honourable gentleman, as the father of subsection 8, let me ask him one question regarding that subsection, which is extremely beneficial and proper to be in a special Act? By the decision of the Privy Council under this very subsection, where a power company has certain powers which are inconsistent with the powers of the general Act, the benefit of the section has been nullified; and I would ask the honourable gentleman whether it is not wise and proper to re-enact section 8 in such a way that it will fulfil the purpose for which it was passed, namely, to be a live law and to be respected.

Hon. Mr. BEIQUE: I want to keep my argument consecutive. I will come to the point which the honourable gentleman mentions in a moment. But let me say this, that such was the law governing all companies, and such is the law to-day. The honourable gentleman complains — and copies of a memorandum have been distributed in this House in which it is attempted to show that we are going to do an injustice to municipalities. That is the position Hon. Mr. BEIQUE. which the honourable gentleman took the other day and is now trying to support.

Let us consider for a few minutes the question whether it is true or not that we are serving a special interest in violation of . municipal rights. Previous to 1902 a number of companies had been incorporated for the purpose of distributing electricity. I may refer to a few of them. There was the Hamilton and Lake Erie Power Company, which was incorporated in 1895, by chapter v8. It will be found in the charter of that company that the company was obliged to obtain the consent of the municipality before it could distribute power in Hamilton or in any other municipality. In 1897 the Continental Light and Power Company was incorporated by this Parliament, by chapter 72. It was likewise made subject to the obligation of obtaining the consent of the municipality. Then, in 1901, the Ottawa and Hull Power Company, of which the honourable member from Rideau (Hon. Mr. Edwards) was a promoter, was incorporated. It obtained only the enabling power; so it had to obtain the consent of the municipality. In 1901, again, the St. Lawrence Power Company was incorporated by Chapter 111, and it also was obliged to obtain the consent of the municipality. In the following year the Toronto and Niagara Power Company was incorporated; but under what circumstances? It was incorporated, not for the purpose of developing a small amount of electricity and transmitting it into one city, but with a view to developing the Niagara hydro-electric power to a very large extent, and transmitting it a distance of 100 or 125 miles to the cities of Hamilton and Toronto and to other municipalities. It was an enterprise which could not be carried out except by the expenditure of perhaps \$15,000,000, \$20,000,-000 or \$30,000,000. It demanded an enormous expenditure, and the company was declared to be a company for the general advantage of Canada. What was the con-dition? It asked this Parliament that, as it had to traverse a large number of municipalities, it should not be subject to the obligation of obtaining the consent of the municipalities. It would not have been practicable to obtain it. And the honourable gentleman seems to be surprised that this power was granted.

Hon. Mr. MACDONELL: No, not the power to transmit. It is proper that it should be granted; but I refer to the power of distribution.

Hon. Mr. BEIQUE: The power of distribution is to be found in the same clause;

and the honourable gentleman says: "But it was a surprise sprung on Parliament." The honourable gentleman read the other day from the memorandum which was distributed here and from Hansard; but the honourable gentleman did not read all. If he had read Hansard properly, he would have found that the members representing the city of Hamilton quite understood that the right was given to the company of exercising its powers without the consent of the municipality. First of all, let me quote from Hansard of 1902, vol. 2, page 3629.

Hon. Mr. MACDONELL: The Commons Hansard or the Senate Hansard?

Hon. Mr. BEIQUE: It is from the Commons Hansard I am reading. The honourable gentleman read from that.

Hon. Mr. MACDONELL: I read chiefly from the Senate Hansard.

Hon. Mr. BEIQUE: I am reading some other part. Mr. Cowan was the chairman of the committee, and was dealing with the Bill incomporating that company. Mr. Cowan said:

As Chairman of the Private Bills Committee it is only fair to the House that I should state what took place in that committee. We had probably the largest meeting of the committee which took place this session, when we considered this Bill. Thirty or forty members must have been present. Mr. Fullerton, the solicitor of the city of Toronto, was in attendance.

Mr. Fullerton was a solicitor of first-class standing.

We brought Mr. Fullerton up to the table and told him that the committee was quite willing to extend to him all the privileges of a member, and that if at any time he took objection to a clause, either on behalf of the city of Toronto or any other municipality, the committee would deem it a favour if he drew attention to it. Mr. Fullerton took a seat at the table and several times he made suggestions, very many of which, if not all, were adopted by the committee. Mr. Brock, the member for Centre Toronto, was also present. As we know, Mr. Brock is largely interested in the financial affairs of Toronto, and his business interests are identified with the prosperity and progress of that city. The committee considered this Bill for upwards of two hours, and the following sections were amended: 5, 8, 12, 13, 21. An absolutely new section was inserted, and section 20 with four sub-clauses was stricken out.

And so forth. Then, there was Mr. Clarke, who was a member for Toronto and who took a very active part in the discussion of the Bill. He said this, as appearing on page 3633 of Hansard:

If the honourable gentlemen opposite, who are objecting to these amendments, will provide

in this Bill that this company cannot enter into the city of Toronto or exercise the powers asked for under this Bill without the consent of the municipality, we shall be prepared to withdraw all these amendments.

Hon. Mr. MACDONELL: Hear, hear.

Hon. Mr. BEIQUE: Yes, "hear, hear." The honourable gentleman does not understand the bearing of that objection by the honourable member for Toronto. What was the objection? The objection was not that this power was given without the consent of the municipality. There was no demand of that kind. It would not have been sufficient to obtain the consent of the municipality. The company had to traverse the city of Toronto to go elsewhere.

I read now the amendment printed on the following page. The honourable gentleman (Hon. Mr. Macdonell) will find the amendment which Mr. Clarke wanted to incorporate in the Bill, which was merely for the purpose of giving to the city of Toronto the right to prescribe the prices at which the electricity would be sold in the city. That was what he was contending for. He was not objecting to the power that was being given to the company. He moved to have this clause incorporated:

11a. The Railway Committee shall upon application of the company or of any person, corporation or municipality have power to make an order in lieu of an agreement, under clause 11 hereof, which shall be binding upon the parties, and may determine to whom and at what prices and within what distance such power shall be supplied under the provisions of clauses 11, 12 and 13 of this Act.

The amendment was submitted to the committee and was lost by a large majority. During the whole discussion in the House of Commons there was no question as to whether the power of distributing electric current in the cities should be granted to the company. Now, Mr. Fullerton could not help knowing the effect of the clauses which were in the Bill, because, as I have already said, he was a lawyer of high standing and only the year before the very same question had been decided by the Privy Council in the case of the city of Montreal and the Standard Electric Company. In that case a question arose over similar wording to that which is to be found in the charter of the company, and it was decided by the Privy Council that the company had the right to erect its poles and to distribute power in the city of Montreal. I am quite sure that fact was known to Mr. Fullerton, so that the city of Toronto was not taken by surprise.

Hon. Mr. MACDONELL: I rise to a question of privilege. I understood the hon-

ourable gentleman to imply either that I misread or improperly read Hansard. I made a short reference to it, and used certain language which I had copied from it, stating that the full report was to be found in Hansard but that I would not take up the time of the House in reading it. What I said faithfully represents what is to be found there. If the honourable gentleman imputes to me an improper or an incorrect reading of Hansard, I ask him to withdraw the imputation.

Hon. Mr. BEIQUE: I said the honourable gentlemen did not understand. I do not question the good faith of the honourable gentleman. I said he did not read sufficient of Hansard to understand the full bearing of the question at issue.

Hon. Mr. MACDONELL: I have read the whole of Hansard.

Hon. Mr. BEIQUE: I have too much respect for my colleagues to follow the example of the honourable gentleman. The other day, in the course of the discussion, the honourable gentleman passed a judgment and made personal remarks which were very offensive as far as I was concerned. I have no desire to repay him in the same coin; but I think I am justified in saying, as I think I have shown, that the honourable gentleman did not understand the purport of the discussion as it took place before the Railway Committee. Of course, I might have done the same thing if I had not read the whole of the discussion.

The honourable gentleman seems to attach a great deal of importance to the decision of the Privy Council. Well, for my part, I do not attach much importance to that decision, for the reason that I have stated. From the nature of the charter and from the nature and importance of the works which were to be carried out, I think it is quite plain that the company could not be subjected to the necessity of obtaining the consent of the municipalities. I am satisfied that the powers they received were granted with the knowledge and consent of the city of Hamilton and the city of Toronto. Now, I will ask the honourable gentleman a question: would it be reasonable to suppose that any capitalist would spend ten, fifteen or twenty millions in an enterprise without having a charter?

Hon. Mr. MACDONELL: If the honourable gentleman will permit me, I will answer now.

Hon. Mr. BEIQUE: Permit me to finish. Is it reasonable to suppose that he would Hon. Mr. MACDONELL. do that without taking the precaution either of obtaining the power to do so by virtue of an Act of Parliament or obtaining the consent of the municipalities?

Now, I have shown that the company had obtained the necessary consent by virtue of their charter. If that consent had not been granted by their charter, it goes without saying that they would have applied to the different cities, and very likely they would have obtained the consent of the city of Toronto before spending their money. The city of Toronto remained quiet. They never said a word until 1911, when ten or fifteen million dollars had been spent and the power had been developed at Niagara Falls and transmitted to Toronto.

Hon. Mr. MACDONELL: No, no; by this company.

Hon. Mr. BEIQUE: Well, not by this company. The honourable gentleman read from a memorandum, and I take it.

Hon. Mr. MACDONELL: Oh, no.

Hon. Mr. BEIQUE: It says:

In the year 1902 a Special Act was passed incorporating William Mackenzie, Henry M. Pellatt, Frederick Nicholls and others under the name of the Toronto and Niagara Power Company with powers amongst others to enter upon and use the streets, squares and public places of any municipality for the purpose of transmitting and distributing light, heat, power and electricity. No conditions whatever was imposed in the Special Act for protecting the rights of the municipalities in their streets because it was represented by the promoters and considered by all parties that the unlimited rights of the Special Act were controlled and governed by section 90 of the Railway Act amended as above set out. This is clearly shown by the report from Hansard.

Of course, that is not according to fact. Later on, it save:

By an agreement dated the 29th January, 1903, William Mackenzie, Henry Mill Pellatt and Frederick Nicholls obtained from the Commissioners of the Queen Victoria Niagara Falls Park the right to develop from the waters of the Niagara river a large quantity of electrical horse-power under the terms and conditions of that agreement, and on the 21st of March, 1903, the same three parties assigned this agreement to the Electrical Development Company, Limited, a company incorporated by Letters Patent under the Ontario Companies Act. The agreement and assignment were approved and confirmed by an Act of the legis-lature of the province of Ontario in the year 1905, numbered chapter 12, and thereafter the Electrical Development Company made and constructed its development works at Niagara Falls and the Toronto and Niagara Power Company secured and erected its transmission line to Hamilton, Brantford, Toronto and other points. The Electrical Development Company, imited, furnished to the Toronto and Niagara Power Company all the money requisite for

APRIL 17, 1918

and expended by the latter company in its undertaking and received therefor all the issued bonds and the capital stock of the Toronto and Niagara Power Company which it now controls.

Here is the admission, in a statement found in the memorandum to which the honourable gentleman drew our attention, that the large amount of money which was expended to develop that power and to transmit it was furnished upon the guarantee of the stock and bonds of the Toronto and Niagara Power Company.

Hon. Mr. MACDONELL: Is the honourable gentleman aware—I assume that he is —of what took place in this committee last session on the very subject that the honourable gentleman is now labouring? The solicitor for, I think, the Empire Trust Company, a very credible man of Toronto, was here, and he said that the total bond issue of the company was a million and a half, and the total capital stock issue \$856,000, or \$869,000, or thereabouts, a total of a little over \$2,300,000. The honourable gentleman has changed that now into eight or ten million.

Hon. Mr. BEIQUE: I am aware that there were a number of incorrect statements made.

Hon. Mr. MACDONELL: By the promoters.

Hon. Mr. BEIQUE: I find incorrect statements and correct statements in this memorandum, and I draw attention to the fact that the amount necessary for the development of that power and for its transmission for a distance of 125 miles or more was furnished on the guarantee of the stock and bonds of the Toronto and Niagara Power Company. I suppose the honourable gentleman will not dispute that statement.

Hon. Mr. MACDONELL: Those are not the facts.

'Hon. Mr. BEIQUE: The statement is according to the facts. At my request last session the contracts and other documents were deposited on the Table of this Chamber. These people, of course, would not expend the money without having power to proceed. Now that they have made their enterprise good-whether they expended five, or ten, or fifteen millions of dollars-now that conditions are changed and the city of Toronto and the Hydro-Electric Commission are desirous of getting rid of that company, we are asked to repeal the powers given to them, and to prevent them in the future from distributing power in the cities of Toronto and Hamilton. Would it not be preposterous, honourable gentlemen? I understand that

the company have sold some 30,000 horsepower to the Toronto Electric Light Company, and that their contract will come to an end in a couple of years because the city has the power to purchase the assets of that company. What would be the position of the Toronto and Niagara Power Company if we were to do what has been suggested by the honourable gentleman? They would have 30,000 horse-power to sell, and they could not put up an additional pole or an additional wire in the city of Toronto for the purpose of distributing that power. This is what we are asked to do by the honourable gentleman (Hon. Mr. Macdonell) supported by the united municipalities. I cannot believe that the united municipalities understood what they were asking us to do. I have no interest whatever in this company. I am anxious, as I have always been, to protect the rights of the municipalities; but in this instance, as in any other instance, I think Parliament should keep faith according to the charters that have been granted, because to act otherwise, as was very well stated by the leader of the Government in this House, would be absolutely destructive to the credit of this country.

Subsections 1, 2 and 3 of the amendment were agreed to.

On subsection 4 of the amendment-consent of the municipality:

Hon. Mr. BEIQUE moved that the proviso be stricken out.

Hon. W. B. ROSS: It is like a chip in porridge—it does no harm to leave it in, and it does no harm to take it out. This matter is involved in the interpretation clause, and the proviso is really not necessary. If the honourable gentleman wants it struck out, I have no objection; but if it pleases any one to leave it in, I am perfectly willing to do so.

The amendment of Hon. Mr. Béique to the amendment was agreed to, and subsection 4 of the amendment, as so amended, was agreed to.

On subsection 5 of the amendmentapplication to existing companies:

Hon. Mr. MACDONELL: I did not understand that subsection 5 of the Bill had been stricken out, but the whole discussion is open now because of the amendment. Now, this is a most important clause—in fact, the governing clause of the whole section. The effect of that clause is very far-reaching, because it undoes all the legislation that we have heretofore passed regarding the

SENATE

consent which is required to be obtained by the companies before they enter municipalities to tear up streets, and so on. The effect of this clause would be very much wider and very much more far-reaching than its comparatively innocent surface would indicate, or as was the design or purpose, as I apprehend, of the promoter or promoters of this proposed amendment; because it not only makes provision for the continuance in perpetuity of the powers of the Toronto and Niagara Power Company to invade municipalities with or without leave or license, but, like all efforts that are usually over-strenuous, they overreach themselves and go even further than the perpetrators intended. The effect of this clause is simply this, that it removes from the control of the municipalities not only the company we have in mind here-the Toronto and Niagara Power Company-but all other companies incorporated by or under an Act of the Parliament of Canada or of any province, which have special powers in their Acts of Incorporation, which special powers may come into conflict with the general Act; because once they come into conflict or are inconsistent with the provisions of a general Act, the latter provisions fail. This proposed amendment has been carefully prepared, and is in the very language of the decision of the Privy Council in the Toronto and Niagara Power Company case; the design and purpose evidently being to effect a change in the law with regard, not only to the Toronto and Niagara Power Company, but all companies whose special powers may not be in line with the provisions of our general Railway Act. The words of the Privy Council's decision have been followed, so that the amendment, if it becomes part of the Statutes of Canada, will dovetail most beautifully with the words of the Privy Council in the Toronto and Niagara Power Company case, and impose on the people of Canada ad infinitum all power companies whose special objects or powers are in conflict with the provisions of the general Railway Act. The head-note to that case in the Privy Council becomes important, as it gives the language which has been copied in the amendment now before the House; and therefore I wish to quote it as given in the House of Lords Appeal Cases, 1912, page 834:

Held, further, that section 90 of the Railway Act of 1888 as amended by the Railway Act of 1899 and by section 247 of the Railway Act of 1906, the effect of which would be to give the respondents a veto upon the appellants' exercise of their powers, is inconsistent with the said sections 12 and 13 of the Special Act, Hon. Mr. MACDONELL. and consequently, by section 21 thereof is rendered inapplicable to the appellants.

That is, the general Act was of no effect as against the Power Company, who were the appellants. Not only is the language of this proposed amendment sufficient to cover, as I say, any other power company whose objects or powers may come in conflict with the general Act, but it was the manifest intention of the draftsman that it should be so; and because of the language the honourable gentleman used who introduced it-which will be found on page 154 of the Debates of the Senate of Tuesday, April 16th, instant. At that time the honourable gentleman who introduced the amendment (Hon. W. B. Ross), after reading the subsection in question, interpolated these words:

That is a complete reservation of whatever rights private companies may have. I am not specially interested in the Toronto and Niagara Power Company, but this provision saves all companies.

Hon. W. B. ROSS: No argument about that.

Hon. Mr. MACDONELL: "Saves all companies;" but what becomes of the municipalities? Saving the companies at the expense of the people-that is what it was; and at the present time no company, so far as I am aware, is seeking the rights which the Toronto and Niagara Power Company is seeking, namely, to invade the domain of any municipality without its consent. But when this clause passes, every power company, whether incorporated by the Dominion of Canada or by any province, or under any method by which a company can be incorporated in a province, if its powers or objects as stated in its document of incorporation-are inconsistent with the provisions of the general Railway Actand it is in the general Railway Act that the general power companies' clauses are contained- every such power company will have special privileges, which may have been given by a province down by the sea, or in the West, or in Ontario or any other province, and which shall prevail over the powers given by the general Act. Thus we are saying to these companies, "Come one, come all," without knowing anything about their powers. We are saying that wherever there is a company that has a charter whose special privileges are in conflict with the general Railway Act the latter shall not prevail; and in that case, if it were needed. though it is not by this amendment, the Privy Council comes to the aid of this miscellaneous aggregation of companies that

APRIL 17, 1918

are or may be arrayed against the municipalities, and says that where that condition arises and exists, and where the special privileges conflict with the general Railway Act, the special Act shall prevail, and our general legislation goes for naught in so far as those companies are concerned. That is the logical and necessary consequence and result of this section the moment it becomes law.

What is more, it is an entirely new departure from the law of Canada. Permit me to make a short reference to the statutes which govern this matter. The general Railway Act protects the rights of municipalities against companies incorporated by special Act or other authority of the Dominion, except the Toronto and Niagara Power Company. This company, the Privy Council held, was not so restricted, although it was plainly the intention of Parliament to bring that company within the provisions of the general law, as shown by Hansard of 1902, pages 3629-30-33-34with which the honourable gentleman from De Salaberry (Hon. Mr. Béique) was good enough to enlighten the House to-night. The result of enacting subsection 5 of the Ross amendment would be to confer upon all Dominion and provincial companies which have specific powers to enter upon the streets of municipalities, the right to exercise these powers without the consent of the municipality, and therefore, instead of continuing the protection municipalities have hitherto enjoyed, it would deprive them of any protection whatsoever, as regards the class of companies referred to in subsection 5.

I furthermore contend-although this is a legal question on which my opinion might not ultimately prevail-that if a company has a special Act giving it certain special powers, and in the same Act or charter certain sections of the general Railway Act. are incorporated by reference to their numbers, the effect would be that those special clauses, should they be in conflict with the clauses of the Railway Act, which the House thought were embodied in the Act when it passed, would prevail, and the general clauses of the Railway Act would be null and void and have no effect as against the special clauses. So that the effect would be disastrous.

Instead, therefore, of having one company at large, possessing powers which oppress municipalities and are subversive of their right to control and govern their streets, we shall have these powers extended to an indeterminate number of other

companies under charters granted by the Dominion or the provinces of Canada, which possess powers which are inconsistent with the general Railway Act. In a word, subsection 5 not only perpetuates and confirms the grossly unfair powers conferred by Parliament upon the Toronto and Niagara Power Company, but it also extends to and clothes other companies with those powers, and renders inoperative the municipal protective sections of the Railway Act which have been included in such charters since 1899. The subsection as proposed by the honourable senator (Hon. W. B. Ross) aggravates and multiplies the injustice from which the municipalities ask relief.

Just a word as to the general law heretofore existing on this subject, because this is entirely a new departure. I have no way of predicting what may befall the legislation elsewhere, if passed here; but I cannot imagine a free deliberative body passing this legislation and hoping or expecting that the people of any country or its legislatures would maintain or preserve it. It is impossible to imagine, because, as I will briefly point out, from 1899 down to the present moment no company has had the right to go into a municipality and distribute or sell power without the consent of the municipality. My honourable friend from De Salaberry (Hon. Mr. Béique) skilfully avoided the discussion of the difference between transmission and distribution. Although he is the father of subsection 8 of section 247 of the Railway Act of 1906, he is seeing his child, in the form of section 8, practically massacred here to-night, yet makes no attempt to save the life of what he himself has produced. Now, the protection of the control of the streets of municipalities against the exercise of the powers of power companies has been given by the general Railway Act since the year 1899. In that year section 90 of the general Railway Act was amended so as to restrict the exercise of the rights of power companies, by providing that such rights should only be exercised with the consent of the municipality. My honourable friend from De Salaberry knows well the contents of section 90, and sought to have two subsections of that section inserted in this very Toronto and Niagara Power Company Bill when it went through the House. How did the honourable gentleman discharge his duty to the public then? He said: "Well, I think these subsections 91 and 92 should go in this Bill as safeguards; but this company is operat-

S-12

REVISED EDITION

ing in the province of Ontario, and is not operating in the province I represent, and therefore I have no further concern in the matter." And so he let it pass. Is that discharging duties in accordance with what is imposed upon honourable gentlemen who are here to carry on legislation in the interests of all the people of this great country? I hardly think so.

The general Railway Amendment Act of 1899, chapter 37, section 1, subsection 2, reads as follows:

2. When any company has power by any Act of the Parliament of Canada to construct and maintain lines of telegraph or telephone, or lines for the conveyance of light, heat, power or electricity, such company may, with the consent of the municipal council or other authority having jurisdiction over any highway, square or other public place, enter thereon for the purpose of exercising the said power, and, as often as the company thinks proper, may break up and open any highway, square, or other public place, subject, however, to the following provisions:

Then certain provisions are made as to shade trees, etc. I am taking every Railway Act since 1899. This provision continued in force until the passage of the general Railway Act of 1903, when it was re-enacted in a more positive form by section 195, subsection 3, which reads as follows:

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

That is, as I understand, in direct line with the view of the honourable member from De Salaberry (Hon. Mr. Béique) on the question of distribution, and it affects only the distribution.

Much has been said here about the transmission of power. We all agree on the right of the company to transmit its power, and if the municipality blocks the way in a dogin-the-manger fashion the Railway Commission has the right, as is proper, to lift the gate, to raise the embargo, to let the line through. All I have said in my arguments is directed to the question of distribution. I say that no company should be able, without leave or license, to enter a municipality as a vendor of power and chop down trees, dig up streets, etc.

In the last Act on the subject—in subsection 8 of section 247, chapter 37, of the Revised Statutes of 1906, this provision was re-enacted without change, and it has remained in force to the present time. It has been in effect for 19 or 20 years. The general

Hon. Mr. MACDONELL.

Railway Act restricted the exercise of the right of power companies to operate in the streets of cities, towns and villages, by requiring the company to obtain the consent of the municipalities. Now it is proposed to take down this stone wall of protection for the people which has stood for the last 19 or 20 years. I would ask honourable gentlemen to consider and weigh very carefully this proposed amendment, because if it is passed a wrong will be done that must be remedied soon or late. Believe me-if I may be permitted to use that term-the consequence will be that not only will this particular company, which is a free lance, be allowed to run at large without let or hindrance, but the door will also be open to every other company, incorporated by the Dominion Parliament or by provincial authority, to acquire powers which are inconsistent with the provisions of the general Railway Act. So, if this amendment is passed, we do two things: we take down the wall which protects communities throughout the length and breadth of Canada, and in addition we enable other companies to obtain powers and privileges which may be in conflict with the general Railway Act. We might just as well stop passing general Railway Acts, or any other general legislation, because if such a practice is permitted with regard to power companies and railway companies, we cannot expect to apply a different rule to banks, trust companies and other financial institutions. In England, from time immemorial, and in this country, a fabric of general law for all the departments of commercial and industrial life has been woven. These general laws have been passed for the purpose of creating uniformity, insuring fair dealing, and preventing extortion and improper methods by public corporations. My honourable friend who introduced this motion (Hon. Mr. Ross) thinks that by the use of a few terms, which can never be proved, relief may be given by the Railway Commission. I would point out in the first place that if power companies are allowed to run at large, absolutely without halter or check of any kind, and if they act oppressively or in bad faith, it will not be easy to obtain relief by a humble appeal to the Railway Board to regulate the distribution of power in the community. I will read the subsection:

Any specific powers inconsistent with the provisions of this section and conferred on any company by any Special or other Act or authority of the Parliament of Canada or of any province shall not be affected by the provisions of this section, but if any municipality complain to the Board that any company,

whether incorporated by Special or other Act or authority of the Parliament of Canada, is exercising its powers oppressively or in bad faith, the Board may hear such complaint and if it sees fit supervise the exercise of such powers.

What does "supervise" mean? Is Sir Henry Drayton, the Chairman of the Railway Board to go to Vancouver, for instance, to see that the workmen of a company which 'has invaded the streets of that city, do the work properly? How can he "supervise?"

Hon. Mr. DANDURAND: He can send his engineer.

Hon. Mr. MACDONELL: Well, what is the legal meaning of the word "supervise?" It has no legal significance. As my honourable friend is aware, this supervisionvague, transitory, immaterial-can be exercised only if the company is acting oppressively or in bad faith. How is it to be ascertained that the company is acting oppressively or in bad faith? The company will say, "No, we are acting in good faith; we are not acting oppressively." Therefore I submit, honourable gentlemen, without further discussion of the subject, that it would be highly improper to pass a section which would be impossible of enforcement except in the interests of the company, and which, if it passes this committee to-night, must perish after a very short life.

Some Hon. SENATORS: Question, question.

The Hon. the CHAIRMAN: The question is on subsection 5 of the amendment moved by the honourable member from Middleton (Hon. W. B. Ross).

Hon. Mr. MACDONELL: I would ask for the yeas and nays.

Subsection 5 of the amendment was agreed to: yeas, 34; nays, 6.

The amendment to the amendment, proposed by Hon. Mr. Béique, was agreed to.

Progress was reported.

DEPARTMENT OF RAILWAYS AND CANALS ACT AMENDMENT BILL.

FIRST READING.

Bill 52, an Act to amend the Department of Railways and Canals Act.—Hon. Sir James Lougheed.

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

S-121

THE SENATE.

Thursday, April 18, 1918.

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

Prayers and routine proceedings.

GOVERNMENT INVESTIGATIONS.

MOTION FOR RETURN.

Hon. Mr. DENNIS moved:

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

a Return showing: The amount paid in each year since 1900 inclusive, for (a) reporting, (b) translating, (c) typewriter, and (d) printing proceedings before Commissions of Inquiry and all other investigations for or on behalf of the Government or any Department thereof, in English and in French respectively, the names of the persons under (a), (b) and (c) to whom such payments were made, the amount paid to each as salary or other compensation, and the amount paid on account of each such person for travelling and living expenses.

The motion was agreed to.

RECORDS OF THE SENATE.

MOTION FOR STATEMENT.

Hon. Mr. DENNIS moved:

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

1. The names of all persons employed in connection with the work of preparing the Minutes of Proceedings, the Order Paper and the Journals of this House (a) in English and (b) in French, and the salary or other remuneration naid to each.

paid to each. 2. The number of each of these documents printed (a) in English and (b) in French, and the cost of printing and binding the same for the fiscal year ending the 31st of March, 1918.

MILITARY SERVICE.

PROPOSED REGULATIONS BY THE GOV-ERNOR IN COUNCIL.

On a notice of motion of Hon. Sir James Lougheed, in reference to certain proposed regulations by the Governor in Council respecting Military Service, being called:

Hon. Mr. BOSTOCK: I should like to ask the honourable leader of the Government if he would allow this matter to stand, and if he can give us any idea as to how it will be proceeded with. The procedure is rather different from anything that we have had before that I remember. If this motion is taken up in the House of Commons, will it be taken up at the same time in this Chamber? If any alterations were to be made to it in the House of Commons, how would we deal with them? Hon. Sir JAMES LOUGHEED: I anticipate that there will be no alterations, because it is an Order in Council.

Hon. Mr. BOSTOCK: As I understand, at the present time it is not an Order in Council; it is simply a proposed Order in Council. It has not yet received the sanction of His Excellency the Governor General.

Hon. Sir JAMES LOUGHEED: No, it has not received the sanction of the Governor General, but it has passed Council. If this stands until to-morrow, in the meantime I will make inquiries and inform my honourable friend.

Hon. Mr. DANDURAND: Would the honourable gentleman be prepared, either now or to-morrow, to tell us whether this resolution, if passed, is to be followed by an Act of Parliament; or is it the intention of the Government to accept this in lieu of a regular Act? This is the first time that I have heard of a resolution of Parliament replacing an Act of Parliament to amend an Act of Parliament. I know of no such precedent, and I know not what the Government may base upon this resolution if it passes. I know of no precedent and no authority by which Parliament can amend an Act of Parliament by a resolution.

Hon. Sir JAMES LOUGHEED: I understand that this Order in Council is made in pursuance of the power given the Governor in Council by the Military Service Act of 1917 to make regulations. This Order in Council is practically regulations made under the authority of that Act.

Hon. Mr. DANDURAND: If my honourable friend will look at the Act, he will find that it provides for certain exemptions, which remain the law, and which cannot be altered by Orders in Council. The law can be altered or amended only by Act of Parliament. Now it is sought to amend that Act by resolution. Of course, I do not know whether this is but a preliminary affirmation or an attempt to obtain the opinion of Parliament.

Hon. Sir JAMES LOUGHEED: This Order in Council will have to be read in connection with the War Measures Act of 1914. If my honourable friend will look at the recital in the earlier part of the Order in Council, it will be observed that this is being done:

On the recommendation of the Right Honourable the Prime Minister, and under and in virtue Hon. Mr. BOSTOCK. of the powers conferred on the Governor in Council by the War Measures Act, 1914.

However, when this matter comes up for discussion, my honourable friend may, if he desires, further elaborate on the question he raises. In the meantime I shall have looked into it.

Hon. Mr. BELCOURT: The point made by my honourable friend (Hon. Mr. Dandurand) is a very important one, and one as to which I think we should be advisedwhether the discussion in this House is going to be purely academic. If my honourable friend's statement is correct, evidently it is going to be purely academic, in which case I think many of us would not want to take part in the discussion at all. If what we are going to say on the subject is not going to have any effect, or is not going to be considered, manifestly there would be no reason or object in saying anything: it would be wasting time. Unless this resolution is to be the basis for and to be followed by a Bill of some sort, then the word academic which I have applied to the resolution is strictly and in every sense the correct one. I think the honourable gentleman should tell us what the object of this resolution is. I for one am not disposed to give it very much attention or consideration if everything is going to remain exactly the same notwithstanding what is said about it.

The Government apparently can do what it is proceeding to do in one of two waysby Order in Council under the War Measures Act or by Bill; but it is a moot question whether the amendment proposed can be made under the War Measures Act. I am inclined to think that this resolution, or the Bill that may be based upon it, makes a very direct departure from the principle of the Military Service Act-the principle of selective draft. This is not selective conscription at all; it is conscription in the full, absolute, and complete sense of the word. It is a moot question whether or not the Government has the right, under the War Measures Act, to make such a change by means of a resolution which they are not going to change. Why discuss it at all? On the other hand, if it is going to be followed by a Bill, the discussion may be of some purpose and may be valuable. It seems to me that unless this is going to be followed by a Bill it is ar absolute waste of time to discuss it for two minutes.

Hon. Sir JAMES LOUGHEED: As I have already stated to my honourable friends op-

posite, when the matter comes up I shall be prepared to say what the intention of the Government is. It is quite evident from the resolution itself that this House is asked to express its opinion upon the expediency of the regulations which are set forth in the motion. If the House chooses to refrain from giving expression to its approval, it then becomes a question for the Government to decide what it should do.

Hon. Mr. BELCOURT: Suppose the resolution were not sanctioned by Parliament, the Order in Council would prevail.

Hon. Sir JAMES LOUGHEED: If the same thing happened in the House of Commons, I fancy the Government would regard it as a want of confidence in the Government.

Hon. Mr. DANDURAND: I draw the attention of the honourable gentleman to another point which he may take up with his colleagues. This resolution comes simultaneously before this House and before the other House. It is possible that amendments may be suggested which may appear to the majority in the other House to be advisable. Is it well for this Chamber to take up this resolution before knowing what the Commons have decided? This Chamber may modify it, and the Commons may at the same time do so, with the result that we may be exchanging two documents which may vary. This Parliament is here for the purpose of throwing light on Bills or resolutions if it can do so. Would it not be better procedure for this Chamber to wait until the Commons have acted on the resolution which is presented to them?

Hon. Sir JAMES LOUGHEED: To-morrow I shall be better prepared to answer that question.

Hon. Mr. POWER: I feel very strongly with the honourable gentleman from De Lorimier (Hon. Mr. Dandurand). There is a regular way of dealing with a joint resolution. The resolution is passed in one House, and if it is agreed to in that House it is sent to the other House for concurrence. In this case the Government apparently proposes to have two independent resolutions passed by the two Houses at the same time. My contention is that that is a very unparliamentary way to proceed.

The notice of motion stands.

RAILWAY ACT CONSOLIDATION BILL.

FURTHER CONSIDERATION IN COM-MITTEE.

The Senate again went into committee on Bill A, an Act to consolidate and amend the Railway Act.—Hon. Sir James Lougheed. Hon. Mr. Girroir in the Chair.

On paragraph c of section 3-provisions incorporated with special Act:

Hon. Mr. BEIQUE: When this section was before us previously I suggested that paragraph c, which is a new paragraph, should be struck out. I drew attention to the fact that it is hardly in harmony with paragraph b. Another reason for striking it out is that under paragraph c companies who have taken the precaution of incorporating in their charter any section of the Railway Act by adopting the words of the section would have the benefit of the section thus incorporated, whereas, if they proceeded in the more expeditious way of merely saying that such and such a section of the Railway Act shall apply to this company they would not have the same benefit. The section would not have the same effect: it would be superseded by any amendment which might be made in the general Act. In addition, I do not think it would be in accordance with the rules as to the interpretation of the statutes.

Hon, Sir JAMES LOUGHEED: With all due deference to the construction which my honourable friend has placed upon this section, I believe it should not be subject to any canon of construction. This section states a specific fact, namely, that the provisions of this Bill will supersede the provisions of any former general Act that may have been imported into a special Act. It seems to me that for the purpose of uniformity this is very desirable; otherwise we shall have running through all special Acts which have been passed since Confederation down to the present time the clauses of the particular general Act which was in force at the time the special Act was passed. Is that a desirable condition of things?

Hon. Mr. DANDURAND: I draw the attention of the honourable gentleman to the words "by reference." The section says:

Provisions incorporated with any special Act from any general railway Act by reference shall be taken to be superseded by the provisions of this Act relating to the same subject-matter.

It is by reference only; so that if it is incorporated otherwise—if a clause or section is copied from the general Act-then it is no more by reference.

Hon. Sir JAMES LOUGHEED: We are only dealing with sections or clauses that have been imported into a special Act by reference. Let us assume that an Act of ten years ago provided that sections 1 and 2 of the general Act should be incorporated into this special Act; surely it is not desirable that we should continue the general sections of the Act of 1906—if that is the Act which was in force—when that Act has been repealed and superseded.

Hon. Mr. DANDURAND: If the draftsman incorporated certain clauses into the Act, the powers granted under those clauses would be retained; while, if he simply incorporated them by reference, they would be subject to any kind of alteration or modification.

Hon. Sir JAMES LOUGHEED: That, of course, would limit the operation of this clause, and my honourable friend is not complaining about the limitation.

Hon. Mr. DANDURAND: No, but the henourable gentleman from De Salaberry (Hon. Mr. Béique) is justly pointing out the difference in the treatment accorded to persons who have special charters with special powers. Those who have had those powers set out at length in their charters will retain them without variation, while those who have them by reference will be subject to any changes which this Parliament may make.

Hon. Mr. POWER: There is another point to which I think the attention of the honourable leader of the House might be directed. This is really ex post facto legislation the thing which the honourable gentleman from Hamilton (Hon. Mr. Lynch-Staunton) so thoroughly dislikes.

Hon. Sir JAMES LOUGHEED: It is only to bring into line the general clauses of the general Railway Act.

Hon. Mr. POWER: Suppose a special Act incorporating a railway company was passed in 1906, and that special Act provided that certain sections of the Railway Act should apply. Notwithstanding that Parliament declared in 1906 that those sections should apply, it is now decided that they shall not. It is ex post facto legislation, to my mind.

Hon. Mr. BELCOURT: The result of my honourable friend's (Hon. Mr. Béique's) amendment, it seems to me, would be that railways would escape the performance of obligations which are imposed on railways

Hon. Mr. DANDURAND.

generally, and imposed specially on certain railway companies by their Acts of incorporation. Previous Acts having in the meantime been repealed, those railway companies would escape liabilities to which railways generally would otherwise be subject. If that would be the effect of my honourable friend's amendment, I cannot support it.

Hon. Mr. BEIQUE: What amendment?

Hon. Mr. BELCOURT: If subsection c is stricken out.

Hon. Mr. BEIQUE: A similar provision was not in the old Act.

Hon. Mr. BELCOURT: For instance, take the Canadian Northern railway. The Canadian Northern in one of its special Acts had a clause which subjected it to certain provisions of the then Railway Act. If you take out subsection c, the general Railway Act from which were taken the clauses in question having disappeared in the meantime, the Canadian Northern would escape the liabilities and obligations imposed upon it.

Hon. Mr. BEIQUE: No, no. If the honourable member will refer to the Interpretation Act he will see that it covers that case exactly—that the repeal of a section which was incorporated by reference to a special Act does not at all affect the special Act.

Hon. W. B. ROSS: But, as I understand the honourable member from Ottawa (Hon. Mr. Belcourt), he says that notwithstanding the repeal of the general clauses of the Railway Act, Mackenzie and Mann would continue to have those clauses in their Act, unaffected by the repeal.

Hon. Mr. BEIQUE: Yes. If the Canadian Northern, instead of incorporating those sections merely by reference, had taken the precaution to have them incorporated word for word—

Hon. Mr. DANDURAND: At length.

Hon. Mr. BEIQUE: Then subsection c would not apply. Why make a difference between the two?

Hon. Sir JAMES LOUGHEED: Strike out "by reference."

Hon. W. B. ROSS: Would it satisfy the honourable gentleman if we struck out "by reference," so that the clause would read:

(c) Provisions incorporated with any special Act from any general Railway Act shall be taken to be superseded by the provisions of this Act relating to the same subject matter.

Subsection b makes ample provision for the special clauses. You can very well have an Act constructed in this way: As I pointed out, I think, when this matter was up before, it may consist of eleven clauses. Ten may be clauses of a special nature, incorporating the company, and then there may be one clause at the end saying that " the following section," copied from the general Railway Act, "shall apply to this company;" or, instead of that section, a section saying that " sections 300, 301, 304 and 305 shall apply to this company." While I contend that special clauses in that company's charter should not be touched, still, if we add to the special Act, to apply with it, a part of the general Railway Act, it is no invasion of the company's special rights, but for the good government of the country, that the general clauses should apply to companies with special charters as well as to all other companies in the country. So far as I can see, paragraph c does not interfere with the rights of any company at all. My honourable friend seems to think that companies who incorporated clauses by number would be subject to having them struck out, while other companies who had the general clauses copied verbatim could not. If there is a possibility of that, we could, by taking out the words "by reference," put them all on the same footing. Is that satisfactory?

Hon. Mr. BEIQUE: I would draw the attention of the honourable gentleman to the fact that paragraph c would then be exactly the contrary of paragraph b. Paragraph b would say one thing and paragraph c would say exactly the opposite. We have always had the rule as embodied in paragraph b of section 3. It is in the Railway Act now in force. We have adopted the same rule that has been adopted in England. Paragraph c was intended merely to cover the difference between incorporation word for word and incorporation by mere reference.

Hon. Sir JAMES LOUGHEED: Will my honourable friend pardon me if I point out to him that under paragraph b, the provisions of the general Act would have to be inconsistent with those of the special Act, whereas such is not the case in paragraph c.

Hon. Mr. LYNCH-STAUNTON: We notice that this section has been amended. A change is made from the old practice, adopted in the Revised Statutes, and no doubt the draftsman made this change for some reason—perhaps because of changes in this new Act. I think that in discussing this without knowing his reasons we are going in the dark.

Hon. Mr. DANDURAND: I fully agree with my honourable friend. It devolves upon one who wants to make a change to give his reasons for the change and this paragraph c is a modification of the old Act.

Hon. Mr. BEIQUE: If when the Bill goes to the House of Commons any good reason can be given why the subsection should be reinstated, it can be reinstated. The matter is merely, I believe, a question of good legislation.

Hon. Sir JAMES LOUGHEED: I am quite willing that the words "by reference" shall be stricken out, so that if the court can determine that a certain section of a special Act is a general section, then that general section must be superseded by the analogous section in this Bill—that which deals with the same subject-matter.

Hon. Mr. BELCOURT: Those words "by reference," do not add to or take away anything from the subsection.

Hon. Sir JAMES LOUGHEED: As my honourable friend has pointed out, a general section may be imported into a special Act word for word, without any reference being made to its origin. It may appear to the casual reader to be a special section as much as any of the other sections of the Act. Now, if it is found to have been taken from a general Act and incorporated into a special Act, there is no reason why it should not be superseded by the like section in this Bill.

Hon. Mr. POWER: I think the honourable gentleman from De Salaberry (Hon. Mr. Béique) is perfectly right when he says that if you strike out the words "by reference," then paragraph c is a direct contradiction of paragraph b.

Hon. Sir JAMES LOUGHEED: No, no.

Hon. Mr. POWER: There is no question about it.

Hon. Sir JAMES LOUGHEED: No, no.

Hon. Mr. POWER: Paragraph b says:

Where the provisions of this Act and any special Act passed by the Parliament of Canada relate to the same subject-matter the provisions of the special Act shall, in so far as is necessary—

Hon. Sir JAMES LOUGHEED: "To give effect."

Hon. Mr. POWER (reading):

Then the paragraph would read:

Provisions incorporated with any Special Act from any general railway Act shall be taken to be superseded by the provisions of this Act relating to the same subject-matter.

It is directly contradictory to what has gone before-

Hon. W. B. ROSS: No.

Hon. Mr. POWER: And I agree with the suggestion made by the honourable gentleman from Hamilton (Hon. Mr. Lynch-Staunton) that we should find out on what ground this change was made before we proceed.

Hon. W. B. ROSS: Paragraph b safeguards and makes prevail as against the general Railway Act any clause of the special Act that is necessary to give effect to the special Act. The general Act goes by the board. In paragraph c a provision that is necessary to give effect to such special Act is not affected at all. Let me put a case to the honourable gentleman. Suppose you have a general Railway Act which limits the time for bringing action, say to six months. That provision is incorporated into a special Act from the general Act. Suppose the provision in the general Act is changed from six months to three months. That is a part of the general legislation of the country with regard to the limitation of actions. Such an amendment as that in the general Act would, under paragraph c, govern as against the special Act and would not be an invasion of any substantive rights given to a company by its special charter, because such a general clause as that would not be necessary to give effect to the special Act.

Hon. Mr. DANDURAND: But could it not just as well be governed by paragraph b?

Hon. W. B. ROSS: No. There is a distinction between paragraph b and paragraph c, which I have tried to point out. At the end of b are the words: "to give effect to such special Act." That saves every clause in the special Act that is necessary to work out the special Act. All the substantive rights of the company are " there is very serious objection to the sugsaved. Apart from that, the proviso in paragraph c is that the general law of the country shall govern.

Hon. Sir JAMES LOUGHEED: May I read to the committee the notes made by Ron. Sir JAMES LOCGHEED.

Mr. Price, the present Railway Commissioner of Ontario, who drafted the Bill, as to the object of this provision. It is headed, "construing with special Act":

Endeavour has been made to put the section into better form-

That is, than the old Act-

-and to remove doubt in the case of provisions incorporated with a Special Act from a general Act. See Northern Counties Investment Trust V. Canadian Pacific Ry. Co., 13, B.C.R., 130; 7 Can. Ry. Cases, 164; in which it was contended that the limitation of time for bringing actions for damages was governed by the six months' provision of the Railway Act of 1879, which provision was incorporated with the Co's. Special Act, rather than by the one year provision of the existing Railway Act. The contention was not allowed to prevail, but two judges thought The best general discussion of the it was right. natters involved in this Sec. will be found in the judgment of the late Chief Commissioner Killam in Robertson V. Grand Trunk Ry. Co., 6 Can. Ry. Cases, 494, affirmed in Privy Coun-cil A. C. (1909) 325, 9 Can. Ry. Cases, 149. The section has been recast and paragraph (¢) is new.

To overcome the difficulty which has been pointed out, that is, with regard to the distinction between the use of the words of the general Act and incorporation by reference, I would suggest that the words "by reference" should be stricken out; and if, when this clause comes before the House of Commons, it is found desirable to reinsert them, we can discuss the question again. I move, Mr. Chairman, that the words "by reference" be striken out.

Hon. Mr. DANDURAND: Of course, the principle of the retroactivity of the Act remains intact, and we are passing this clause, which is a very wide one, though we do not know to what extent it will affect special charters.

Hon. Sir JAMES LOUGHEED: This proposition of law could very well be urged, that the law is always speaking; and if a general Act has been amended, the question is whether the amended general Act is to prevail as against any previous general Act which has been repealed and which it has superseded.

Hon. Mr. BEIQUE: I dislike to insist, but I am satisfied that, if the honourable leader of the Government would consider the matter more fully, he would see that gestion which he has just made. I would call attention-

Hon. Sir JAMES LOUGHEED: To save time, I will consent to striking out paragraph c. If it is found, before we get

through with the Act, that it is really of value, I shall ask for reconsideration of this section.

The amendment of Hon. Mr. Béique, to strike out paragraph c, was agreed to.

Hon. Mr. BELCOURT: Before the section is adopted, I should like to say something about paragraph b. I do not know that it is very pertinent. I rise merely for the purpose of relieving my conscience, because I feel very strongly about the matter. The words, "in so far as is necessary to give effect to such special Act," to me are so vague and so indefinite that I really do not know what they mean. It seems to me that we ought to be able to put there something which would more clearly express the idea intended. Those words open up a whole field of inquiry, discussion, and controversy as to what would be necessary to give effect to any special Act. There may be dozens of provisions in a special Act which would conflict with the general Railway Act and which may or may not be necessary to give effect to the special Act. To my mind the wording is too vague altogether. It opens the door, as I have said, to all sorts of discussions and controversies, and gives no great chance of arriving at anything that will be satisfactory to anybody.

Hon. Sir JAMES LOUGHEED: May I give my honourable friend this illustration? Assuming that a general clause which is inserted in a special Act is superseded by a corresponding clause in this Bill, which is inconsistent with it, then the general clause in this Bill would not apply, but rather the general clause which had been incorporated into the special Act.

Hon. Mr. BELCOURT: I quite see that, but my difficulty is in applying the words. How is the judge who is to deal with this matter going to determine the exact meaning of those words? I think I know what is intended, but it is not at all clear.

Hon. W. B. ROSS: Is not this the wording that the Privy Council had to deal with in the case of the city of Toronto and the Toronto Power Company? When a special Act confers upon a company a substantive right, if it comes into conflict with the general Act, the general Act giving it force will take away the substantive right. Then this clause provides that the special Act governs. The Privy Council did not have any difficulty. They simply said: "In order to give effect to this, you have to rule out the general Act."

Hon. Sir JAMES LOUGHEED: It is simply a repetition of the wording of the old Railway Act. It says:

The special Act shall, in so far as is necessary to give effect to such special Act, be taken to override the provisions of this Act.

Hon. Mr. BELCOURT: I think the wording used by the honourable gentleman from Middleton (Hon. Mr. Ross) is much clearer. We can all understand what he said.

Hon. Mr. POWER: I am sorry that I cannot agree with the honourable gentleman from Ottawa (Hon. Mr. Belcourt). We worked at paragraph c for a considerable time in the committee, and the honourable leader of the Government at last consented to paragraph c being stricken out. I felt that we were under obligation to him for having agreed to do that, and if I were in the place of the honourable gentleman from Ottawa, I should say, "I accept your apology," and should not raise any further question.

Paragraph c of section 3 was struck out, and section 3, as amended, was agreed to.

On subsection 3 of section 52—appeal to Supreme Court by leave of Board:

Hon. Mr. BEIQUE: When we last dealt with this subsection, I suggested that the wards "the Board " in the 20th line should be replaced by the words "the Supreme Court or three judges thereof," and that the words " and the granting of such leave shall be in the discretion of the Board,' commencing in the last line but one, be struck out. Under this subsection the leave to appeal upon a question of law is left entirely to the Board. So far we have had a very good board. The chairmen especially have been invariably men of very high standing, sound judgment, and absolutely trustworthy in every way. But we may not be as fortunate in the future as we have been in the past. It seems to me that it would be better to provide that leave to appeal on a question of law should be granted by the Supreme Court rather than by the Board.

Hon. Mr. POWER: Would not that be a prolonged and expensive method?

Hon. W. B. ROSS: The honourable gentleman provides for appeals being heard by three judges. When application is made to the Judicial Committee for leave to appeal, it is not to the full court, but practically to only one man.

Hon. Mr. BELCOURT: Three.

SENATE

Hon. W. B. ROSS: I think it is a bad principle to leave the question of appealing to the court that gives the judgment. That is what would happen if the application for leave to appeal were made to the Railway Board. I am with the honourable gentleman in thinking that the appeal should be taken from the Railway Board and given to the Supreme Court; but I think the question of appealing should be determined by a judge of the Supreme Court of Canada in chambers. A great many duties are being cast upon that court; why multiply them? The opinion of one judge of the Supreme Court upon the question as to whether or not an appeal should be heard, is quite sufficient. If the honourable gentleman will substitute "one" for "three" I will agree with him.

Hon. Mr. BELCOURT: I think it should be left to one judge. In our courts questions of leave are generally decided by one judge.

Hon. Mr. BOSTOCK: Subsection 3 reads:

An appeal shall also lie from the Board to such Court upon any question which in the opinion of the Board is a question of law.

If we are going to make them get leave from the court, we do not require the words, "which in the opinion of the board."

Hon. W. B. ROSS: That should go out.

Hon. Mr. LYNCH-STAUNTON: In subsection 2 leave to appeal is given upon the opinion of one judge. Why should it not be the same in subsection 3?

Hon. Sir JAMES LOUGHEED: That is on a question of law.

Hon. Mr. LYNOH-STAUNTON: It is all a question of law.

(Hon. Mr. BELCOURT: Jurisdiction is a question of law.

Hon. Sir JAMES LOUGHEED: I should like to read the views expressed by the draftsman who framed this section. I think they will appeal very strongly to honourable gentlemen. He says:

Strong representations have been made to have power given to a Judge of the Supreme Court to grant leave to appeal to the Supreme Court on any question of law. At present, appeals can go to the Supreme Court upon questions of law only where the Board itself gives leave, while appeals on questions of jurisdiction can go to the Supreme Court by leave of a Judge of the Supreme Court.

It is claimed that this arrangement is inconvenient, especially as there is often, as they say, a good deal of confusion as to what is a question of law and what a question of jurisdiction.

Hon. Mr. BELCOURT.

I think the question of jurisdiction is really a question of law. I do not appreciate the distinction that is drawn between the two, I think it would be reasonable to place them upon a parity. I will proceed:

The request to increase the right to appeal on questions of law raises important considerations. First, it is submitted that too great ease and frequency of appeal will be sure to impair the usefulness of the Board. Doubtless the present provisions of the Act were drafted with this in view, and it was not deemed desirable to leave the way open to go to the Supreme Court continually on questions of law. It is to be remembered that the right of appeal is already wide open to the Governor in Council. A difficulty as to the whole matter is that the Board deals with a very wide range of cases, and while it might be no harm to leave the way open to the Supreme Court where all the litigants are well able to bear the expense of the appeal, it might work hardship in the case of a wealthy litigant against a poor one.

As honourable gentlemen familiar with the working out of this Act doubtless know, the board travel from the Atlantic to the Pacific. They go into a community and hear a farmer or any small owner who has a grievance against a railway company, and they adjudicate upon the matter and decide it there and then. Consequently, if you give a wide-open right of appeal to railway companies as against small holders or small interests, you at once encumber the administration of the Act to such an extent as to render it most inconvenient. The small holder or the owner of small interests cannot afford to follow the matter up to the Supreme Court. If the matter is of sufficient importance to warrant an appeal, the board is not going to withhold its leave if it is manifest that injustice will be done by so doing. Furthermore, railway com-. panies have their remedy in an appeal to the Governor in Council. The draftsman continues:

Again, the Board is not essentially a court of law. It may be compared more as regards the nature of its jurisdiction (but not, it is hoped, its procedure) to the old Court of Chancery. Very often it may not be desirable to apply the rigidity of strict law, and as the real merits of the case, without disrespect to it must surely be said that the Board is likely to be better qualified in the case to judge than the Supreme Court.

It has been thought best not to increase the right of appeal on questions of law, but in order to meet the difficulty of confusion of matters of law and matters of jurisdiction, subsection 3 has been amended so as to give the Board the right to give leave to appeal on a question of jurisdiction as well as a question of law, and thus avoid double application for leave where it is desired to appeal upon both grounds.

This section is largely the outcome of the experience of the Interstate Commerce Commission in the United States, where, when the Act was first enacted, the right was given of appeal from the commission to the Supreme Court of the United States. The working of the Act there became so clogged by the numerous appeals made that the efficiency of the Act was destroyed. In fact, I am told that some appeals were held up as long as ten years. I believe this accords with the experience of most lawyers wherever there is extensive machinery permitting appeals. I think it is in the interests of the public, particularly the smaller interests, that this section should remain as it is.

Hon. Mr. DANDURAND: An honourable gentleman reminds me that when we discussed this Act some years ago we came to the conclusion that it was better to restrict the appeals.

Hon. Mr. BOSTOCK: Can the honourable gentleman say how many appeals there have been? Has the board been in the habit of allowing them?

Hon. W. B. ROSS: It is not proposed to give an unlimited right of appeal. That is just as restricted as ever. The only question here is whether leave to appeal is to be granted by the board itself or by an independent body. If the leave to appeal were allowed in every case, I could understand the argument we have just heard.

Hon. Mr. DANDURAND: I draw the attention of my honourable friend to the fact that the board is much more familiar with the whole question—the importance and importunity of the appeal, and the injury which may be inflicted either upon the individual or the public if it is not granted. It seems to me that there is reason for leaving the granting of appeals to the Board instead of transferring it to a new body or to a person who knows nothing of the whole situation, but to whom is submitted only a certain fact or a point of law.

Hon. W. B. ROSS: What happens when you ask a judge of the Supreme Court of Canada for leave to appeal? You have to point out the nature of the injustice. The judge is then in a much better position to form an opinion as to whether something inequitable has been done than is the Railway Board.

Hon. Sir JAMES LOUGHEED: I am told that the Railway Board have never refused an applicant leave to appeal, except in pos-

sibly one case. That, I think, is the highest tribute that can be paid to the wisdom of Parliament in framing the Act.

Hon. Mr. BELCOURT: I agree that the right of appeal should not be any more extended than it is; but if we change subsection 3 so as to make it read, "leave from the Board," there will be a conflict with subsection 2. As I understand subsection 2, it provides for an appeal without the consent of the Board, on all questions of jurisdiction. Subsection 3, if amended as suggested, will provide that a judge of the Supreme Court may grant an appeal on questions of law or questions of jurisdiction if, in the opinion of the Board, they are such.

Hon. W. B. ROSS: That is only concurrent jurisdiction.

Hon. Mr. BELCOURT: It would be conflicting jurisdiction. Subsection 2 says that on all questions of jurisdiction there may be an appeal; then in subsection 3 you say there may be an appeal if the board grant leave.

Hon. Sir JAMES LOUGHEED: An application may be made to a judge of the Supreme Court. Now, suppose the judge refuses an appeal on a question of jurisdiction, the company is still permitted to make application to the Board for the right to appeal to the Court on a question of jurisdiction.

Hon. Mr. BELCOURT: That is not my point; perhaps I did not make myself clear. Under subsection 3 there can be no appeal by leave of the judge on a question of jurisdiction unless the Board has previously stated that in its opinion it is a question of jurisdiction; whereas, under subsection 2, that right of appeal exists independently, whatever may be the opinion of the Board in the matter. Surely there is a conflict there.

Hon. Sir JAMES LOUGHEED: One is an appeal by leave of a judge, and the other is an appeal by leave of the Board.

Hon. Mr. BELCOURT: My suggestion would be that we eliminate all reference in subsection 3 to jurisdiction, in order to avoid the conflict.

Hon. Mr. DANDURAND: I wonder why that question of jurisdiction is treated again in subsection 3.

Hon. Mr. LYNCH-STAUNTON: Let me point out what this means in practice. If I have to apply to a judge of the Suprome Court, that means that, if I am a resident SENATE

of British Columbia, or Nova Scotia, or any other far-off place, I have to instruct a lawyer in Ottawa to appear on the motion, or I must appear on my own behalf. I am thus put to a great deal of expense over perhaps a trifling matter. On the other hand, the Board goes all over the country; it is a peripatetic Board. I can write the Board a letter about the appeal, and there will be no formal procedure like that of a court of law. It would be putting a very grave burden on an ordinary person to require that every time he desires to appeal he must instruct a lawyer in Ottawa to attend to it for him. It might make the cost so great that one would not want to make application.

Hon. Mr. BOSTOCK: To whom would the appeal be made under subsection 3?

Hon. Mr. LYNCH-STAUNTON: Supposing that an order has been made by the Railway Board, and I want to appeal to the Supreme Court. My lawyer can write a letter to the chairman of the Board making certain representations, and asking that the Board grant leave to appeal to the Supreme Court. He grants that application or he refuses to grant it; but if my application has to go before a judge in chambers, and I must employ a lawyer to appear before the court, he will send me a nice bill of costs. That is the difference.

Hon. Mr. POWER: It seems to me the two clauses are intended to provide for two totally different cases. Subsection 2 provides, I take it, for the case where the board had declined to allow the appeal:

An appeal shall lie from the Board to the Supreme Court of Canada upon a question of jurisdiction.

Then subsection 3 says:

An appeal shall also lie from the Board to such Court upon any question which in the opinion of the Board is a question of law."

The Board may be anxious to be satisfied as to what the nature of the question is. In the other case the Board may refuse the appeal, and then the party who feels himself aggrieved can appeal to the Supreme Court. As I say, I think that the two clauses are intended to provide for two different cases, and that they are both necessary.

Subsection 3 of section 52 was agreed to, and the section was agreed to.

On section 42—employment of counsel in public interest:

Hon. Mr. LYNCH-STAUNTON.

Hon. Mr. NICHOLLS: Honourable gentlemen, I have been asked by the Toronto Board of Trade to submit the following:

The Toronto Board of Trade submits that if any matter before the Rallway Board is of sufficient public importance to lead the minister to appoint counsel to represent the Government or the public, it ought not to be necessary to make any provision allowing the Board to order payment of such counsel's fees by any party to the application, and the Board of Trade desires to point out that this might be a very serious burden to some private applicant. The Board of Trade takes the view that if the minister thinks it necessary to appoint counsel in the public interest, the Government should, as a matter of course, assume the burden of that expense.

That seems to me to be a very reasonable request. If the Government take action on their own initiative, they should of course assume the expense. I have been asked to submit that on behalf of the Toronto Board of Trade.

Hon. Mr. BOSTOCK: What amendment does my honourable friend (Hon. Mr. Nicholls) propose to make to the clause?

Hon. Mr. LYNCH-STAUNTON: Just strike out the words:

and the Board may direct that the cost of such counsel shall be paid by any party to the application, proceeding or matter, or by the Minister of Finance out of any unappropriated moneys.

Hon. Mr. BOSTOCK: Why should it not stay as it is?

Hon. Mr. LYNCH-STAUNTON: If those words are not included, the Government must pay their own costs.

Hon. Mr. BOSTOCK: Why should it not be left to the judgment of the Board whether they should pay or not?

Hon. Mr. LYNCH-STAUNTON: Because the applicant has nothing to say as to the appointment of counsel, and it is an old principle of law that the Crown neither takes nor gives costs, and if the Crown appoints counsel the Crown should bear that expense. I believe it is a very just and proper suggestion.

Hon. W. B. ROSS: Further than that, the section itself shows that it is only in a case where the matter would be one of public interest. The matter being of public interest, I do not see how there could be any justification for saddling the costs on a private individual. All the words from line 26 down to the end should be struck out.

Hon. Mr. LYNCH-STAUNTON: Strike out everything after the word "accordingly." Hon. Mr. NICHOLLS: I move that all the words after "accordingly" be struck out.

Hon. Mr. DANDURAND: I do not know what the practice is in other countries, but I was surprised to find in the law courts in France in ordinary civil cases a person sitting a few feet away from the bar and the judges, listening to the whole proceedings, and rising after the attorneys had given their interpretation of the law to ask for an adjournment in order that he might arrive at conclusions in the public interest. There is before every court a representative of the state who may come to any kind of conclusion on the interpretation of an Act.

Hon. W. B. ROSS: A sort of king's proctor.

Hon. Mr. LYNCH-STAUNTON: A friend of the public-an amicus publici.

The amendment of Hon. Mr. Nicholls was agreed to, and section 42, as amended, was agreed to.

On section 147—purchase of railway securities:

Hon. Mr. DANDURAND: It was suggested that this section be amended in the third line, page 48, by adding after the word "company" the words "under the jurisdiction of the Parliament of Canada," so that the section would read:

Except as in this Act or the special Act otherwise provided, no company shall, either directly or indirectly, employ any of its funds in the purchase of its own stock, or in the acquisition of any shares, bonds or other securities, issued by any other railway company under the jurisdiction of the Parliament of Canada, or in the purchase or acquisition of any interest in any such stock, shares, bonds or other securities.

If this amendment is made, a railway company could invest in and hold the majority of the stock of a small local line, which would act as a feeder to the company, in a particular province, and yet the safeguard that is contained in this Act against mergers of important companies would still remain.

Hon. Mr. LYNCH-STAUNTON: I would ask the honourable leader of the Government to give us the reason why it is proposed to perpetuate the law against a company being entitled to buy its own securities. I have known many cases in which it is most desirable for a company to be able to buy its own securities. A company may be prosperous and may have outstanding bonds or securities which it wishes to re-

tire; and, as to the stock, in these days when we have so much watered stock, the company may consider it desirable to retire a lot of common stock, and it may be in the interests of the company to buy its own stock. I have never been able to understand what is the evil to be guarded against by preventing a company from retiring its own stock.

Hon. Mr. DANDURAND: It is not only stock; the section refers to shares, bonds or other securities.

Hon. W. B. ROSS: I wish to say, regarding the question of a company buying its own stock, that the House of Lords has decided that in the absence of specific statutory power no company can buy its own stock. I do not see the necessity of this clause at all; for if there is one thing certain in company law, it is that a company cannot buy its own stock unless it has a specific statutory power to do it. That is all that this section deals with.

Hon. Mr. BOSTOCK: No.

Hon. W. B. ROSS: Yes, I am speaking with regard to a company purchasing its own stock. To purchase the stock is to make away with money which exists for the benefit of creditors. Take, for instance, a company that has \$1,000,000 of stock-\$500,000 due to creditors, and \$500,000 in cash on hand. That money should go to pay the existing creditors or possible creditors in the future, and should not go to the purchase of stock, which would put up the value of the stock and leave the existing or future creditors out in the cold. The very creation of a company with stock makes the stock and what comes from itthe cash that is paid for it-a fund for the protection of creditors, and there is absolutely no necessity for us to say that a company shall not buy its own stock. Now, coming to the other part of the clause:

Or in the acquisition of any shares, bonds or other securities issued by any other railway company, or in the purchase or acquisition of any interest in any such stock, shares, bonds or other securities.

I do not see why we should put that in, because, unless it is a bad purchase, what the company buys is the property of the company, still available for creditors. There is only one possible argument that I can see to justify the latter half of this section, and that is that it is meant to prevent mergers. I do not know that that should be done. I have seen a purchase of a very small company by a big company, which

SENATE

was simply a Godsend to the people who live along the line of a wretched, half-dead little line of railway. That occurred right in our own part of the country. Take, for instance, the Annapolis Valley line that runs 230 miles from Halifax to Yarmouth. The Canadian Pacific railway bought the bonds and preferred stock. They own probably two-thirds or three-fifths of all the securities. They are in possession of that road, and as a result great improvements have been made in the line all the way between Halifax and Yarmouth. Every bridge has been rebuilt, and the whole line has been relaid. If the Canadian Pacific railway had not acquired those stocks and bonds and got possession of the company, I am as certain as I am of anything on earth that that railway would not now be in operation. I do not believe in this proposed legislation.

Hon. Mr. DANDURAND: Does my honourable friend accept my amendment, which would allow the buying of stock?

Hon. W. B. ROSS: I would move that the whole section 147 be struck out. The first part of it is not wanted and the second half of it is bad.

Hon. Mr. DANIEL: In regard to that section, I do not think it has ever been put in force. I know very well that in my own city, as the honourable gentleman from Fredericton (Hon. Mr. Thompson) knows, the Canadian Pacific railway bought out a small line running over the St. John river. It was openly done. The Canadian Pacific Railway bought the majority of the shares, and they now practically own the line. I presume that, as this section is simply a copy of the section in the Revised Statutes it was the law when that transaction took place. So, as a matter of fact, it is not observed at all at times.

Hon. Sir JAMES LOUGHEED: May I explain? If section 147 is simply a declaration of the law as it exists, as has been pointed out by the honourable gentleman from Middleton (Hon. W. B. Ross), it does no harm to allow that declaration to appear in the statute.

Hon. Mr. BOSTOCK: What good does it do?

Hon. Sir JAMES LOUGHEED: It is necessary, for this reason. The language will be seen in the statute: "Except as in this Act or the special Act otherwise provided, no company shall" do so and so.

Hon. Mr.- BOSTOCK: Those words are added, are they not?

Hon. Mr. W. B. ROSS.

Hon. Sir JAMES LOUGHEED: We give to railway companies certain powers in other sections of the statute, which possibly may be construed to mean that they would have the right to do something of this kind.

Hon. Mr. BELCOURT: They might have that night under their special charter.

Hon. Sir JAMES LOUGHEED: But I would point out to the committee wherein this power could be abused to the extent of practically wiping out the capital or the bonds of a railway company. Let us assume that a group of shareholders in a company hold a very substantial part of the stock. If the company has a cash reserve representing a certain amount of money, that cash reserve should be available for the payment of the company's debts-for the creditors. Let us assume that, by putting the money into the purchase of their own stock. that might be wiped out, with their obligations unpaid. They could in that way loot the treasury of the reserve, and the creditors might have nothing, because the road might be bonded for its entire value.

Hon. Mr. BELCOURT: By converting the cash in hand into stock.

Hon. Sir JAMES LOUGHEED: Yes. That stock is put into the treasury. It would not be worth the paper it is written on. In section 147 it is provided that the company shall not acquire the shares, bonds or other securities issued by any other railway company, or employ any of its funds in the purchase or acquisition of any interest in any such stock, shares, bonds or other securities. It may be very undesirable that a large company should have the power, by going into the stock market, to swallow up some small competitor, which it might very readily do. Other sections of the Bill make provision for a company to acquire subsidiary roads or other roads in a particular way, and it seems to me that that machinery is quite ample to meet the situation to which my honourable friend from Middleton (Hon: W. B. Ross) has referred, and it has worked satisfactorily in affording assistance to other roads; but a company should not do that by going into the market and buying up the shares or bonds of the other railroad, thus possibly obliterating or crippling a competitor who, in the public interest, should remain.

Hon. Mr. CASGRAIN: Is it not the fact that in the past a railroad company could not sell to another, and that one railroad could not buy another without an Act of Parliament? I have had something to do

with railroads in years gone by, and it seems to me that not only had the purchasing company to get an Act authorizing them to buy, but the Act of the selling company had to be amended to authorize them to sell. I was not aware that it had ever been otherwise.

Hon. Sir JAMES LOUGHEED: Power must be given to a company to buy.

Hon. Mr. BOSTOCK: My honourable friend did not deal with the amendment proposed by the honourable gentleman from De Lorimier (Hon. Mr. Dandurand). If I understand it aright, it would limit this clause to railway companies coming within the jurisdiction of the Parliament of Canada. As the clause stands at present, I understand that it would prevent a company like the Canadian Pacific railway company from buying up the shares of a little company incorporated under the laws of a province.

Hon. Sir JAMES LOUGHEED: It might be very desirable that they should not be permitted to buy up either a federal or a provincial road. If it is a wholesome doctrine when applied to a Dominion road, there is no reason why it should not be wholesome when applied to a provincial road.

Hon. Mr. DANDURAND: I drew a distinction between a company purchasing the stock of another concern and forming a dangerous merger, and a company buying out a small company which would act as a feeder to the larger company. That is why I thought we should perhaps give some leeway for the purchase of stock in railways not under the jurisdiction of the Parliament of Canada.

Hon. Sir JAMES LOUGHEED: If a company has power under its charter to acquire provincial roads, or even foreign roads, it might do so. There is machinery in this Bill to carry that out.

Hon. W. B. ROSS: Section 155 provides for the acquisition of other companies. Take the case of the Dominion Atlantic.

Hon. Mr. BELCOURT: The honourable gentleman will get all that he needs out of section 151.

Hon. Mr. DANDURAND: I will not insist on my amendment.

Hon. Mr. LYNCH-STAUNTON: There has been no complaint.

Section 147 was agreed to.

On subsection 6 of section 151--railway affected declared for general advantage of Canada:

Hon. Mr. BOSTOCK: I think my honourable friend was going to allow that to stand. I understand that that subsection was struck out before the Committee of the Senate last session, and that it has been put in again. If think the honourable gentleman from De Salaberry (Hon. Mr. Béique) wanted to speak on it. I do not remember what objections he raised against it before the committee, but I would ask the leader of the Government to allow it to stand.

Hon. Mr. DANDURAND: One of the points raised was that, by reason of the enactment of a general Act, railways sold or leased, in whole or in part, would come automatically under the jurisdiction of the Railway Board. It is questionable whether we should attempt to bring under federal jurisdiction railroads which are leased in whole or in part, and which retain their identity and their provincial charter The question was raised on conpowers. stitutional grounds. I suggest that we postpone this clause. It may be taken up later if we are not pressed to come out of committee.

Subsection 6 of section 151 stands.

On section 184-provisions applicable:

Hon. Mr. NICHOLLS: I have another memorandum from the Toronto Board of Trade dealing with sections 184 and 222. It says:

The Board of Trade points out that these sections commencing with 184 provide for filing plans, profiles and books of reference, and the deposit thereof with the Registrars of Deeds for the counties or districts where the lands to be taken are situate, but that there is no provision compelling the railway to take the lands once they have recorded these plans, profiles and books of reference. The result is there is notice to all intending purchasers on file in the office of the Land Registrar to the effect that the lands are to be taken by the railroad, which results in it being impossible to deal with the land, to sell it or to lease it, nor is it any longer in a position where a prudent business man would venture to build upon it or improve it. Ultimately the railroad, after keeping him in this position for an indefinite length of time, may decide not to take the land, and there is no provision for any compensation to the owner for the injury thus done him. The Board of Trade feels that the railroad ought to know before registering any indication of its intention against any person's land that it does in fact time it should be either bound to remove the registration and release the land or to take it and pay for it, and the Board of Trade thinks that six months would be an extremely reasonable

SENATE

limit to place upon the railroad. Instead of that, it is evident from Section 221 that the Act contemplated that the railroad might keep the land tied up for more than a year, and yet the only remedy is that in that event the arbitrator shall assess the damages as of the date of the actual taking of the land; but as far as the Board sees there is nothing in the Act providing for the event indicated above, that is, providing for the railroad deciding not to take the land after keeping it tied up as above indicated, nor is there any limitation to the length of time for which the title of the owner can be kept under the cloud occasioned by such registration. Both these things ought to be remedied.

The Board of Trade suggests that the remedy might take the form of a clause providing that unless the railway company causes the registration of the plan, profile and book of reference to be vacated and removed from the register within six months from the time of its registration, the railway company shall be bound to take the lands shown on such plan, profile or book of reference; the object, of course, being to force the railroad in some way to elect either to actually purchase or to clear the owner's title within the period of 6 months.

I am unable to say whether six months is a fair and reasonable time; but I do not hesitate to say that it is most unfair to allow land to be practically preempted for an indefinite length of time when it may never be taken at all. There should be some time limit.

Hon. Sir JAMES LOUGHEED: May I point out that the sections from 180 to 184, inclusive, deal with branch lines not exceeding six miles in length. Section 171 furnishes redress to persons who may own land, and if my honourable friend will turn tc subsection 3 of that section, he will find that the company has twelve months withir which to take the land. It seems to me that this provision would likewise apply to branch lines. "

Hon. Mr. NICHOLLS: My attention had not been directed to these sections, and no doubt the attention of the Board of Trade has not been directed to them. From a hasty reading of section 171 it appears to me that it covers the ground, the only difference being that the limitation is one year instead of six months. I would ask that this clause be suspended until I have an opportunity to look it over more carefully.

Subsection 6 of section 151 stands.

On section 232-appeal from award:

Hon. Sir JAMES LOUGHEED: Why was this section suspended?

Hon. Mr. DANDURAND: To see if an appeal should be granted from the decision of the judge. I think the honourable gentleman from Middleton (Hon. W. B. Ross) was to draft a clause.

Hon. Mr. NICHOLLS.

Hon. W. B. ROSS: I thought the honourable gentleman from De Salaberry (Hon. Mr. Béique) was dealing with that. He thought there should be an appeal on a question of law.

Hon. Mr. BELCOURT: Subsection 3 provides for an appeal.

Hon. Sir JAMES LOUGHEED: Then, the question is whether section 232 will be necessary, inasmuch as we amended the Bill by striking out the clauses authorizing proceedings to be taken before arbitrators. We proposed appointing the county court judge as an arbitrator. It seems to be unnecessary to allow an appeal from the county court judge to some other judge.

Hon. Mr. DANDURAND: Of the same court.

Hon. Sir JAMES LOUGHEED: Yes, unless we limit the appeal.

Hon. Mr. DANDURAND: As a judge of the Superior Court would act as arbitrator, we felt that it would not be right to allow an appeal to a judge of the same court that if an appeal were to be allowed it should be to a higher tribunal.

Hon. Mr. McMEANS: The appeal is to the Superior Court judge.

Hon. Mr. DANDURAND: In our province there is no county court.

Hon. W. B. ROSS: In view of the opinion of the honourable member from De Salaberry (Hon. Mr. Béique) in which I acquiesce, I submit this amendment:

Amend section 232 by adding, after the word "court" in the tenth line of the section, the words: "or to the court of last resort of the province in which the lands lie, if a judge of a superior court has been constituted arbitrator; provided that where an award is less than six hundred dollars the company or the opposite party may, within the time limited by this section, appeal from the award on any question of law or on any question of mistake appearing on the face of the proceeding, to a superior court or to the court of last resort as the case may be."

That would work out in this way. On a question of \$600 there is an appeal on law or facts. If the award is below \$600 and is before a Superior Court judge, an appeal is granted only when there is a defect on the face of the proceedings. It is intended to prevent small claimants from being harassed by all this litigation. If there is a clear ruistake of law, there is no reason why it should not be corrected; on the other hand, if a judge makes a mistake in figures or in a date there would be an appeal but no

re-trial or rehashing of the evidence. It is rather a summary proceeding on claims up to \$600.

Hon. Mr. POWER: I would like to ask if the honourable gentleman from Middleton, in drafting this amendment, has considered the cases of New Brunswick and some of the western provinces, where there are supreme courts and courts of appeal. Under the amendment as read by the honourable gentleman the appeal from a county court judge would be to the court of appeal, and not to the supreme court.

Hon. Sir JAMES LOUGHEED: Here is the amendment which we made to section 219, with consequential amendments in the subsequent sections:

Either party may apply to the judge of the county court of the county in which the lands lie, or, in the province of Quebec or in any other part of Canada where there is no county court, to a judge of the superior court for the district or place in which the lands lie, to determine the compensation to be paid as aforesaid.

It seems to me that this would apply in all parts of Canada, that is to say, where there are county court judges or district court judges.

Hon. Mr. DANDURAND: Or superior court judges; but if there be a county court judge or a district judge, he must be the arbitrator.

Hon. Sir JAMES LOUGHEED: You have district judges in Quebec, have you not?

Hon. Mr. BELCOURT: There are district judges in Quebec, but they are called magistrates.

Hon. Sir JAMES LOUGHEED: In Saskatchewan and Alberta we have district judges; we have no county court judges.

Hon. W. B. ROSS: Suppose we change this from "judge of a superior court" to "judge or district magistrate."

Hon. Mr. DANDURAND: But we have districts where there are no district magistrates.

Hon. W. B. ROSS: But you have a judge of some kind?

Hon. Mr. DANDURAND: Yes; a judge of a superior court.

Hon. W. B. ROSS: Why not make it "judge or district magistrate"?

Hon. Mr. McMEANS: What about appeal from a county court judge?

Hon. W. B. ROSS: Leave out the words "superior court."

S-13

Hon. Mr. BELCOURT: If you take out the words "superior court" you will be in difficulty.

Hon. W. B. ROSS: In the province of Quebec you have either a judge or district magistrate; so we might say, "if a judge or a district magistrate has been constituted arbitrator."

Hon. Mr. DANDURAND: I was quite satisfied with the amendment.

Hon. Mr. BELCOURT: I think the amendment should go just as it was read.

The amendment of Hon. W. B. Ross was agreed to, and section 232, as amended, was agreed to.

On section 251—bridges, tunnels and other structures where length exceeds 18 feet:

Hon. Mr. BARNARD: Subsection 1 of this section provides that "construction, or reconstruction of or any material alteration in any bridge, tunnel, viaduct, trestle, or other structure," cannot be proceeded with except in accordance with standard plans already approved by the board. Objection has been taken to that on the ground that frequently, particularly in cities and towns, conditions change between the time of the original construction and the time when reconstruction is necessary. I have in mind one case where, in order to facilitate the entrance of a railway into my own fown in the West, the city consented to the construction of the cheapest kind of a pile bridge over what was regarded as a piece of ornamental water. This was not done without a good deal of opposition, and in that case certain conditions were laid down. Under section 251, if it were to be carried out as it is drawn, one stage of the consent required would be when the time of reconstruction came; yet the company could proceed to reconstruct on exactly the same lines as the original structure, without any notice to the municipality or the board. In order to guard against that I would move an amendment as follows:

That subsection 1 of section 251 be stricken out and the following inserted in lieu thereof:

The company shall not, within the limits of any incorporated city or town, or where its line of railway crosses a highway, whether within or without such limits, commence the construction or reconstruction of or any material alteration in any bridge, tunnel, viaduct, trestle, or other structure, through, over, or under which the company's trains are to pass, the span, or proposed span or spans, or length of which exceeds eighteen feet, until leave therefor has been obtained from the Board; but the com-

REVISED EDITION

pany may without such leave commence such construction, reconstruction, or alteration at any place beyond the said limits if such construction. reconstruction or alteration is not at a highway crossing, and is in accordance with standard specifications and plans approved by the Board.

I understand that the reference to the highway crossings was inserted in this amendment at the request of the Railway Department and the Board of Railway Commissioners.

The amendment was agreed to, and section 251, as amended, was agreed to.

On section 325-disallowance of tariff:

Hon. Sir JAMES LOUGHEED: I move the following as subsection 5:

The powers granted to the Board by this section shall not be restricted or limited by the provisions of any special Act heretofore enacted, or of any agreement heretofore or hereafter made.

I thought some of my honourable friends were sufficiently critical to take exception to this, but I think they have changed their minds.

Hon. Mr. BOSTOCK: Does my honourable friend intend to insist on that amendment?

Hon. Sir JAMES LOUGHEED: My honourable friend is not opposing, is he?

Hon. Mr. WATSON: I should have supposed that after the discussion to which we listened yesterday and the day before, as to the necessity of preserving rights and avoiding retroactive legislation, the honourable gentleman would not insist on this additional clause. I have reasons to show why it should not be passed as affecting the province of Manitoba. That province gave assistance to a railway in consideration of a tariff agreement; and if the honourable gentleman is going to insist on pressing this amendment, which I hope he will not, I will offer the observations which I have prepared; otherwise I will not take up the time of the House.

Hon. Sir JAMES LOUGHEED: I should like my honourable friend to state his case; I have no doubt he will be able to do so in a very effective way, and possibly he may induce the Government to adopt the same view.

Hon. Mr. WATSON: This amendment affects particularly the Canadian Northern railway and its tariffs. In 1898 the province of Manitoba was suffering from monopoly, and the provincial government were doing everything they could to have the rates reduced. They guaranteed the bonds for the

Hon. Mr. BARNARD.

construction of a railroad running southeast from Winnipeg, known as the Lake Manitoba railway-the southeastern portion of it-at the rate of \$8,000 a mile, to secure certain concessions in rates, which are clearly set out in an agreement contained in the Manitoba Statutes of 1898, as follows:

The company shall bind itself that during the term of the said guarantee the following rates on cordwood and logs to points on its own lines shall not be exceeded :-

On cordwood in car lots of a minimum of

30,000 pounds: For 25 miles or less, not exceeding 2½ cents per 100 lbs; for 50 miles or less, not exceeding 3 cents per 100 lbs; for 75 miles or less, not exceeding 31 cents per 100 lbs; for 100 miles or less, not exceeding 4 cents per 100 lbs; for 150 miles or less, not exceeding 41 cents per 100 lbs ; for 200 miles or less, not exceeding 5 cents per 100 lbs.

Then, a provision probably more important than that affecting cordwood was that regarding logs for manufacturing into lumber. Previous to that time, practically all the logs were floated down the Rainy river to the Lake of the Woods, and towed about 100 miles in the Lake of the Woods to Rat Portage and Keewatin and there manufactured into lumber. Then the lumber was shipped about 140 miles farther west into Winnipeg. By the arrangement made with the Canadian Northern railway, the company agreed to accept a guarantee from the Manitoba Government and to give in return certain rates, which we considered worth the guarantee. The rate on pine and spruce sawlogs for 150 miles, or from the point where the railway touches Rainy river, to the city of Winnipeg, was not to exceed \$2.50 per thousand feet, board measure. That is, the logs were put on the train and shipped to Winnipeg and manufactured into lumber there, and the cost per thousand feet was \$2.50, which I think my honourable friend from Ottawa (Hon. Mr. Edwards), who is familiar with the lumber business, will agree was a very cheap rate.

Hon. Mr. EDWARDS: In the log?

Hon. Mr. WATSON: In the log-\$2.50 a thousand.

Hon. Mr. EDWARDS: Dirt cheap.

Hon. Mr. WATSON: The province of Manitoba paid for that by giving a guarantee to the road. That is one of the lines at present existing, and a little mill is being maintained at St. Boniface at the present time, to which the logs are carried over that road at the rate which I have

quoted. It does not seem to me that, this being the case, the committee should insist on putting into this Bill a clause that permits of the commission wiping out any arrangement or contract that has been made. There is surely a vested right It may be argued that the there. Canadian Northern is now practically owned by the Government and that the province of Manitoba will never be called upon to pay the guarantees; but let me tell you another reason why this clause should not pass. At a later date the Manitoba Government acquired the Northern Pacific, a road that had been given a cash bonus of \$1,750 a mile to induce it to come into Manitoba. That road was purchased from the Northern Pacific company, by the Manitoba Government and turned over to the Canacian Northern Railway company as part of their property. There was another guarantee given in that case. In consideration of the transfer of the Northern Pacific to the Canadian Northern Railway company, a reduction was secured to the people of Manitoba of 4 cents per 100 pounds on wheat from Winnipeg to Lake Superior. Paragraph a of section 8 of the Act confirming the agreement provides:

Reductions amounting together to more than four cents per hundred pounds on the tariff rates in force on the date of said indenture for the carriage of grain from Manitoba to a Lake Superior port.

Paragraph b of the same section reads:

Reductions amounting together to more than fifteen per cent of the tariff rates in force on the said date for the carriage of all other freight from and to points in Manitoba, and from and to points in Manitoba to and from Fort William or Port Arthur.

That was to last for 30 years. Twenty years of the period has elapsed, and the guarantee still has ten years to run. Manitoba has been enjoying the benefit of that reduction ever since that contract was made. There is also contained in the Act which was passed when the Northern Pacific was transferred to the Canadian Northern, a renewal of the pledge from the Canadian Northern for certain existing rates—the rates to which I have just referred:

Provided always that the rates for the carriage of cordwood, pine and spruce logs established under existing contracts with the Government shall continue; and the said mortgage and indenture shall be taken and construed together, and the construction to be given thereto shall be the one most favorable to the Province.

Manitoba paid for those privileges, which were all secured by legislation, and it does

S-131

seem to me that by adding the clause which is now proposed we should be wiping out at one swoop all the privileges that have been secured.

Moreover, the question of railway rates has recently been before the public, and the Government have decided that the rates in the West should be increased. The Manitoba Government have protested against any increase of rates on the Canadian Northern railway in Manitoba, and I think they have proved beyond doubt that the Canadian Northern road in that province is a paying proposition. If the Canadian Northern lines operated in other parts of Canada do not pay, the people of Manitoba, who paid for these concessions in freight rates, should not be penalized. I trust that this matter is so clear and plain that the Senate will not accept the amendment which has been suggested by the honourable leader of the House.

Hon. Mr. SHARPE: The honourable member from Portage la Prairie (Hon. Mr. Watson) has covered the ground pretty well. I think the honourable leader of the Government would be well advised to withdraw this amendment. It would be a very great hardship to Manitoba. I am certainly very much against it.

Hon. Mr. McMEANS: I also object very strongly to the amendment which has been proposed. I object chiefly on the grounds set out by the honourable gentleman from Portage la Prairie. Manitoba and the West have had a hard time in trying to settle their railway problems, and they have taken upon themselves a great deal of responsibility. They have had to fight alone, unaided, and when they have entered into an agreement such as that referred to by the honourable member for Portage la Prairie it should not be interfered with by this House.

Hon. Mr. WATSON: I have had a communication from the Government of Manitoba stating that it would like to make representations on this matter if there is time. But it seems to me that the amendment proposed is so manifestly unfair in its retroactive effect that we ought to pass the section without considering that amendment further. If the Government of Manitoba sent a deputation here to make representations this would mean additional expense. I respectfully submit that we ought to pass the section without further consideration of the amendment.

Hon. Sir JAMES LOUGHEED: I should like to communicate to the Minister of Railways the opinions expressed by my honourable friend from Portage la Prairie (Hon. Mr. Watson) and also my honourable friends from Manitou (Hon. Mr. Sharpe) and Winnipeg (Hon. Mr. McMeans). I would not bring the Manitoba delegation down in the meantime.

Hon. Mr. WATSON: In the event of the honourable gentleman insisting upon that amendment, I would ask that time be given for the representatives of Manitoba to get here.

Hon. Mr. WILLOUGHBY: May I point out to the honourable leader of the Government that, in the event of his acquiescing in the suggestion which has been made by the honourable gentleman from Portage la Prairie (Hon. Mr. Watson), a like invitation should be extended to the provinces farther west. When the Railway Board made its rather famous decision regarding freight rates in the West, it was necessary, under a clause in the Act, to give to Saskatchewan a rate proportionate to that which was fixed for Manitoba. If Manitoba were now to be put in a special class and in consequence of its special bargain with the Canadian Northern railway were to get a better rate than any of the provinces farther west, the rates for the West would be entirely disarranged.

The amendment of Hon. Sir James Lougheed stands and section 325 stands.

On section 326—references in superseding tariffs; supplements to cancelled tariffs:

Hon. Mr. RICHARDSON: Any one engaged in a large shipping business in such a country as ours, extending as it does from the Atlantic to the Pacific, must keep in his employ a special clerk with no other duty than that of keeping track of tariffs and new supplements. Even then we often find that the changes are so frequent that the railway agents themselves are not conversant with them, and rates are imposed that are erroneous. Way bills sometimes show a rate that has been superseded by a new tariff, and the shipper may have to pay the difference. The amount of the rebate may be determined only some months afterwards. There should be a time once a year when tariffs would be consolidated and a new tariff issued, doing away with all the tariffs that have been superseded and with all supplements. I would suggest that a statute be enacted requiring that each year,

Hon. Mr. WATSON.

in the month of August, which is the quiet month of the year, the railways should issue a correct tariff up to date, and do way with all supplements, so that shippers may know where they are at. I do not know whether honourable gentlemen understand the case, but it is well understood by any shipper who is doing a large business.

Hon. Sir JAMES LOUGHEED: What would my honourable friend suggest in lieu of this section?

Hon. Mr. RFCHARDSON: I would suggest that all tariffs and supplements dating back for 20 years should be done away with and replaced by a new tariff; and that there should be a new tariff issued to the public once a year. It would save the railway companies endless trouble. It would be not only to the advantage of the railways, but also to the advantage of the community.

Hon. Sir JAMES LOUGHEED: I can very well understand the confusion which may arise from an accumulation of tariffs extending over a couple of decades. If it be true that the tariffs continue to be used for that length of time. my honourable friend may see a solution of the difficulty in a section providing that a tariff should not remain basic, so to speak, or be supplemented, for more than 20 years.

Hon. Mr. RICHARDSON: I think the law should require that new tariffs be issued every year, in the month of August, so that the shippers may have them on hand and know how to arrange their business.

Hon. Sir JAMES LOUGHEED: I have no idea myself as to how voluminous those tariffs would be. It might impose a very great hardship on the railway companies to require them to publish a complete tariff every year.

Hon. Mr. THOMPSON: Yes.

Hon. Sir JAMES LOUGHEED: The cost might run into hundreds of thousands, might it not? We will pass this section in the meantime, but my honourable friend from Kingston (Hon. Mr. Richardson) may ask for its reconsideration later. In the meantime Mr. Blair will speak to the tariff authorities of the board.

Section 326 was agreed to.

On section 345—reduced rates and free transporation:

Hon. Sir JAMES LOUGHEED moved that paragraph d of subsection 1, page 131,

be amended by inserting in line 8, after the word "companies," the words "or with the Department of Railways and Canals," and after the word "their" the words "or its."

The amendment was agreed to, and section 345, as amended, was agreed to.

Hon. Sir JAMES LOUGHEED: I desire to give notice to the committee that I propose moving two amendments-one to section 346, and the other to section 426, subsection 1, paragraph a-practically abolishing all passes.

Hon. Mr. DANDURAND: I thought we had been enlarging that privilege.

Hon. Sir JAMES LOUGHEED: Of course, the amendments will not interfere with the passes of members of Parliament. The sections are as follow:

346A. Subject to the provisions of sections 340.A. Subject to the provisions of sections 345 and 346 of this Act, no company shall hereafter, directly or indirectly, issue or give any free ticket or free pass, whether for a specific journey or periodical or annual pass, and no company shall otherwise arrange for or permit the transportation of passengers except on payment of the fares properly chargeable for such transportation under the tariffs filed under the provisions of this Act, and at the time in effect.

426A. Any company or any officer or agent thereof, or any person acting for or employed by such company, who, directly or indirectly, issues or gives any free ticket or free pass, whether for a specific journey or periodical or annual pass, or who arranges for or permits the transportation of passengers except on payment of the fares properly chargeable for such transportation under the tariffs filed under the provisions of this Act, and at the time in effect, in contravention of the provisions of this Act, shall for each offence be liable to a penalty not exceeding one thousand dollars and not less than one hundred dollars, and any person other than provided by this Act who uses any such free ticket or free pass, whether for a specific journey or periodical or annual pass, shall be subject to a like penalty.

(2.) No prosecution shall be had or instituted for any such penalty without the leave of the Board first being obtained.

Hon. Mr. BELCOURT: That will not fit in with what we have just done.

Hon. Sir JAMES LOUGHEED: I am just giving notice.

Hon. Mr. BELCOURT: It may conflict with paragraph d.

Hon. Mr. DANDURAND: Is it similar to the United States law?

Hon. Sir JAMES LOUGHEED: Yes.

On section 357-refund of tolls:

Hon. Mr. NICHOLLS: This is another clause on which I desire to present the

views of the Toronto board of trade, which are as follow:

This whole section is new. It introduces for the first time provision enabling the parties complaining to resort to the Board to recover a refund of any toll illegally charged them, and it provides that such application must be made within one year after the date of collection or receipt by the railway company of such excessive toll.

Now, this clause, without amendments, is

Now, this clause, without amendments, is objectionable to the merchants for two reasons: Firstly: They are advised that when a Statute provides a specific way for recovering a sum of money there are legal decisions which go to show that that is the way that must be resorted to and that other remedies are from that time forward available. that time forward excluded. Therefore, it is feared that this clause as it stands at present might make it necessary for everyone seeking to recover an illegal toll to resort to the Railway Board instead of being able, as at present, to resort to their local courts in petty matters. There does not seem to be any reason why a merchant residing in an outlying town should not sue the railway company in his local division court or county court for any toll illegally collected from him without having to go to the trouble or expense of proceeding in Ottawa, which may be a long distance from his home.

Secondly: There sems to be no reason why the railway company who, for the regular statutory period of limitation, that is to say, six years, can sue in the ordinary courts for and recover in respect of any under-payment, should be protected so that the shipper can only recover an over-payment within one year.

In other words, it is jug-handled. The merchant is given only one year to enter suit; but the railway is governed only by the statute of limitations. The board of trade continues:

The period of limitation should be mutual. If the shipper can only recover in a year there should be a clause that the railroad cannot should be a clause that the railroad cannot recover after a year; but the Board of Trade is of opinion that a year is too short a period in either case, and that two or three years would be a very reasonable time if the Com-mittee thinks that the ordinary statute of limitation should be interfered with at all.

We would suggest therefore that the Section be amended as follows:

"357. The Board may, where it finds that a toll which has been collected or received by the Company is illegal, order the Company to refund the portion of such toll which is in excess of the legal toll, which interest, upon such excess of the legal toll, with interest, upon such excess at the rate of 5 per cent, per annum, from the date of collection of such toll, but no such refund shall be ordered by the Board unless application for adjustment has first been made by the claimant to the Company—

Here is the amendment:

-nor unless application is made to the Board within three years after the Company has declined to pay the claim, but nothing herein contained shall be held to deprive the claimant of his right to recover any such claim in any court of competent jurisdiction nor relieve the Company from the duty of making refund im-

mediately upon its discovery of any improper charge and without awaiting demand.

That seems to be perfectly fair; it is reciprocal; it is mutual. One year is too short a time. The railway has six years. Every one who is not familiar with rates and tolls may, in the ordinary way, pay his freight bills only to find out too late that he has been very seriously overcharged, probably through the error of the clerk who made out the bills. The suggestion is that unless both parties are governed by the Statute of Limitations, three years should be mutually agreed upon instead of one. This seems to be a very reasonable amendment, and I beg to submit it.

Hon. Mr. BELCOURT: I think we should strike out the section altogether.

Hon. Mr. NICHOLLS: I am quite agreeable to that.

Hon. Mr. BELCOURT: The only object of the section, apparently, is to impose a limitation of one year for the recovery of tolls unduly paid. I do not see why the law should be interfered with.

Hon. Mr. MACDONELL: I think the section is objectionable because it singles out a particular kind of debt or obligation and takes it out of the general law—the statute of limitations. The debt is an ordinary one and should be treated as such. I am pleased to second the motion that it should be struck out.

Hon. Mr. RICHARDSON: It often happens that the consignee is unable to get the bills so as to be able to make his claim. I know of several cases in which the shipper could not get his papers, and settlement was refused because the claim was not made within the time limit. Has not a shipper the right to go to court?

Hon. Sir JAMES LOUGHEED: Undoubtedly.

Hon. Mr. RICHARDSON: He does not have to go to the Railway Board?

Hon. Sir JAMES LOUGHEED: No.

Section 357 was struck out.

Progress was reported.

STATISTICS BILL.

FIRST READING.

Bill 32 an Act respecting 'he Dominion Bureau of Statistics.—Hon Sir James Lougheed.

Hon. Mr. NICHOLLS.

YUKON ACT AMENDMENT BILL.

FIRST READING.

Bill 39, an Act to amend the Yukon Act.—Hon. Sir James Lougheed.

ANIMAL CONTAGIOUS DISEASES BILL. . FIRST READING.

Bill 56, an Act to amend the Animal Contagious Diseases Act.—Hon. Sir James Lougheed.

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

THE SENATE.

Friday, April 19, 1918.

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

Prayers and routine proceedings.

MILITARY SERVICE.

PROPOSED REGULATIONS BY THE GOV-ERNOR IN COUNCIL.

On the motion of Hon. Sir James Lougheed, in reference to certain proposed regulations by the Governor in Council respecting Military Service, being called:

Hon. Sir JAMES LOUGHEED: Honourable gentlemen, I should like this motion to stand, pending the disposition of the resolution by the House of Commons. I understand that it will be taken up by that House immediately after it meets. As there is a probability of the Prime Minister making some small amendment to it, it would be undesirable that it should be dealt with by us until that is determined.

Hon. Mr. BELCOURT: Can my honourable friend say what the nature of the amendment will be?

Hon. Sir JAMES LOUGHEED: It is not material. It simply deals with one class of the exemptions, I think conscientious objectors, but I cannot give the nature of it. As soon as I receive word that the House of Commons has dealt with the resolution I will ask leave of the House to bring it up.

Hon. Mr. DANDURAND: Has the honourable gentleman examined into the question raised yesterday as to the right of this Parliament to amend an Act of Parliament by resolution?

Hon. Sir JAMES LOUGHEED: Yes. I am informed that the War Measures Act permits of that being done. Furthermore,

APRIL 19, 1918

in view of the drastic character of the regulations, it is desirable that they be not made amendments to the Military Service Act, and thus remain on the statute book. All regulations under the War Measures Act fall automatically with that Act upon the cessation of the war. It is therefore very much more desirable to pass these regulations for the specific purpose for which they are intended, under the War Measures Act, than to embody them in an Act of Parliament as an amendment to the Military Service Act.

Hon. Mr. DANDURAND: Would it be a fair conclusion to draw from the honourable gentleman's remarks that all that is contained in the Military Service Act could have been brought into force by an Order in Council under the War Measures Act?

Hon. Sir JAMES LOUGHEED: That might have been done; but it was very desirable that Parliament should have been consulted in the matter and it is equally desirable that Parliament should be consulted in the passing of regulations of this character.

Hon. Mr. BELCOURT: My honourable friend stated that the regulations were submitted to Parliament for discussion, but the advice of Parliament is immaterial.

Hon. Sir JAMES LOUGHEED: Not in this case, because the regulations are submitted to Parliament for an expression of its opinion as to their expediency. It will be seen that in the earlier part of the resolution we ask for that expression of opinion; then the regulations will be enacted by the Governor in Council.

Hon. Mr. BELCOURT: If the advice of Parliament were adverse to the regulations, it would still remain with the Governor in Council to pass them.

Hon. Mr. DANDURAND: There would be no more Government.

Hon. Sir JAMES LOUGHEED: If Parliament expressed itself adversely to these regulations, the Governor in Council would then have to consider what step should be taken. My honourable friend might then be saddled with some responsibility.

Hon. Mr. CLORAN: Did not the honourable leader of the Government tell us yesterday that if Parliament was adverse to this scheme the Government would resign?

Hon. Sir JAMES LOUGHEED: We have not yet reached that serious and critical period.

Hon. Mr. CLORAN: You are trying to evade. It appears to me that under the War Measures Act you can smash the whole constitution; you can abolish the Senate. Why not do that by Order in Council under the War Measures Act? I Senate. think this Government is abusing the power and authority given them by that Act. When Parliament is sitting there should be no Orders in Council. The Government should come down like men, and not act in a hole-and-corner way and then ask Parliament to sanction what they are doing. I think the War Measures Act is a farce. in the face of parliamentary rights and constitutional government.

Hon. Mr. DANDURAND: My honourable friend (Hon. Sir James Lougheed) has stated that there will be no formal message to this House from the House of Commons respecting the resolution which is on the Order Paper. If not, how will this House be officially informed of any amendment made in it by the other Chamber?

Hon. Sir JAMES LOUGHEED: I shall be glad to inform the House as to what change, if any, has been made. It is true, the information may not bear all the dignity and formality of a message accompanying the Order in Council; but this proceeding may be said to be somewhat novel, in the sense that it is somewhat different from what has been the practice heretofore; but honourable gentlemen can readily understand that it is a recognition that both Houses have an equal right to deal with the subject, and that the Government is not relving upon the resolution originating and passing in the House of Commons without our being asked to concur in it. We are an originating body just as much as is the House of Commons, in regard to this particular matter.

Hon. Mr. CLORAN: Not on money Bills. Hon. Sir JAMES LOUGHEED: That being the case—

Hon. Mr. BELCOURT: It is merely to save time.

Hon. Sir JAMES LOUGHEED: It is to save time and to be in possession of information as to what the House of Commons has done in regard to the measure which we are asked to adopt. Of course, there is nothing to prevent my proceeding with the resolution now and being kept informed of what the House of Commons is doing from moment to moment; but honourable gentlemen would not expect me to proceed in that way.

The motion stands.

THE CASE OF MRS. FLORENCE DAILY.

Before the Orders of the Day:

Hon. GEORGE TAYLOR: I wish to draw the attention of the Government to a case of a very serious nature that has arisen owing to the war. I refer to Mrs. Daily of Gananoque, the widow of the late Timothy Daily. At the time of her marriage to Mr. Daily she had a son of two or three years of age. After the marriage this son went to live with the Daily family, who clothed and fed him and sent him to school. He was a very clever boy, and when he was twelve years of age, he went to work in one of the factories, where he received a very good wage, which he carried home every Saturday night and gave to his mother. He remained at work until he was seventeen years of age. The boy was a musician. a good bugler, and enlisted in May, 1915, as a bugler, went overseas in March, 1916. and was killed in September, 1916. Shortly after the death of the boy, the stepfather, Mr. Daily, was taken sick and died, leaving Mrs. Daily with a family of five small children.

I was written to in regard to the case, and brought it before the Pension Board, from whom I received a letter, which I sent to Mrs. Daily. It reads as follows:

I have the honour, by direction, to acknowledge receipt of an application for pension on your behalf on account of the death of your son, the soldier marginally named, and to inform you that it is not considered that the evidence submitted in support thereof establishes the fact that you were wholly or mainly dependent upon the deceased for support at the time of his death, as is required by the Pension regulations to entitle you to pension. It is regretted, therefore, that the claim can-

not be favourably entertained.

When I came to Ottawa, I went before the Pension Board and presented Mrs. Daily's claim, and received from them the following letter:

March 26th, 1918.

Senator George Taylor,

The Senate, Ottawa, Ont.

Sir,-I have the honour, by direction, to refer you to your recent call at this office relative to the claim for pension of the mother of the marginally noted and to inform you that the case has again been submitted to the Commissioners for their consideration.

2. It is regretted, however, that no additional evidence has been submitted which would cause the Commissioners to alter the decision already arrived at, viz.: that Mrs. Daily has not estab-lished the fact that she was wholly or mainly dependent upon her deceased son for support at the time of his death, as required by the Pension Regulations.

Hon. Sir JAMES LOUGHEED.

3. While the facts show that probably the burden of Mrs. Daily's support would have fallen upon the shoulders of the deceased boy, unfortunately the Pension Regulations make no provision for the prospective dependency of a parent. It is hoped, however, that legislation will soon be enacted giving the Commissioners you may rest assured that Mrs. Daily's claim

will receive sympathetic consideration. I have the honour to be, sir,

Your obedient servent,

Stanley B. Coristine, Secretary Board of Pension Commissioners for Canada.

When this young boy enlisted he contributed \$15 a month assigned pay to his mother, which she received up to the time of his death. Had he lived, he would have been the main support of the family. It is true that her husband had insurance on his life to the extent of \$1,000 in some friendly society. It took \$300 to pay the hospital and funeral and incidental expenses, which left \$700 with which to buy coal during a very severe winter, and to maintain the family, but Mrs. Daily has had to go out and do char work. I think it is the duty of the Government to have the regulations so amended that the Compensation Board can deal with cases of this kind. This country is too big to allow a woman with a family of small children to suffer in this way.

Hon. Sir JAMES LOUGHEED: I would say to my honourable friend that the case to which he has referred is a very regrettable one; but the conditions are so changing that it seems to have been impossible for the Pension Board to make provision for all the conditions which have arisen and which may arise from time to time. As my honourable friend doubtless knows, the Pension Board is an independent body; it is not influenced by the Government, or by any department of the Government. It has been placed upon an independent basis so that it cannot be said that the board has been subject to any influences. But, as I am informed, the Pension Board will from time to time consider the new conditions which are arising, and may possibly see some way in the near future of meeting such a situation as that explained by my honourable friend. While I do not commit myself with respect to the situation, it is possible that this case may be brought to a happy termination by the making of some provision for cases of hardship such as that which has been pointed out.

RAILWAY BELT ACT AMENDMENT BILL

FIRST READING.

Bill 54, an Act to amend the Railway Belt Act.—Hon. Sir James Lougheed.

GOVERNMENT EMPLOYEES COMPENSATION BILL.

FIRST READING.

Bill 51, an Act to provide compensation where employees of His Majesty are killed or suffer injuries while performing their duties.—Hon. Sir James Lougheed.

NAVAL DISCIPLINE BILL.

FIRST READING.

Bill 49, an Act respecting the Naval Discipline (Dominion Naval Forces) Act, 1911. -Hon. Sir James Lcugheed.

RAILWAY ACT CONSOLIDATION BILL.

FURTHER CONSIDERATION IN COM-MITTEE.

The Senate again went into Committee on Bill A, an Act to consolidate and amend the Railway Act.—Hon.SirJamesLougheed. Hon. Mr. Girroir in the Chair.

On section 302-running of trains; use of both languages:

Hon. Mr. DANDURAND: The first two subsections have been adopted. When the Bill came before the Senate last year it contained this third clause:

After the first day of January, one thousand nine hundred and nineteen, the Board may from time to time make such orders and regulations as it may deem advisable to provide that all or any railway employees on local passenger trains running in the province of Quebec shall be conversant with the English and French languages.

This amendment made by the House of Commons, with, I understand, the support of the Minister of Railways, was passed by the Senate Committee last year without objection being made by anybody. There was only a slight amendment, which is negligible; it did not add anything to the powers of the board. It added after the words, 'After the first day of January, one thousand nine hundred and nineteen, the board may," the following words: "after hearing on such notice and to such persons as the board may determine." This subsection 3 was passed with a slight amendment, which I cannot see adds to or limits the power of the board. I confess that I was surprised to find the Bill reprinted and brought before this Chamber this year without this third clause. I did

not follow the arguments in the Railway Committee of the House of Commons, or in the House of Commons itself, but it seems to be a fair clause, which should have been in the Railway Act from the beginning. The absence of such a clause simply indicates the spirit of liberality or the absence of intolerance in the province of Quebec. Local trains in an entirely French district may be exclusively manned by English-speaking employees who do not at all understand the language of the population which is being served. It seems so obvious that the board should be vested with the right of directing that the employees on certain local trains shall be able to use the two languages that I shall await the statement of the honourable gentleman from Welland (Hon. Mr. Robertson) to learn the reason why this clause, which passed the House of Commons unanimously, has been struck out of the Bill.

Hon. Mr. ROBERTSON: Honourable gentlemen, I do not know that I can satisfy the honourable gentleman's curiosity, because I am not personally familiar with the precise reason why the subsection was omitted from the present Bill; but I am very familiar with reasons why I think it ought to be omitted, and it is on this subject that I presume to make a few remarks. I would point out to honourable gentlemen that for more than 30 years agreements have existed between the railroad organizations in train service and the railway companies, respecting conditions of employment, promotions, etc.; but during all that time, so far as I am aware, there has never been any occasion to bring this question before Parliament. The railways have never found the practice which has been in vogue to cause any inconvenience to the public generally, and the employees, both English and French, have been perfectly satisfied with the existing conditions. I think the committee may well consider that a practice which has been in existence for upwards of 30 years and has not caused any serious difficulty ought not to be upset without some very good reason. The railway employees concerned, of whom there are in Canada approximately 45,000, are very seriously objecting to the enactment of the proposed clause.

Perhaps I should have prefaced my remarks with this statement, that they are made absolutely without prejudice, and without any intention to prejudice the interests of the people of Quebec or of other provinces, or to set one section of the people against the other SENATE

in respect to the question of the use of the different languages. I know the feelings of the railroad employees who speak both languages, and they are all in accord in this matter. Strange to say, it is because of the urgent representations made since last session to the legislative representatives of the various organizations by a French Canadian railway employee that we are asking that the proposed subsection be not embodied in the Bill. I would point out to honourable gentlemen that the proposed clause was originally intended to refer only to the conductor of a train who comes into contact with passengers; but it. goes much further than that by declaring that all those who are employed on local trains running in the province of Quebec shall be conversant with both the English and French languages. There are to-day in the province of Quebec many engineers, firemen and baggagemen on local trains who do not come into direct contact with passengers, and who cannot speak the English language; yet they are permitted to pass their examination in their native language because they do not understand English. I venture the statement-and there are, within sound of my voice, men who can confirm it-that there are on our railways in the province of Quebec French Canadian employees of 30 years standing-

Hon. Mr. BELCOURT: The sooner they learn English the better.

Hon. Mr. ROBERTSON : - and who would be deprived of their positions if they were required to comply with such a clause as is proposed. No good purpose could be served by passing such legislation. So far as I know, there is in the province of Quebec scarcely a conductor who cannot speak English fairly well. The train orders given on all our Canadian railroads are expressed in the English language; therefore, the conductors must be able to read and write English in order to occupy their positions. There is scarcely a conductor in the province of Quebec who cannot speak enough French to converse with the passengers reasonably well. So, in addition to being objectionable to the English-speaking railway employee who would be affected, the clause would far more seriously affect the French-speaking employees in the province of Quebec.

Furthermore, only a few days ago our attention was called to this matter by men employed in the railway service in British Columbia, who expressed the fear that they would be affected if this proposed legisla-Hon. Mr. ROFERTSON. tion were passed and a knowledge of the English language were insisted upon before a person could be employed on a railway in other provinces of the Dominion. They said: "We cannot speak the English language fluently, and we fear this will strike us." They are men who have left the province of Quebec and are now engaged in the railway service in western Canada.

I would further point out that neither the employees nor the employers have ever asked for any such regulation. May I call the attention of the committee to what I believe is the cause of the introduction of this proposal. The gentleman who introduced it in the House of Commons a year ago is not now in Parliament, and perhaps I ought not to make any direct reference to what his motives were; but I have studied the records of last session and find that the gentleman who introduced the measure gave no specific instance of any abuse which justified its introduction. However, one member of the other House did make special reference to a specific instance which in his judgment justified the introduction and the passage of the proposed legislation. That reference is reported at page 3514 of Hansard of July 18, 1917. The gentleman who spoke was the Hon. Mr. Lemieux, who said:

Two cases were given a little more publicity than the others. One concerned some young boys coming home from college, and the other was a case of gross misconduct on the part of a conductor on the Canadian Northern railway. In the first instance, some students were going from Rigaud to Montreal. They were threatened with arrest by the conductor of the train because they could not understand him, and he insisted that they should understand him. The doors of the car were locked, and had it not been for the intervention of a gentleman whose name was mentioned, those boys would have been arrested when they reached Montreal, because, according to the conductor, they had refused to pay their fares. The case which happened on the Canadian Northern was on a new line in a new district. The conductor was ignorant of the language of the passengers, and very on the occasion referred to he handled roughly one of the passengers who did not understand him.

The first instance, however, is the one which the Hon. Mr. Lemieux laid special stress upon. I mention that because I have some personal knowledge of what occurred, which is to the effect that the statements of the hon. gentleman in the House were incorrect as to the facts. On the 23rd of December, 1916, the date on which that incident occurred, I travelled from Ottawa to Montreal and got at first hand my knowledge of this incident. I do not desire my motive to be misunderstood in giving you the facts, which are that a APRIL 19, 1918

body of students, some thirty in number, boarded the train at Rigaud, going home for the Christmas holidays, and declined to present their transportation to the conductor on his request unless he would converse with them in the French language. The conductor was an Irishman, I believe, and, unfortunately for the harmony of the occasion, he did not feel like complying with that request, but respectfully urged that they should produce their transportation to Montreal. Two stations down the line the conductor informed the office at Montreal that he had thirty passengers who declined to pay fare or produce transportation, and when those students were met at Montreal by the proper officials to inquire into the matter, one of them stated that they had so acted on instructions from the brother or teacher of the school, who had told them before they left Rigaud that they were not to deliver their tickets unless the conductor would speak to them in the French language. Now, hon. gentlemen, I submit that if legislation of this sort is enacted it will encourage exactly that sort of thing, which will be most unfortunate, and detrimental to peace between the people of these two provinces.

Hon. Mr. DANDURAND: But the legislation only applies to local trains.

Hon. Mr. ROBERTSON: I am coming to that. While this clause would apply to employees on local trains within the province of Quebec, I desire to call attention to the fact that many, in fact all, local trains running west and south out of Montreal run through territory other than the province of Quebec-either through the province of Ontario or through various states of the United States. Trains between Montreal and Toronto are designated local trains, yet some of them are through trains, running through the province of Quebec for 30 miles and through the province of Ontario for 300 miles. It appears to me that the people of Ontario would not desire to have a conductor on a train running all the way from Montreal to Toronto who could indistinctly speak the English language. The grievance would be greater than it is at present.

Furthermore, there are certain American railways concerned—the New York Central, the Central Vermont, the Rutland, the Delaware and Hudson, the Boston and Maine, and the Maine Central, every one of which runs local trains to the cities of Montreal and Sherbrooke. I submit that it is impossible to apply any such

rules to those roads, which are under the jurisdiction of the United States, and I question the jurisdiction of our Parliament to say to the United States: "You shall employ French-speaking conductors on your own trains running within your own country." Of course, that is impracticable, because the terminal points are in the United States, and a change of crews would be impossible. This is why I submit that this matter should not be made controversial, or be included in the Act, particularly at this time-or at any other time for that matter. No hardship has existed by reason of the present conditions, which have obtained for thirty years. This clause would affect men who have been in raitway service for many years-because I may explain that before a railway employee can obtain a position in the passenger service he must have started as a spare brakeman in freight service, and have worked his way up and become a freight conductor, and eventually a passenger conductor; and it is only after years of service that he is capable of taking charge of one of those passenger trains. Therefore it would work a very great hardship on many employees-not only English-speaking, but even more disastrously French-speaking. This very day there is in this city a committee representing the employees on one of our large railroads, which includes delegates from the province of Quebec; and those delegates, Frenchspeaking men, brought this question before that committee only this forenoon, and sent word to their legislative representative that they desired to urge upon us not to pass that legislation, as it would be to the disadvantage of the men whom they represented in the province of Quebec. French-speaking Canadians. But, in addition to the effect of such on the railway employees. international complications might arise, owing to the fact that neither the employees nor the railway companies have sought this legislation.

Another reason which I think ought to be taken into consideration at this time is that the British North America Act itself gives to every citizen of this country the right to use and speak either of those languages, the language of his choice. I think section 133 of that Act makes that perfectly clear, legalizing the use of either language; and it would be most unfortunate if without serious provocation Parliament undertook to say that the British North America Act should be ignored and that certain classes of our people must either

speak both languages or be removed from their employment. I think that any reasons that could be advanced in favour of this clause being passed are so far outweighed by the objections that this honourable House ought not to hesitate in reaching the conclusion that we should not include it in the Railway Act.

Hon. Mr. CLORAN: Will the honourable gentleman tell me what are the regulations or instructions given to conductors when a passenger does not pay his fare? Are his instructions not to put that passenger off at the next station? According to my experience of 50 or 60 years travelling, I think that is the instruction.

Hon. Mr. ROBERTSON: I think the honourable gentleman is right-that the rules of the railway companies are probably uniform in that respect-that if a passenger enters a train and refuses to present a ticket or to pay his fare and cannot show the conductor that his transportation has been lost, or that he has not the money, or give some reasonable excuse that would justify the conductor in carrying him further, the conductor is expected to put him off at the first station where there is an agent in charge, so that the man would not be left out in the cold or could not be taken care of if the weather were inclement.

Hon. Mr. CLORAN: If the conductor had done that in the first instance, there would have been no row in this case.

Hon. Mr. ROBERTSON: The fact is that the first station beyond Rigaud where the train stopped was Hudson. The boys were told that they would have to present their tickets, pay their fare, or leave the train at Hudson. They decided to do neither, but stuck to the train, and the conductor, instead of forcibly ejecting them, as the rule would have permitted him to do, adopted the other course, with the result that I have mentioned.

Hon. Mr. CLORAN: Well, he was too lenient.

Hon. Mr. DANDURAND: I may say to the House that I have taken up this amendment which comes from the House of Commons, because it was adopted, I think, unanimously, by that House and was also adopted unanimously by the Railway Committee of the Senate with the slight amendment which I read. I am at a loss to know why we should not allow the Railway Board to have a say in the matter of local trains in the province of Quebec being Hon. Mr. ROBERTSON.

manned by certain employees, perhaps the conductor only, who could speak two languages. This clause refers only to local trains. My honourable friend (Hon. Mr. Robertson) has spoken of the desire of the railway employees to maintain the situation as it is, and not to add this amendment; but there is a very large constituency which must be taken care of and considered, that is, the travelling public. Railways and railway employees are made for the service of the public. Now, I put the question to my honourable friend: what would that public say in any section of Canada, be it British Columbia, Prince Edward Island, or in the middle provinces, if on a local train running within a province from one point to another, the company had an employee who could not understand the language of the entire population, or even 90 per cent of it, in that section? How long would he remain on that train? It seems to me this question should be viewed somewhat from the angle of the other parties, for a new light is thrown on a subject when a person puts himself in the position of the other party. The proposition now before us was discussed last session in the Commons and it seems to have been accepted generally as fair. It is not like the law of the Medes and Persians, that cannot be altered; it is simply power given to the Railway Board, on representation made, to declare that on a certain local train employees should be bilingual. My honourable friend says the proposition works both ways. Certainly it does, and the minority in Quebec has rights on an absolute parity with the majority, for where but ten per cent of the population are exclusively English that ten per cent is entitled under our constitution to be understood by the conductor who calls for the ticket. To ask for a ticket is easy, but if it happens that there is something wrong with the ticket and an explanation must be made, what is the situation of the traveller facing an employee whom he is unable to understand? I simply put the question. My honourable friend says: "Things have gone smoothly, and why introduce into this clause this new principle?" It is no new principle; it is the affirmation of what should exist. We have in the province of Quebec two races speaking two different languages. The object is not that one race should have ascendancy over the other, but that the two races shall be treated with fairness and equality. It is for the Railway Board to decide whether on certain roads a certain class of employees-conductors, for instance

-should be obliged to speak the two languages.

Hon. Mr. CLORAN: This discussion proves that the two languages are necessary, not only in social life, but in commercial, industrial, and every other kind of life in Canada. It also proves that the people who are trying to suppress the knowledge of French are doing a grievous wrong to this Canada of ours. Instead of abolishing French they should be teaching it to their children, and doing like the honourable senator from Saskatchewan (Hon. Mr. Michener), who said that he was very sorry that he had not had the opportunity of learning that language, but that when his son grew up he would see that he would learn it. That is the condition of things that should exist in this country. But the honourable senator who worthily, and I think very fairly, represents the labour element here is laving down a wrong principle of law when he says that because the two languages are on an equal footing a man is supposed to know only one of them, for he must know the two if he is going into business.

Hon. Mr. ROBERTSON: May I call my honourable friend's attention to the fact that I did not say that he should know only one. I think I stated that every citizen of Canada has the right to use the Janguage of his choice, either of the official languages.

Hon. Mr. CLORAN: That is practically the same thing. You have a right to speak French; I have a right to speak English. But suppose I go to you, a servant of a public company, such as a railway, and speak to you in English, and you do not know English, what will you say? "Je ne comprends pas." And I answer back, "I do not understand, either." Where are we going to be? You have an absolutely constitutional right to use French, and you do not know English; I have a right to use English, and I do not know French. Who is going to give in? We are both in the trenches. An honourable senator near me says, "Do it by signs." But we are not deaf and dumb; we can talk. Now, who is going to give in? Is it the man who is applying for service in a company which the law authorizes him to apply for? I state this so as to show the absolute necessity of knowing the two languages if you are doing business with the public. If a man is going to stand on his constitutional right, and speak the language that he

chooses, then friction is created at once: You sow the seed of dissolution in this country, because the man who speaks French says, "I do not speak English," and the man who speaks English says, "I do not speak French." The contrary doctrine ought to be preached, and this is a good occasion on which to preach it, because the railways deal with more people than any other institution in the country. I am not saying that where there are no French people whatever, or where there are very few, a man should know the two languages before obtaining a position in a public company; but in the interests of the company and of the public it would be advisable that their servants in localities peopled largely by one element should understand the two constitutional languages of Canada. It is not a question of making the English language triumph over the French. or the French over the English; it is a question of the company being useful to the public and able to serve them along constitutional lines. I believe that the railway companies are headed by competent men who are willing to do what is right, and who know that by doing what is right they will increase their business. The presidents, directors, and managers of those companies would not willingly put one of their officials in a position to be ugly to the public or unable to serve it; but sometimes that may happen without the knowledge of the higher authorities. Under these circumstances what are you going to do? I do not believe in passing a drastic law, saying that all servants of a public company such as a railroad company should know the two languages. It would only be necessary that those who come in contact with the public should be able to converse and transact business in the two languages. As passed by the House of Commons, the law is not an imperative one; it is simply one of submission to the Railway Board. Outside of Parliament what better authority than the Railway Commission can you get to decide a ques-tion of that kind? If it is represented to the Railway Board that trains are running in a certain district where the entire mass of population is of one sort, the board will say to the company: "It is in your interest. as well as in the interest of the public. that a man who has business relations with others shall know the two languages." If he is an Englishman he must know some French. He does not need to be trained at a university to be a conductor or a brakeman. Let me tell you, no one will be more

delighted than a Frenchman to hear an Englishman speaking broken French. He will do anything for him. He does not want to be thought of as a nobody who has constitutional rights in this country. I think the provision submitted raises difficult questions. Half the public do not know what we are talking about. They think we are simply raising issues; but I contend that the Constitution should protect the French language. The simplest way out of this difficulty is to leave the question in the hands of the Railway Board.

I have frequently seen on railway trains passengers who could not speak English, and conductors who could not speak French. The politeness has not always been on the side of the conductor; but I have seen very few cases where it has been absent on the part of the passengers who were French.

This is not an arbitrary matter; and I understand, as the honourable minister (Hon. Mr. Robertson) has said, that it would not be necessary to apply the provision to firemen, brakemen, engineers and others who have no dealings with the public. But I think the minister will agree with me that in a locality where the vast majority of the people are of one class or the other, French or English, the conductors should be in a position to make themselves understood by those with whom they are dealing. As I say, if this matter were left in the hands of the Railway Commission, I think, they would not exercise any arbitrary powers. The commissioners are men of sense, men of business capacity. They want to see the business of this country running along smoothly and regularly.

Hon. Mr. ROBERTSON: I do not wish to weary the House, but I think it but fair and right that the opinions that I have ventured to express as being entertained by the railway employees ought to be given to you in a manner that will place beyond doubt the fact that they do feel as I have stated. To show you just what they think about this matter, I will read a document dated April 15, 1918, addressed to this body:

Ottawa, Ont., April 15th, 1918.

Hon. Senator Sir James Lougheed, K.C., P.C., Hon. Senator G. D. Robertson, P.C., The Senate, Ottawa.

Honourable Sirs:

Referring to Bill "A," now under consideration by the Senate, and the suggestion made by some honourable members a few days ago, that section 302 be amended by inserting a clause similar to that contained in section 302 of Bill No. 13, 1917, requiring certain rallway employees on local passenger trains operating in the Hon. Mr. CLORAN. province of Quebec to be conversant with both the English and French languages.

On behalf of the railway employees affected, the undersigned would respectfully submit the following reasons why, in our opinion, it is not desirable that the suggested amendment should be made to section 302:

1. Although having quite an intimate knowledge of prevalling conditions in connection with railway operations in the province of Quebec, (where our membership is composed largely of French Canadians) as well as in all parts of Canada, no complaints have ever been received by us to indicate that any inconvenience had been occasioned to the travelling public or the employees, as a result of any employee not having been conversant with both languages.

2. The proposed legislation might result in a grave injustice to many experienced employees in the province of Quebec who are not conversant with the English language, but who are permitted to converse in their native language in the course of their employment, and to even pass their oral examinations to the positions of conductors or engineers, in such language.

3. There would be very serious interference with the seniority rights of experienced employees, not conversant with the French language, who might be required for service on local passenger trains operating through the province of Quebec, although resident in another province. The proposed legislation would necessitate placing on such local passenger trains operating through the province of Quebec, employees conversant with the French language, although they might not be entitled to the run under the rules of seniority contained in the employees' agreement with the companies, because of being many years junior to the first named employees.

4. We are of the opinion that the officers of the railways will give immediate consideration to any complaints which might arise from alleged inconvenience to the public, due to any employee not being conversant with both languages, and take such measures as may be necessary to prevent the recurrence of such complaints. We can also assure the Government of the hearty co-operation of the employees in the future, as in the past, in this regard.

5. At a recent meeting of the Dominion Legislative Board of the Brotherhood of Locomotive Engineers, held in Ottawa, March 25— April 6th, 1918, composed of representatives from all provinces in Canada, including the province of Quebec, this matter was fully discussed. It was the unanimous opinion of these representatives that this proposed legislation would result in a great hardship and injustice to a large number of experienced French Canadian employees in the province of Quebec, as well as to other employees in the course of whose employment they would be required to operate trains within and outside of the province of Quebec, and their representative was instructed to enter the strongest possible protest to the Government accordingly.

6. Having regard to all the circumstances surrounding the employees, and the conditions of train operation, as well as the convenience to the travelling public, we are strongly of the opinion that no good purpose can be served by the proposed legislation, which, if enacted, and given effect to, would have a tendency to destroy the splendid spirit of harmony which has always been a prevailing characteristic throughout the ranks of railway employees, in

all the provinces of Canada, regardless of the nationality of any one or more of such employees.

Yours respectifully, C. Laurence,

Dominion Legislative Representative, Brotherhood of Locomotive Engineers.

L. L. Peltier,

Dominion Legislative Representative, Order of Railway Conductors.

Wm. L. Best.

Canadian Legislative Representative, Brotherhood of Locomotive Firemen and Enginemen.

In addition to that, I am in receipt of a telegram from the Brotherhood of Railroad Trainmen expressing similar but stronger views on the subject.

• Hon. Mr. CLORAN: I quite agree with the honourable gentleman in most of his contentions. In the Bill that came from the House of Commons I find this clause:

After the first day of January, one thousand nine hundred and nineteen, the Board may from time to time make such orders and regulations as it may deem advisable to provide that all or any railway employees on local passenger trains running in the province of Quebec shall be conversant with the English and French languages.

That clause is not rightly drafted. On the face of it, I take exception to it, but I believe in the principle of it. It is absurd to say that all or any railway employee shall be conversant with the two languages. What does that mean? It means that the engineers, brakemen, firemen and all other employees, even though they do not come into touch with the public, would have to speak the two languages. That is not necessary.

Hon. Mr. DANDURAND: "All or any." It is left to the wisdom of the board.

Hon. Mr. CLORAN: I would make it plainer than that. I would not leave it to the wisdom of the board. I think that all employees who come in touch with the public in the transaction of business should know the two languages. Why not make that distinction? I think that would be fair, and I do not think anybody would object to it. I think every one in the Dominion of Canada would be in favour of it, especially in view of the situation which I depicted a moment ago. Take, for instance, the case of a French employee selling tickets. An Englishman comes to him, and all the Frenchman can say is, "Je ne comprends pas." Reverse the process, and the Englishman says, "I do not understand." I think such employees ought to be dismissed. The honourable minister (Hon. Mr. Robertson) will agree with me in that,

will he not? I think the proposition that I have laid down is a fair one. A man may be a competent engineer or brakeman and not be able to speak both languages.

I am prepared to accept the advice of the labour unions. They are the best judges of what they require. I am surprised that the French delegates from Quebec could write as good English as is contained in the resolution read by the honourable minister. They are fit to be the heads of the company. Why do not the English people put themselves in a position to write as good French? I congratulate the French delegates upon having the ability to draft a resolution of that kind. It is a lesson to some of us here.

There is no doubt that dissatisfaction will be created by the clause as drafted. I make my suggestion in good faith, and I think it would do away with that friction. I think the employees themselves will admit that it is right and proper that if they are dealing with the public they should be able to converse in both languages. I think the honourable minister, in the name of the employees, ought to be able to have this matter so adjusted, and then leave it to the judgment of the Railway Board. What would be the harm in that? I think it would go a long way towards consolidating the people of Canada. It would not leave them on the banks of the river looking at one another like the fox and the cat. Let them band together and learn the two languages; it will create harmony and union instead of friction.

Hon. Mr. DOUGLAS: I have not had an opportunity of expressing an opinion on this wide and vexing question. I have had a great deal to do with languages, and I am thankful to say that a great deal of my time in past years was devoted to the study of languages, six or seven in all, which I have found to be very useful. In a discussion of this kind there is great danger of binding upon our fellow man what we do not wish to embrace as ourown guide. There is danger that we may put into the hands of men the power to make laws which will create bondage and increasing difficulty.

At the time of my first appearance in public in Canada, upon looking over my constituency, I found that sixteen different languages or dialects were in use in the constituency, and I thought to myself: "How are these people to be reached? How are they to be controlled? How are they to be prudently and wisely guided?" Not being a youth, having had some ex-

SENATE

perience in dealing with the public, and having travelled far on this earth of ours, I had a good deal to do with peoples and languages. I want to be broader than my friend here (Hon. Mr. Cloran). We do not often quarrel on these subjects, but in this case he is too narrow to meet my views.

Hon. Mr. CLORAN: I am willing to learn.

Hon. Mr. DOUGLAS: What I want is a definition of the word "constitutional." Who will define it? It is used flippantly in newspapers, and in discussions on the floor of this House. One man has one definition, for it, and another man, a good lawyer, has another. Often we are glad to hear them, but at the same time we may do an injury in seeking to give freedom and privilege to our friends. We want a freedom that will embrace the earth. We want to know who gave us this freedom. From whence did it come? Are we at liberty to-day to say that all of these sixteen different classes of good citizens of this country that I have mentioned are to be shut out by our narrow views, or by my ideas of constitutional law? What is true obedience to constitutional law? We wish to have a sound constitutional faith. I want to hear our men say: " If we are going to give liberty and not impose burdens, let us give any person who wishes to enter into business in Canada the commercial freedom that he needs. We wish him to enjoy the fullest liberty, and if he is not satisfied with one language, he may speak six, if he likes." Why should he not speak one language, and not half a dozen, if it will pay him and put money in his pocket? We are saying that two languages are most important for commercial purposes. I would say that twenty would be a great deal better. But the twenty would never be able to claim that we should have twenty languages, either spoken or written, in this honourable House. Then we must find a broad ground. Our ground is too narrow, and in all the controversies and contentions that I have listened to since the first speech that I attempted to make on this question I have urged that others should take that broad view which I myself have tried to take.

Hon. Mr. PROWSE: Would you give them a vote?

Hon. Mr. DOUGLAS: Yes, if they are worthy of it; but that is not the point. I am appealing to my French friends, and I have many here whom I have learned to esteem very highly, and who will, I hope, continue in my affection for many days to Hon. Mr. DOUGLAS. come. But let us take care that when we are laying the foundations of a great national existence we do not belittle it by confining it to a narrow outlook or application. Let us all work shoulder to shoulder in the common interest and in the development of this country, and let us assist every individual in any way which may be helpful in business so long as he keeps within the bounds of our laws and regulations. I do not think it is safe to confer too many privileges on any particular company. We do not go to a company for authority; but it has the right to adopt anything which does not conflict with the interests of those with whom it comes into commercial contact, and we are perfectly willing that a company should have that privilege.

I like the draft that has been given to us by the labouring men of the country. I may say that I am not a man who has been devoted to the labouring interest, but I want to let them have the same opportunity of improvement as other classes of the community. If a man will not do what is just here, justice will be done yonder. Let them arrange their own business in the light of their own experience, and there need be no quarrel about having one understanding or another understanding. I hope that we shall rise to higher things than that, and that we shall give perfect freedom of choosing for ourselves and our business companies along lines that will not conflict with or run across the general interests of rich or poor. I thank you for your patience.

Hon. Mr. BELCOURT: Honourable gentlemen, this is a question which interests the province of Quebec, and it is very unfortunate that the subject should have come up on a Friday afternoon, when honourable gentlemen from that province are absent. The honourable gentleman from Victoria division (Hon. Mr. Cloran) is the only gentleman from that province now in the House. I think my honourable friend the leader of the Government would be well advised if he would allow this matter to stand over so as to permit honourable gentlemen from Quebec to express their views about this matter. I think it would be-I will not say unfair. but injudicious on the part of honourable gentlemen now present to settle this matter in the absence of all the members but one from the province of Quebec. I would suggest to my honourable friend that better progress would probably be made if this matter were allowed to stand until next

APRIL 19, 1918

week, when the honourable gentlemen from Quebec will be present. Personally I have my own views on the subject, but I do not think I should express them now.

Hon. Mr. CLORAN: Under the circumstances, since I am the only representative of the province of Quebec, I have a big job on hand. I think the honourable minister (Hon. Mr. Robertson) will be kind enough to allow the matter to stand. He has brought a communication from the railway employees of Quebec. I would like to endorse that. I will stand by the labour unions all the time, as long as they are in the right; but they ought to give Parliament a chance to see what is the strength of that position and what will be its consequences. I quite agree with the honourable senator who has just taken his seat, that we ought to be very careful in passing laws that are going to effect future generations. There is no immediate hurry about this matter. The province of Quebec, I think, through its representatives in this House, would like to have a word to say on it. I am not extreme in my views even on this matter, and I am prepared to modify them, and to have the House of Commons amendment modified. It is absolute nonsense to ask a Frenchman who is an engineer, and a good one, with probably thirty or forty years of service, to give up the handling of his engine because he cannct speak English; and it would be equally absurd to ask an English fireman to give up shovelling coal into the furnace because he cannot speak French. But there is sense in requiring that the railway employees who have to deal with the public should know the two languages. The honourable gentleman from Tantallon (Hon. Mr. Douglas) has just stated that the word "constitutional" is flippantly used. I be-lieve it is flippantly abused. When I use the words "constitutional language" it is because I am obliged to do so by the British North America Act. I would like everybody to be educated and able to speak three or four or half a dozen languages, as the honourable gentleman said; but the constitution, the British North America Act. exacts only two, and that is why I call them the constitutional languages. The honourable the Minister of Labour-I wish the honourable gentleman (Hon. Mr. Robertson) had been given that name; it would be better, and he would be known better throughout the country if he were Minister of Labour. Pardon me for the suggestion. The honourable minister (Hon. Mr. Robertson) will understand that it is absolutely necessary that a servant of a S--14

public company -should know the two languages. I endorse the suggestion made by the honourable gentleman from Ottawa (Hon. Mr. Belcourt) with regard to Quebec.

Hon. Mr. ROBERTSON: In consideration of what the honourable gentleman from Ottawa (Hon. Mr. Belcourt) has just said, I will not take advantage of any members of this House, especially of those from the province of Quebec, which is affected by this measure. I may, however, be permitted to observe that this was the first item of business on the Order Paper for to-day, and had those honourable gentlemen been very seriously desirous of being here to deal with this matter, they ought not to have absented themselves this afternoon. Notwithstanding that, I am perfectly willing that the matter should be allowed to stand over for further consideration next week, when there will be a full representation here from the province concerned. Probably we can deal with the matter on Monday next, if that is agreeable.

Section 302 stands.

On section 325-disallowance of tariff:

The Hon. the CHAIRMAN: It is moved that the section be amended by adding the following as subsection 5:

The powers granted to the Board by this section shall not be restricted or limited by the provisions of any special Act heretofore enacted, or of any agreement heretofore or hereafter made.

Hon. Mr. BOSTOCK: Is my honourable friend (Hon. Sir James Lougheed) going to insist on our proceeding with that amendment? My honourable friend from Portage la Prairie (Hon. Mr. Watson) objects to that very strongly.

Hon. Sir JAMES LOUGHEED: We will drop that for the time being. We will pass the section as it is.

The amendment was withdrawn, and section 325 was agreed to.

On section 355-seizure and sale of goods subject to tolls:

The Hon. the CHAIRMAN: It is proposed that the following words be added to subsection 3:

And may recover the deficiency, if any, by action in any court of competent jurisdiction.

Hon. Sir JAMES LOUGHEED: There is no objection to that. It is simply a declaration. We will accept that.

Hon. Mr. RICHARDSON: Suppose the goods should be destroyed by the railway company?

REVISED EDITION

Hon. Sir JAMES LOUGHEED: The shipper may claim compensation.

Hon. W. B. ROSS: He will have ground for action.

Hon. Mr. BOSTOCK: What is the exact effect of this amendment? I think we discussed it before.

Hon. Sir JAMES LOUGHEED: I think it is simply declaratory of what the law actually is. I do not think it is absolutely necessary.

Hon. Mr. BELCOURT: The effect of it, as I understand, is that the company shall not be deprived of the right to recover any balance that it may not be able to recover by the sale of the goods. It seems to me quite a reasonable provision.

Hon. Sir JAMES LOUGHEED: But the question is whether the company has not that right anyway, without so expressing it.

The amendment was agreed to, and section 355, as amended, was agreed to.

On section 372-putting wires across railways or other wires:

Hon. W. B. ROSS: I have given some attention to having this section straightened out. The Bill as originally drafted did not have those words in the fourth line, " along or," as pointed out by the honourable leader of the Opposition (Hon. Mr. Bostock). Those words are new and have evidently been interjected by some person without thinking very much about them; otherwise he would have put them into another part of the section, in order to make it consistent. You will find that this section deals with two things: there is first the crossing of a railway, and then the putting of wires along a railway. If the words "along or" are left out of subsection 1, it will deal clearly and distinctly with one thing, namely, the crossing of a railroad by wires and that sort of thing. My proposition is that after taking out those words we leave subsection 1 as it is. But the honourable senator from Hamilton (Hon. Mr. Lynch-Staunton) has pointed out that we are neglecting another thing of importance, namely, the carrying of a live wire, such as a power wire, along a railway, and he has specified a case where a man was killed. Now, I propose that we strike out the words " along or " in subsection 1 of section 372 and the word " along " in subsection 5.

Hon. Mr. BELCOURT: How do you propose to deal with the case pointed out by the honourable gentleman from Hamilton? Hon. Mr. RICHARDSON. Hon. W. B. ROSS: I am going to deal with that now. I propose that this be added as section 372A:

Except as provided in subsection 5 of this section, no lines or wires for the conveyance of light, heat, power or electricity, shall be erected, placed or maintained along the railway, or along other such lines or wires within the legislative authority of the Parliament of Canada, without the leave of the Board.

Then section 372 would deal with crossings and section 372A would deal with wires that run along railway lines, and the two matters are not mixed.

Hon. Mr. BELCOURT: What is the difference between the two?

Hon. W. B. ROSS: With a crossing the public are concerned; with wires running along the line of railway, only the railway employees are concerned.

Hon. Mr. CLORAN: That is right.

Hon. Sir JAMES LOUGHEED: I may add to what my honourable friend has said, that the section as it stands precludes the railway company from stringing even a very short line of wire along their railway line without the leave of the board, and it is not desirable that the company should be required to apply to the board every time it wanted to string a telegraph wire. The object was to prevent the putting of high voltage wires along the lines of railway.

Hon. Mr. BELCOURT: It strikes me that it is like tweedledum and tweedledee.

Hon. W. B. ROSS: As long as it passes, I do not care how it strikes anybody.

Hon. Mr. BOSTOCK: Of course, this whole trouble arises from the fact, which I pointed out to the House when this Bill was introduced, that we are dealing with power companies and telephone and telegraph companies all in a railway Act. That is where this whole trouble arises.

Hon. W. B. ROSS: We are dealing with them all in this one section. There is a wheel within a wheel.

Hon. Sir JAMES LOUGHEED: Wires within wires.

The amendment of Hon. W. B. Ross was agreed to.

On section 373—putting lines or wires across or along highways, etc.:

Hon. W. B. ROSS: I wish to propose, as an amendment to subsection 2, line 28, to strike out the words, "expressed by by-

APRIL 19, 1918

law," and, in lines 30 and 31, to strike out the words, "nor without compliance with any terms stated or provided for in such by-laws." It will then read:

Without the consent of the municipality having jurisdication over such highway, square or public place.

The honourable member from Mille Iles (Hon. Mr. David) asked me to speak for him on this point, because we compared notes. The subsection as it stands would be unworkable in the province of Nova Scotia, where we do not work by by-laws, and the honourable senator from Mille Iles says he knows of hundreds of places in the province of Quebec where it could not be worked. In the second place, I do not think it is correct legislation, for municipal institutions are within the jurisdiction of the local legislatures, and should say for themselves how the consent is to be expressed; I do not think we ought to dictate on that point at all. We give them perfect protection when we say that their consent must be had.

Hon. Mr. BELCOURT: There is a decided objection on my part to requiring a by-law on every occasion. For instance, a telegraph company may want to move a pole a few feet or yards, and in order to do that legally they would require to get the consent of the municipality, which would have to go through the formality of passing a by-law.

Hon. Mr. BOSTOCK: As I understand the amendment, it would leave the matter entirely in the hands of the municipal council, which would mean that in small municipalities the matter would be left to men who are not very competent to deal with jt.

Hon. Sir JAMES LOUGHEED: The section without amendment would leave it in the hands of the council.

Hon. Mr. BOSTOCK: No, because, as the section stands, if I understand it aright, the consent has to be expressed by by-law.

Hon. Sir JAMES LOUGHEED: Or the consent of the municipality.

Hon. Mr. BOSTOCK: But notice must be given to the people generally.

Hon. Sir JAMES LOUGHEED: No. There are two classes of by-laws—one class that must be submitted to the people, such as money by-laws; but this does not come under that class, but is an ordinary by-law passed by the municipal council.

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Hon. Mr. BOSTOCK: There would be more notice to the people if the consent had to be expressed by by-law than if done by the council by resolution.

Hon. Sir JAMES LOUGHEED: It might be done by resolution or by-law. The people may not know anything about it even if done by by-law.

Hon. Mr. MACDONELL: The amendment leaves the clause open, requiring only the consent of the municipality. The mover of the amendment states that by-laws are not used in his province, and a similar statement has been made with reference to Quebec; but in Ontario and in the West generally, I think, the consent of the municipality can be given by a committee of council, and in many cases certain officials are clothed with sufficient authority, nominally or prima facie, to give the consent of the municipality. Street commissioners and other officials are empowered by by-laws or resolutions to give or withhold consent with reference to certain things connected with highways and other matters. In Ontario, an official can frequently give the consent of his municipality. I think it would be highly improper to leave the matter open for a mere official, perhaps of a large city, to give the consent of the municipality on a matter of very grave importance. I be-lieve we are all agreed that the municipality should be consulted and should consent; but if we simply say: "the consent of the municipality" and not "expressed by by-law," serious matters might be left to the discretion of an official.

Hon. W. B. ROSS: I would like to ask if it is not better to leave it in the hands of the local legislatures of the different provinces, which have jurisdiction over municipal institutions, to say what shall mean consent.

Hon. Mr. MACDONELL: That would require all the provinces to begin legislating on a matter which is created now. What is the objection to leaving the words "expressed by by-law?" As far as I know, a by-law is required in all important matters of that kind, whereas if the question is left simply to the consent of a municipality, there is no check or safeguard so far as Ontario is concerned. I see no objection to the word "by-law" remaining in, because a by-law can be passed by a council itself in five minutes if it is merely a pro forma matter and all the people in the community have agreed upon it, whereas the omis-

sion of that word would leave it to clerks and officials, which I think would be unsafe and improper as well as quite unnecessary, because the word "by-law" is timehonoured in legislation of this kind. A municipality can act officially only by bylaw.

Hon. Mr. POWER: The honourable gentleman from Toronto (Hon. Mr. Macdonell) views the matter entirely from the Ontario standpoint, which I think is a failing of Toronto people.

Hon. Mr. MACDONELL: You cannot exclude Ontario.

Hon. Mr. POWER: There are certain other provinces outside of Ontario in which the consent of the municipality should be as necessary as it is in Ontario. If the words "expressed by by-law" are left in the subsection, in the province of Quebec you could not get any consent at all, for they have no by-laws, and consequently cannot give consent.

Hon. Mr. MACDONELL: How have they done in the past?

Hon. Mr. POWER: The people of Toronto are very public spirited, at any rate so far as Ontario is concerned, and they will see that no consent is given except in a way that meets with public approval. So there is no object at all in leaving in these words, "expressed by by-law."

Hon. Mr. MACDONELL: To meet the conditions and satisfy everybody—because you cannot exclude any province, whether large or small we are all equal in regard to our rights—I would suggest the words: "the consent by by-law or by the legal way of expressing the consent of the municipalities in the various provinces."

Hon. Sir JAMES LOUGHEED: It would have to be the legal consent.

Hon. Mr. MACDONELL: In the province of Ontario the consent can be given by an official.

Hon W. B. ROSS: Has not the inimaculate legislature of Ontario sense enough to meet the situation?

Hon. Mr. MACDONELL: If the legislature of Ontario were to provide for every mistake made by the House of Commons and the Senate, it would be kept busy for twelve months in the year. The section should be in such shape that the municipalities of Ontario may express their consent according to their laws. We can make a provision covering all the provinces.

Hon. Mr. MACDONELL.

Hon. Mr. THOMPSON: We do not want to interfere with the province of Ontario in respect to this. They can exercise their authority, either by by-law or in any way that will express their judgment. By cutting out that portion of the section, the municipalities in other provinces are in a position to express their judgment.

Hon. Sir JAMES LOUGHEED: In some of the provinces they could not give consent by by-law.

Hon. Mr. MACDONELL: Their case could be met by a provision corresponding with their laws.

Hon. Sir JAMES LOUGHEED: When you say the consent of the municipalities shall be given, it would be held in Ontario that it would be done by by-law. The municipalities have it within their power to say that it shall be done by by-law or by resolution. In Ontario there are only two ways of doing it, and we leave it to them to say how it shall be done.

Hon. Mr. MACDONELL: Why is the word "by-law" used?

Hon. Sir JAMES LOUGHEED: It was presumed that the other municipalities in the Dominion acted by by-law, whereas they do not in Prince Edward Island and in Nova Scotia.

Hon. Mr. MACDONELL: It is the proper word to use with reference to Ontario. Deal with the other provinces by themselves. It is only proper to make the law apply in all the provinces in accordance with their laws.

Hon. Mr. BELCOURT: I do not think that honourable gentlemen are quite consistent in passing section 373 in the light of what this House has done within the last twenty-four hours. You are passing retroactive legislation of exactly the same kind as we rejected a day or so ago. Within the last twenty-four hours it was decided by a vote of 34 to 6 that legislation of such a character should not be passed. You are simply wiping out all the charters which contain provisions which may be different from this provision. If consistency is a virtue, we should have some regard for it.

Hon. Mr. MACDONELL: It is quite unknown.

Hon. Sir JAMES LOUGHEED: This is the old law.

Hon. Mr. BELCOURT: I am quite serious.

Hon. Mr. BOSTOCK: The honourable gentleman says it is the old law.

Hon. Sir JAMES LOUGHEED: I point out that this applies only to telegraph and telephone lines.

Hon. Mr. BELCOURT: That reminds me of the old story of the man who justified an illegitimacy on the ground that the baby was only a very little one.

Hon. Sir JAMES LOUGHEED: This has been the law for many years, except that we have introduced into it this new phrase "by by-law."

Hon. Mr. BELCOURT: Oh, no. You introduce more than that: "or any power or authority heretofore or hereafter."

Hon. Sir JAMES LOUGHEED: The old section reads as follows:

Notwithstanding anything contained in any Act of the Parliament of Canada or of the legislature of any province, the company shall not, except as in this section provided, construct, maintain or operate its lines of telephone upon, along, across or under any highway, square or other public place within the limits of any city, town or village, incorporated or otherwise, without the consent of the municipality.

Hon. Mr. BELCOURT: There is no difference, except in degree, between this legislation and the legislation that we refused to adopt.

Hon. Sir JAMES LOUGHEED: It is very difficult to be consistent all the time.

Hon. Mr. CLORAN: That is good.

The amendment of Hon. W. B. Ross was agreed to, and subsection 2 of section 373 as amended was agreed to.

Section 373 agreed to.

On subsection 7 of section 376-connections with other systems, power of board to order:

Hon. Mr. ROSS: The amendment that I propose is to insert after the word "terms" in line 28 the words "including compensation, if any."

The amendment was agreed to, and subsection 7 of section 376, as amended, was agreed to.

On section 434—refusing to check baggage:

Hon. Mr. CLORAN: What does the word "improperly" mean? Anything that is improper cannot be legal. The word "improperly" makes a new hole for the railway company to get out of. The company would claim that baggage was properly refused. I think the plain wording would be, " if any railway company refuses."

Hon. Sir JAMES LOUGHEED: Oh, no.

Hon. Mr. POWER: The railway companies have a perfect right, and can properly refuse-to take explosives, for instance.

Hon. Mr. CLORAN: The higher officials of the railway company will understand the law; but when you get down to a baggageman at a little station—one who does not understand French—or an agent who does not understand English—what then? For instance, the men who go up to the shanties do not carry trunks. Half of them use a box tied round with rope. They have to have their baggage checked.

Hon. Sir JAMES LOUGHEED: Will the honourable gentleman look at section 351? The section before us deals with the case of a person who tenders a package which the railway company cannot be forced to carry, under section 351, which provides that passengers' baggage shall be checked.

Hon. Mr. CLORAN: Suppose a station agent refuses?

Hon. Sir JAMES LOUGHEED: Then the passenger has his remedy against the company.

Hon. Mr. CLORAN: I have seen men having hard work to get their poor old bags checked.

Hon. Sir JAMES LOUGHEED: This has been the law for a great number of years.

Hon. Mr. BOSTOCK: Does my honourable friend propose to amend that section?

Hon. Sir JAMES LOUGHEED: No.

Section 434 was agreed to.

On section 390—infraction of order respecting tolls (reconsidered):

Hon. Mr. BELCOURT: I move to strike out subsection 2, because you oblige the person who has suffered to come to Ottawa to get the permission of the board to take action. Then he has to go to the court. It is putting the injured party to a great inconvenience and expense.

Hon. Sir JAMES LOUGHEED: An extraordinary remedy is given to the plaintiff in allowing him to claim triple damages. There is no good reason why the railway companies should be subjected to groundless actions in anticipation of the claimant getting a compromise, particularly in a case of this kind. The question of tolls is necessarily a very confusing and complicated one. A man may suddenly awaken to the fact that he has a claim against the ccmpany, that there has been an imposition of some toll which he thinks is not correct, and he at once launches an action for triple damages. He may have a very imperfect knowledge, or nc knowledge at all, of what the tolls should be. As the honourable gentleman from Kingston (Hon. Mr. Richardson) has said, it requires a man of considerable experience to familiarize himself with tolls. Therefore, to prevent actions of this kind, it is desirable that the board should say whether an action will lie.

Hon. Mr. BELCOURT: As a matter of fact, the amount involved in most of these cases must be a very small one. In ninetynine cases out of one hundred it would be a very small amount which would be claimed, and this provision would compel the man who wanted to claim a few dollars to come to Ottawa in order to get the permission of the board to institute proceedings.

Hon. W. B. ROSS: Would not this be a fair criticism of that section? That last paragraph was meant to prevent the wanton or malicious exercise of the right to sue for three times the amount. Moses allowed only twice, but somebody was wiser than Moses and allowed three times. But you can see that it should not be left wide open without the consent of the board being required, just as in so many actions the consent of the Attorney General is required. The object of requiring the board's consent is to see that there really is a prima facie case.

Hon. Mr. BELCOURT: But bear this in mind, that it is a small dog tackling a very big dog.

Hon. W. B. ROSS: I know; but the small dog sometimes has a bad temper, as well as the big one, and it is sometimes just as cross or perhaps a little more snappy. This right to sue for three times the amount is really a penalty which is partly in the hands of the board.

Hon. Mr. BELCOURT: My objection is that it is going to be made so difficult for anybody who has been victimized that he will not take the trouble or incur the expense of coming to Ottawa to get an order from the board, and the railway company is going to escape in a great many cases just because of the difficulty which is placed in the way of the person injured.

Hon. Sir JAMES LOUGHEED: He can get relief by correspondence.

Hon, Sir JAMES LOUGHEED.

Hon. W. B. ROSS: He can write a letter here to Ottawa.

Hon. Mr. BELCOURT: There is not much chance of an order being made as a result of correspondence with the Railway Board.

Hon. Mr. MACDONELL: I have a request from the Toronto Board of Trade with reference to this section. I will just read the request they make:

This is a provision giving power to bring action for infractions of orders respecting tolls and providing for recovery of three times the amount of the actual damage which the person complaining is proved to have suffered. It is now provided in subsection 2 that no action shall be commenced for the recovery of such damages without leave of the Board being first obtained. The merchants think that there is no need of the complainant being put to the expense of both applying to the Board for leave and then to sue, and they think that the matter might be left to the ordinary courts to deal with without the necessity of any preliminary application to the Railway Board for leave to proceed with the action.

It seems to me that the principle involved in subsecttion 2 is fundamentally wrong. If we are going to authorize every commission or board of a public nature in this country to represent the Crown and be satisfied before a claimant can proceed to sue, it is a serious matter and one that will lead, I think, to very great dissatisfaction ultimately. The courts are in existence. Either they should be courts which are free to all men, or they should be closed to all men. It is right that the Crown, for many reasons which I will not deal with at the moment, should have the right to determine whether or not the King shall be dragged into court and made the defendant in an action; but that is quite a different matter. All laywers know that a fiat is practically never refused to a sane man acting in a bona fide way, so that even the King may be proceeded against in his own court with the utmost freedom if there is any foundation for a claim. I think it is wrong in principle to put a bar across the door of the courts of this Dominion, and require the consent of any body or any commission before a man can enter the tribunal and ask for the King's justice. At the same time, it occurs to me that three times the amount of the damages is a pretty stiff penalty.

Hon. Mr. BELCOURT: The amount of the damages is always small.

Hon. Mr. MACDONELL: In any case I think we should not allow this provision to remain which requires the consent of APRIL 19, 1918

the board. Once that kind of legislation is started, where is it going to end? I am merely drawing to your attention the opinion of the Toronto board of trade. Personally I think it would be wrong to put in three times the amount and provide free access to recover without some means of first passing upon the claim; but I think subsection 2 is repugnant to our system of legislation and our administration of the law. I am in communication with the Toronto board of trade about this matter, and, if it is not to any extent a contentious clause, perhaps it might be allowed to stand until we are finally disposing of this Bill.

Hon. Mr. CLORAN: Strike it out now, if it is not sensible.

Hon. Mr. MACDONELL: I do not care to move that.

Hon. Mr. BELCOURT: But I have moved it.

Hon. Mr. POWER: I just wish to direct attention to the fact that there is something besides the triple damages. Section 390 begins:

Every 'company shall, in addition to any penalty in this Act provided in respect to any infraction by the company . . . of any provision of this Act, or of any order . . . given by the Boardi

So a company may be sued for penalties; then, if the person who feels himself particularly injured wishes, he can bring an action for triple damages; but he has first to get the leave of the board. I think that is a very reasonable provision.

Hon. Mr. CLORAN: The clause is one that should not be tolerated in any British community. Nobody should be obliged to go to an outside party to get justice in the King's courts.

Hon. Mr. POWER: But the Railway Board is not an outside party.

Hon. Mr. CLORAN: Nobody should be forced to go to any outsider in seeking justice.

Hon. Mr. PRINGLE: The board is a court of record.

Hon. Mr. CLORAN: The board is not a court in the sense in which all courts are established—the King's Bench, Common Pleas, etc. I agree with my confreres from Toronto (Hon. Mr. Macdonell) and from Ottawa (Hon. Mr. Belcourt) that this would be a bar to the poorer class of people in sccuring what the law gives them in the first part of the section. It gives them a

certain right, and then in the next breath it limits or practically cuts off their right; for we all know that, as the honourable senator from Ottawa (Hon. Mr. Belcourt) has pointed out, the amount involved in an action of damages will likely be small A man has suffered say, \$5 or \$10 of damage; all he can sue for is \$30. I believe that a large percentage of cases will be under the \$50 limit. Why force a man from British Columbia or from Prince Edward Island to come to Ottawa to secure the right to go to the King's court for justice? The thing is absurd and should not be tolerated. The honourable leader of the Government is an attorney of high standing in his own province. How would he like any of his clients who had suffered a paltry damage of \$5 or \$10, and who is entitled under the law to secure \$30, to have to come down to Ottawa to make out his case as he must do before he is entitled to sue for three times the amount? The honourable leader of the Government is advocating this clause; but if he were out in his own province, or in his own city, and advocated that apart from his capacity as leader of the Government, the people in his own constituency would simply say: "You are trying to block British justice in this country." I would ask the honourable leader of the Government to take into consideration the objections which we put forth on behalf of the great public. That is fair. I do not believe that there is any danger that people will take action for \$25 or \$50 damages for no reason but simply to bother the company. To obviate the objections, the board might be consulted as to the propriety of taking an action of damages over a certain amount, say, over \$500, which would make worth while a trip to Ottawa to get permission from the board. A similar procedure is followed in our Supreme Court and Privy Council cases. A person cannot take an action to the Privy Council for less than \$2,000. His powers are limited to the courts of Canada if he has a claim for \$1,900, and if he loses it, he has no further repeal; but if he has a claim for \$2,100 or \$2,500 and it is set aside by the Supreme Court, he has the right of appeal to the Privy Council. Something of the same kind can be put in here to protect the railway company so that persons will not take action for damages uselessly or simply for the purpose of annovance.. I do not believe that among the merchants there would be any who would do that. If the principle governing our procedure in regard to supreme court and Privy Council cases were adopted, if the SENATE

same idea were introduced in this section. that might cover the situation. We might provide that no action of damages against a railroad company should be taken without the consent of the board if such action is for over \$100, \$200, or \$500. I am not particular about the amount that would be fixed. Such a provision would not antagonize the great mass of people who have business relations with the railway company. By this clause as it stands all the poorer classes with small actions of damages would be antagonized. If a man is applying to the board for leave to take action of damages against a railway company fcr \$500 or \$1,000 it would not be too much to require him to get the permission of the board. The honourable leader of the Government says that all a man has to do is to write to the board, but we know what that would mean; the letter would be pigeon-holed. Is the Railway Board going to grant permission to take action in court simply on the strength of a letter? And would not the company have a representative come down to Ottawa to protest against that consent being given? I think if this clause cannot be amended it had better be stricken out; but if you want to give certain rights to the railway company, the way I indicate is, I think, the proper one. It is already involved in our court procedure.

The amendment of Hon. Mr. Belcourt was negative: yeas, 6; nays, 12.

Section 390 was agreed to.

On section 193-other railways:

Hon. Mr. LYNCH-STAUNTON: I desire to move that section 193 be amended by adding the following as subsection 6:

(6) Notwithstanding the provisions contained in this or any special Act the Board, in any case where it deems it in the public interest or for the better working of the railway or two or more railways, to move or alter the tracks of any railway, or to change the location of an existing railway, may on the application of any company, municipality or person interested, or of its own motion, make such order or direction for the removal or alteration of tracks and the future operation of any railway, or for the relocation of such existing railway or portion thereof; or for the abandonment of such existing railway or portion thereof and the joint and common use of another existing railway; or for the construction and use, by railway companies of one right of way with such number of tracks, and such terminals, stations and other facilities and such arrangements re specting them as may be deemed necessary and desirable;

I am requested by the city council of Hamilton to ask for this amendment. In Hon. Mr. CLORAN.

Hamilton we have the Toronto, Hamilton and Buffalo railway running along Hunter street through the centre of the city, easterly and westerly, and an agitation has been going on for many years to have that railroad moved over to the Grand Trunk. which is on the north side of the city, so as to have all the railways come in on the tracks of the Grand Trunk or some other joint terminal. The matter has been up before the Railway Board several times. It has been decided that the Railway Board has no jurisdiction to require this diversion. A very elaborate report has been, made by the most eminent engineers in Canada as to how this should be carried out. The railway company has spent a very large amount of money on its tunnel and its other works, railway stations, etc., and no person of any conscience could ask that the railway company make this diversion at its own expense. The city council has not suggested, but I suggest, that if the committee thinks favourably of my suggested amendment, there should be a rider, a proviso to this effect:

Provided that in making the order the Board shall provide for the cost of implementing the order and in what proportion the said cost shall be borne by the parties interested, but the railway company shall not be ordered to pay an amount greater than the value of the change to it.

I think it is a very proper amendment if no hardship or improper burden is to beplaced upon the railway company.

Hon. Mr. THOMPSON: That is pretty drastic.

Hon. Mr. LYNCH-STAUNTON: I have been told that this was drafted by a very eminent counsel, and it gives absolute power to the Board to move a railway as it deems in the public interest or for the The application benefit of the railway. might be made by a railway company. New conditions may arise in which it may he found that the location of a railway is all wrong, yet there is no power now to have it clanged. Of course this does not mean a great line, but only portions. This question has been up, and I think the Hamilton case went as far as the Privy Council; certainly it went to the Supreme Court. I cannot see any wrong or improper hardship on anybody in giving this power to the Board.

Hon. Mr. BOSTOCK: This is a very important amendment, which should not be sprung upon us suddenly, and I think we should have time to consider it.

Hon. Mr. LYNCH-STAUNTON: I certainly think so, too.

Hcn. Mr. BOSTOCK: If my honourable friend gives that as a notice, we will consider it enother day.

Hon. W. B. ROSS: It may be that we may want to enlarge or alter it, because it deals with the important thing in the world to-day. It is said that London, England, has 74 railway, stations, occupying 4,000 acres of land; that it takes 700 local trains a day; and one question now before the English Railway Board is to get legislation like this to enable the whole business to be done with three stations. This amendment is very far-reaching and very important, and may turn out to be very wise, but I would like to see it in print and find how it would stand in relation to other sections.

(Hon. Mr. LYNCH-STAUNTON: I quite agree that it is a matter that should be very carefully considered.

Hon. Sir JAMES LOUGHEED: This is probably the largest proposition with which we have had to deal in the whole Bill, and the mischievous principle underlying it seems to be that in order to meet one local situation it is proposed to pass general legislation so disturbing in character ac possibly to render useless enormous expenditures which have been made. I very much doubt the propriety of giving authority to the Board in such a case as this, to permit municipalities or other bodies to threaten the stability of any railway undertaking at any time when caprice or whimsicality may suggest that a change is desirable. It seems to me that in matters of this kind stability is one of the fundamental elements or factors of every great undertaking; otherwise we could not enter upon an enterprise such as a great railway undertaking, involving costly terminals, when it would be within the power of some municipal corporation to put the Board in motion for the disturbance of the whole enterprise.

Hon. Mr. LYNOH-STAUNTON: But the honourable leader of the Government must not forget that by my proviso the expense to be borne by the railway company is not to be greater than the benefit they receive.

Hon. Sir JAMES LOUGHEED: In a case of this kind would it not be better that it should be dealt with entirely upon its merits, by legislation introduced by the city of Hamilton or the parties interested?

Hon. Mr. THOMPSON: Yes.

Hon. Sir JAMES LOUGHEED: Let. me illustrate. In a large and growing city, residents in one section, which might be larger and more influential than another, might think that they could move the board to make a disturbing change in the other part of the city. It seems to me that it would be injurious to make one section subject to the operation of all the mischievous elements and conflicting interests in a great city. In such a case as my honourable friend refers to I am satisfied that Parliament would give every consideration to a Bill to bring about some specific change, because they would be able to go into all the facts, and all information would be available to assist Parliament to come to a proper conclusion.

Hon. Mr. RICHARDSON: Where a municipality decides that a change would be of advantage, they should be able to have it made. In this country the custom of having our railway stations together is growing. Why should Hamilton have a railway track and station in the heart of the city, bringing noise and dust, when the track could be put down near the Grand Trunk railway? Many other cities are suffering in the same way, and I think this is an excellent subject to bring before this House. The Railway Board would ascertain what advantage, if any, the change would give the railway company, which would not be asked to contribute any more than the value of the advantages they would receive.

Hon. Mr. LYNCH-STAUNTON: I do not want the railway company to pay more than the benefit they receive.

Hon. Sir JAMES LOUGHEED: How are you going to ascertain this?

Hon. Mr. LYNCH-STAUNTON: We are going to make the board do that.

Hon. Mr. RICHARDSON: Another point is that factories might be built alongside of railways. It seems to me necessary that factories should be confined to certain sections of a city, and their help should be close by; but if one railway is in one part of the city and another in some other part, both the factories and the railroad people are scattered.

Hon. Mr. LYNCH-STAUNTON: In making the order the board would provide for the cost of implementing it, and also determine in what proportion the cost should be borne by the parties interested; but the railway company would not be ordered to

pay more than the value received by the railway from the change. We say that if this change is in the interest of the public they should pay for it. Railways everywhere have had to change their location. Every large city in America has had to face this condition; Toronto faces it, as does every city. This is a matter of great importance, and with great respect to the opinion expressed to the contrary, I do not think it is a local case at all, but a question that will arise in many cases, both in large and small places.

Hon. Sir JAMES LOUGHEED: The amendment will appear in the Minutes, and we will take it up again.

At six o'clock the committee took recess.

The committee resumed at eight o'clock. Progress was reported.

MILITARY SERVICE.

PROPOSED REGULATIONS BY THE GOV-ERNOR IN COUNCIL.

Hon. Sir JAMES LOUGHEED moved:

That in the opinion of this House, it is expedient that regulations respecting Military Service shall be made and enacted by the Governor in Council in manner and form and in the words and figures following, that is to say:

P. C. 919.

At the Government House at Ottawa. Present:

His Excellency the Governor General in Council.

Whereas there is an immediate and urgent need of reinforcements for the Canadian Expeditionary Force and the necessity for these reinforcements admits of no delay;

And whereas it is deemed essential that notwithstanding exemptions heretofore granted a substantial number of men should be withdrawn forthwith from civil life for the purpose of serving in a military capacity;

And whereas, having regard to the number of men immediately required and to the urgency of the demand, time does not permit of examination by exemption tribunals of the value in civil life, or the position, of the individuals called up for duty:

Therefore His Excellency the Governor General in Council, on the recommendation of the Right Honourable the Prime Minister, and under and in virtue of the powers conferred on the Governor in Council by The War Measures Act, 1914, and otherwise, is pleased to make the following regulations which shall come into force as soon as approved by resolution of both Houses of Parliament, and the same are hereby made and enacted accordingly :-

Regulations.

1. In these regulations,-

(a) "Minister" shall mean the Minister of Militia and Defence.

Hon. Mr. LYNCH-STAUNTON.

(b) "Act" shall mean the Military Service Act. 1917.

2. Class 1 under the Act shall, in addition to the men included therein as the said Act mentioned, include all men who,-

(a) Are British subjects; and
(b) Are not within the classes of persons described in the exceptions mentioned in the schedule to the Act; and

(c) Have attained the age of 19 years; but were born on or since 13th October, 1897; and

(d) Are unmarried or widowers without children; and

(e) Are resident in Canada.
3. Class 2 under the Military Service Act, 1917, shall, in addition to the men included therein as in the said Act mentioned, include (a) Are British subjects; and

(b) Are not within the classes of persons described in the exceptions mentioned in the schedule to the said Act; and

(c) Have attained the age of 19 years; but were born on dr since 13th October, 1897; and

(d) Are married or widowers with children; and

(e) Are resident in Canada.4. The words "In any theatre of actual war" in the fifth exception in the schedule to the Act shall not include the high seas or Great Britain or Ireland and the said exception shall be interpreted accordingly.

5. The Governor in Council may direct orders to report for duty to issue to men in any class under the Act of any named age or ages or who were born in named years or any named year or part of a year and any exemption there-tofore granted to any man of any such named age or year of birth shall cease from and after noon of the day upon which he is ordered so to report and no claim for exemption by or in respect of any man shall be entertained or considered after the issue to him of such order, provided, however, that the Minister may grant leave of absence without pay to any man by reason of the death, disablement or service of other members of the same family while on active service in any theatre of actual war.

The age stated in any claim for exemption made by or on behalf of any man or in any other document signed by the man shall be conclusive evidence as against him of his age and year of birth.

The Minister may, from time to time, direct 7. that no orders to report for duty be issued to men who have been examined by military mediboards and placed in such medical categories as are specified in such direction.

8. All men included in Class 1 by virtue of the provisions of these regulations shall report to the Registrar or Deputy Registrar under the Act as required by Proclamation; they shall be subject to military law as in such Proclamation set out and shall, in the event of their failing to report, be liable to the penalties specified in the Act and the regulations thereunder.

9. (a) Any man now unmarried, who at any time hereafter attains the age of 19 years and is then a British subject resident in Canada, and not within one of the exceptions in the Schedule to the Act, shall; and

(b) Any man who, having attained the age of 19 years, being then a British subject resident as aforesaid and not within one of the exceptions in the Schedule to the Act, becomes a widower without children, shall, if the class within which he then falls has been called out on active service,

Forthwith become subject to military law and shall within ten (10) days thereafter report to the registrar or deputy registrar under the Act for the province or the part of a province in which he resides. He shall be placed on active service as provided by the Act, by the regulations thereunder or by these regulations, and shall, until so placed on active service be deemed to be on leave of absence without pay.

10. Where under or pursuant to any treaty or convention with any foreign Government or any country provision is now or may hereafter be made that the subjects of such Government or the citizens of such country resident in Canada may be made liable by law to military service, such subjects or citizens of such Government or country may be called out by Proclamation and shall report, be liable to military law and be placed on active service as may be specified in said Proclamation or in the Act or the regulations thereunder.

He said: Honourable gentlemen, at the last session of Parliament we passed an Act known as the Military Service Act. The policy of that Act was conscription. It was designed to furnish sufficient reinforcements not only to maintain but to increase the number of men we had forwarded to England and France. The provisions of the Act and the regulations, if I may say so, were more than ordinarily elaborate, for the purpose of meeting public sentiment so far as that could possibly be done, and not too greatly alarming the public. Certainly no exception can be taken to the manner in which the Government sought to administer the Act. with a view to being reasonable in satisfying public opinion. I need scarcely say to you honourable gentlemen, that the results were anything but satisfactory. They did not fulfil the anticipations which we had, nor the purposes for which the Act was passed.

I need scarcely point out to you that the first duty of the State is the defence of the State. Every other consideration must make way for the assertion of that very important principle. The government of the state would be recreant to its trust if it did not absolutely enforce that principle, particularly in a time of danger and of jeopardy, entirely irrespective of what public sentiment might be.

Hon. Mr. CLORAN: That is a dangerous principle.

Hon. Sir JAMES LOUGHEED: Once the State is seized of the fact that its integrity and its safety are in jeopardy, it is the duty of the Government of the day to stand or fall in giving effect to this most important principle.

On the other hand, honourable gentlemen, the citizen owes a duty to the State. The citizen looks to the State for the protection and security of his life and property, and the paramount duty which the citizen owes to the State is that he shall be available for the defence of the State even to the risking of his life. I need not enter at this time into any discussion as to why we are at war or as to what led Canada to participate in the great struggle which is now convulsing not only the whole of Europe, but the whole world. It is a fact; it is a grim fact. It is borne in upon us every hour of the day by the tragical occurrences which present themselves before our sight wherever we look. Suffice it to say, honourable gentlemen, that the world is at war, the Empire is at war. Canada is at war. and we have reached that critical period in the history of the war when we must determine that from this moment until the termination of the struggle, the first duty of Canada shall be to make war our business.

Since the war began, Canada has not appreciated in all its intensity, or nearly so, the fact that we are at war. We have been living in a fool's paradise. We have been subordinating this war to almost every other consideration of life's activities. We have made it a secondary consideration in all the affairs of our national life, and even to-day it is not borne in upon the public of Canada with the meaning that should be attached to it, that not only the Empire is in jeopardy but also this Canada of ours, just as much as if we were situate on the other side of the Atlantic.

When the Military Service Act was put into force we were confronted by almost every industry in Canada claiming the right to consideration and to have its employees and others exempted therefrom, so that there should be no disturbance of their business and of their interests. The manufacturer did not hesitate to point out that he was most busily engaged in making more money than he ever made before, and consequently there must be no interruption of his employees. The transportation interests had the same tale to tell, and protested against their men being drafted under the regulations of that Act. Even the churches and the educational institutions of our land said: "We cannot permit our institutions to be disturbed, our men to be drafted, and our pupils interfered with in the studies which they are pursuing." The agriculturists from the Atlantic to the Pacific did not hesitate to present the same claim for consideration by the tribunals that were organized for the purpose of determining who should be included within the draft. These claims continued,

honourable gentlemen, until the attempted enforcement of the Act became almost a burlesque. One was perfectly willing that his neighbour should proceed to fight in the great struggle which is now going on for the preservation of the rights of humanity, but as to himself, he was so busily engaged that he really had not time to give attention to the demands which were made upon him by the State.

I said a few moments ago that up to the present moment we have never realized the seriousness of the situation which confronts us. Unfortunately democracies are made for peace, and not for war. We found a condition of unpreparedness on the part of all our Allies, though it was not so marked in respect to France. That condition existed not only when the war began, but has existed more or less from that time down to the present. Such was the condition in Great Britain, in the United States, and in Canada. Notwithstanding the fact that for a generation Germany was making preparations for war in the face of an observing world, conscious of the fact, yet, as I have said, the Allies refused to accept seriously the situation which, as they could easily ascertain, was being brought about by Germany. The consequence is that to-day we find ourselves involved in this struggle, our destinies hanging in the balance, and we do not know the hour when disaster may overtake not only the Empire to which we belong, but the Allies with whom we are fighting. Recently, every hour of the day brought over the lines of communication the most alarming and disastrous tidings, until we now realize as never before the position of jeopardy in which we stand. Consequently, honourable gentlemen, the Government of Canada realizes more than ever before that the imperative duty is cast upon its shoulders of leaving nothing undone to win this war, entirely irrespective of the sentiment of any section of the people of Canada. The Government of Canada is prepared to stand or fall by adopting and imposing such effective measures as can be adopted commensurate with the necessities of the occasion. This policy is foreshadowed and pretty well defined in detail in the Order in Council which is now before us for consideration.

With the view of further impressing upon the House our failure under the Military Service Act to secure that response which is absolutely necessary, I may mention that no less than 220,000 men susceptible to being drafted under the Military Service Act were

Hon. Sir JAMES LOUGHEED.

exempted on other than physical grounds. We have secured something like 35,000 under the draft, which has been put in force by virtue and in pursuance of that Act. One hundred and fifty thousand of those 220,000 who have been exempted for other than physical reasons should be made available for service, and it is proposed that the regulations shall be extended so as to make them available for service. One hundred and twenty-one thousand have been exempted on physical grounds. Honourable gentlemen will therefore see that the policy of sweet reasonableness, so to speak, which entered, into and permeated the whole enforcement of the Military Service Act has resulted in defeating the very objects which we had in view, and the purposes for which it was passed. It is now proposed that exemptions other than those granted on physical grounds should be abolished, and that the 220,000 men who have been exempted on other grounds should be included in the draft which we propose to organize, giving to the Minister of Militia the necessary authority to exempt those who should really be exempted.

Honourable gentlemen will observe that under regulation 5-

The minister may grant leave of absence without pay to any man by reason of the death, disablement or service of other members of the same family while on active service in any theatre of actual war.

Those exemptions do not include the younger class of men for whom provision has been made in the regulations now before us. I understand they include only men between the ages of, say, 22 and 35. I understand, furthermore, that the Government will not avail itself immediately of the right which it has to draft men of 19 years and upwards—that the Government will probably rely upon getting a sufficient number of men of the ages now fixed under the Military Service Act, particularly from the 150,-000 men to whom I have referred.

Permit me to say, further, that in abolishing the exemptions to which recognition has been given up to the present time, it is felt that, in view of the critical situation which is now facing us, the interests of the Dominion will not suffer in the slightest degree by the exercise of our authority in ignoring, to a large extent, those exemptions. It is idle to say, honourable gentlemen, that the business interests of this Dominion will irreparably suffer if 150,000 young men ranging from 23 to 35 give, or are forced to give, their services to this country in this hour, when, as I have said, our destinies hang in the balance. What will it avail the interests of Canada if we fail in this struggle? Honourable gentlemen, no matter what those interests may be, there is no consideration that is worth a moment's thought in the face of the calamity in which Europe is plunged. In the face of the devastation and the tragedy being enacted there for the last three or nearly four years, to talk of our interests in Canada suffering or being interfered with by the sending of those men to France is simply trifling with our national existence as well as with our intelligence.

Hon. HEWITT BOSTOCK: Honourable gentlemen, I have listened carefully to the speech of the honourable leader of the Government introducing this so-called Order in Council to the House. He has told us, what is very true, that the country is to-day faced with a very grave and serious situation, one that we never expected Canada would be faced with when we went into this war. The situation is such a grave one that it calls for very energetic and prompt action on the part of the Government, and I think the whole people of this country expect the Government to-day to do its duty. But while we are prepared to support the Government in everything that they think it is right to do in order that the interests of the people of Canada may be safeguarded and that we may do our duty as part of the British Empire, yet it is necessary for us on this side of the House to point out to the Government the irregularity of the step they are taking in bringing this motion before Parliament as they are now doing.

Let me point out to honourable gentlemen, first of all, that this is a motion on the Order Paper introduced into the House of Commons and into the Senate at the same time. It has not yet been passed by the House of Commons; I understand they are still discussing it, and they may amend it. I do not say that they will do so, but according to my interpretation it is open to an amendment, and it is within the right of the Commons to amend it if they wish. Until that motion comes before us from the Commons we really do not know what it is, therefore we can only discuss it as it stands before us.

Now, what does this motion propose to do? After reciting the urgent need of reinforcements, and that it is deemed essential that, notwithstanding exemptions heretofore granted, a substantial number of men should be withdrawn forthwith from civil life for the purpose 'of serving in a

military capacity, and having regard to the number of men immediately required, and so on, it goes on to say:

Therefore His Excellency the Governor General in Council, on the recommendation of the Right Honourable the Prime Minister, and under and in virtue of the powers conferred on the Governor in Council by The War Measures Act, 1914, and otherwise, is pleased to make the following regulations which shall come into force as soon as approved by resolution of both Houses of Parliament, and the same are hereby made and enacted accordingly.

Then it goes on under the head of "Regulations" to say:

1. In these regulations,-

(a) "Minister" shall mean the Minister of Militia and Defence.
(b) "Act" shall mean the Military Service

Act, 1917.

2. Class 1 under the Act shall, in addition to the men included therein as the said Act mentioned, include all men who,—

(a) Are British subjects; and

(b) Are not within the classes of persons described in the exceptions mentioned in the schedule to the Act; and
(c) Have attained the age of 19 years; but

c) Have attained the age of 19 years; but were born on or since 13th October, 1897; and

(d) Are unmarried or widowers without children; and

(e) Are resident in Canada.

Now, that is an amendment to the Military Service Act, section 3, which says:

(1) The men who are liable to be called out shall consist of six classes described as follows: Class 1 Those who have attained the age of twenty years and were born not earlier than the year 18§3 and are unmarried, or are widowers but have no child.

Therefore this motion proposes to amend an Act of Parliament. It is stated that the authority for doing so is given under the War Measures Act; but, if honourable gentlemen will look at that Act, they will see that the War Measures Act, which was passed by this Parliament in the second session of 1914, says, in section 3:

The provisions of sections 6, 10, 11 and 13 of this Act shall only be in force during war, invasion, or insurrection, real or apprehended.

Section 4 deals with the evidence of war; section 5 relates to war existing since August 4th; then section 6 states:

The Governor in Council shall have power to do and authorize such acts and things, and to make from time to time such orders and regulations, as he may by reason of the existence of real or apprehended war, invasion or insurrection deem necessary or advisable for the security, defence, peace, order and welfare of Canada; and for greater certainty, but not so as to restrict the generality of the foregoing terms, it is hereby declared that the powers of the Governor in Council shall extend to all matters coming within the classes of subjects hereinafter enumerated, that is to say :-- (a) censorship and the control and suppression of publications, writings, maps, plans, photographs, communications and means of communication;

(b) arrest, detention, exclusion and deportation;

(c) control of the harbours, ports and territorial waters of Canada and the movements of vessels;

(d) transportation by land, air, or water and the control of the transport of persons and things;

(e) trading, exportation, importation, production and manufacture;

(f) appropriation, control, forfeiture and disposition of property and of the use thereof. 2. All orders and regulations made under this

section shall have the force of law, and shall be enforced in such manner and by such courts, officers and authorities as the Governor in Council may prescribe, and may be varied, extended or revoked by any subsequent order or regulation; but if any order or regulation is varied, extended or revoked, neither the previous operation thereof nor anything duly done thereunder, shall be affected thereby, nor shall any right, privilege, obligation or liability acquired, accrued, accruing or incurred thereunder be affected by such variation, extension or revocation.

Honourable gentlemen, that is the section of the War Measures Act where the Government think they get the power to amend an Act of Parliament by issuing a regulation. There are in this House lawyers who have more experience in the law than I have, but I do not think there is a single lawyer in this House who can maintain that under that section the Government has the power to amend an Act of Parliament.

Hon. Sir JAMES LOUGHEED: Under what section?

Hon. Mr. BOSTOCK: Section 6 of the War Measures Act, 1914; it is in the Statutes of 1915, chapter 2.

Hon. Mr. CLORAN: Those are the special powers, and that is all you have.

Hon. Mr. BOSTOCK: I am not aware that this Act has ever been amended or added to in any shape or form; so that, so far as I know, those are the only powers given to the Government by which they are entitled to act at the present time. Now, that Act was passed for the purpose of making valid any acts of the Government that it was necessary for them to do immediately after war was declared and before Parliament assembled. It was right and proper, that, at that session of 1914, when we were called down here when war was first declared, an Act of that kind should have been put on the statute book to validate any action that the Government had to take before Parliament could be called together, and for protecting the country

Hon. Mr. BOSTOCK.

and carrying out the measures that were necessary at that time for the benefit of the country and to enable the Government to do their duty by the people of Canada. But that Act can have no effect at all on a statute that is passed through this Parliament, and after all those acts are done at a later session of Parliament. It can give no authority to the Government to amend a statute that has been carried through both the House of Commons and the Senate and has received the sanction of His Excellency; it can give them no authority to amend an Act of Parliament by an Order in Council in that way. I point this out because we have no right to be sitting in this House and assisting the Government to put through a resolution of this kind which is of no value at all after it is passed, and which will have no force or effect, but will only lead to all kinds of litigation.

My honourable friend has spoken tonight of the trouble and difficulty that the Government has had over this question of the Military Service Act on account of those exemption tribunals. I make the statement here that if the Government proceeds in this way to amend this Act and to try and carry out these regulations they will find themselves up against very much greater difficulties than they have experienced so far, and I say it with all sorrow on my part, because I want to see them carry out the object of the Military Service Act as strongly as possible for the purpose of enabling Canada to take her part and do her duty as I know the people of the country want it done. But I wish to see things done in a proper manner, so that everything can run along smoothly, and so that there shall be as little friction as possible in obtaining the necessary number of men that we know are so seriously required just now.

I need not take up time in pointing out other amendments that this motion proposes to make to the Military Service Act, because if it is invalid in one case it is invalid in all; but I am afraid the Government have been running along in what I might almost call a fool's paradise, thinking they have power to pass Orders in Council without ever having had the matter properly looked into to ascertain what are their actual powers in this matter.

Hon. Sir JAMES LOUGHEED: What do you think the Department of Justice is for?

Hon. Mr. CLORAN: It is an embalming emporium; that is where they bury all the good measures of the Government.

Hon. Mr. BOSTOCK: We have not been informed that the Department of Justice has been consulted in this matter. We can only talk about it as the matter is presented to this House.

Hon. Mr. CLORAN: One of the Unionist members called it the funeral-undertaking department.

Hon. Mr. BOSTOCK: One does not know whether the Department of Justice has been consulted.

Hon. Sir JAMES LOUGHEED: Oh, yes, I can tell you it has.

Hon. Mr. CLORAN: Did they give it an Irish wake?

Hon. Mr. BOSTOCK: I can only point out to this House that the situation of Canada to-day is not as difficult or as strenuous as the position in England; we find that when the Prime Minister of England realized the seriousness of the situation, and had to deal with the situation in Ireland and introduce conscription there, he did not proceed in the way the Government here has done with this measure, but he brought down a Bill before the British House of Parliament, and put it through all its stages, to provide for the extension to Ireland of the conscription measure then in force in England. I understand that the British Government has wider powers under its War Measures Act than we have in Canada under our Act; and if the Imperial Government could find time, and thought it desirable and necessary, to proceed by a Bill for the purpose of extending the conscription measure of England to Ireland, I think that we could have found time also in this Parliament of Canada to deal with a measure in a similar way.

I think that the Government has made a serious mistake in this matter, and I would urge upon them, even at this time, to withdraw this motion and deal with this matter in the way in which it should be dealt with, by bringing in a Bill and amending the Act in a proper way. I fear that the Government have found that it is so much easier to pass Orders in Council that they wish to do away with Parliament altogether. Away back on December 3. 1917, they passed an Order in Council which reads as follows:

His Excellency the Governor General in Council, on the recommendation of the Right Honourable Sir Robert Laird Borden, the Prime Minister, and under and in virtue of the provisions of the Millitary Service Act, is pleased to order and it is hereby ordered that in any case where a person engaged in agriculture has applied for exemption and such exemption has been refused, the Minister of Militia and Defence, if he is of the opinion that the services of such person are essential for promoting agricultural production, may, by order under his hand, discharge such person from Military Service.

That was an Order in Council dealing with the question of exemptions under the Military Service Act.

Hon. Mr. CLORAN: That is how they carried the Northwest.

Hon. Mr. BOSTOCK: This was passed at Ottawa before the election, and it went forth to the people before the election as a statement that the Government was prepared to exempt men for agricultural purposes from one end of the country to the other. Then a further Order in Council was passed on the same date, which reads as follows:

His Excellency the Governor General in Council, on the recommendation at the Acting Minister of Agriculture, and under and in virtue of the provisions of the War Measures Act, 1914, and the Military Service Act, 1917 is pleased to authorize and doth hereby authorize the Minister of Agriculture to appoint a representative of the Department of Agriculture in such counties or districts in any province of Canada as he may determine; 1. To attend the sittings of the tribunals ap-

To attend the sittings of the tribunals appointed under the Military Service Act, to guard the national interests in connection with the production of foodstuffs;
 To appeal from the decision of the tribu-

2. To appeal from the decision of the tribunals in any case where, in his opinion, the tribunal has not given due weight to the urgency of maintaining our food supplies;

3. To investigate, and report upon appeals or applications for exemption where the ground of appeal or application is that the party asking exemption should in the national interest be retained in food production rather than enrolled in the expeditionary force.

Hon. Mr. CLORAN: What is the date of that Order in Council?

Hon. Mr. BOSTOCK: That is also dated the 3rd of December, 1917.

Hon. Mr. CLORAN: Killing their own babe. I tell you there is a great Siftonian scheme there—the Minister of Agriculture and the Minister of Militia had the right to send everybody home for a vote.

Hon. Mr. BOSTOCK: Those Orders in Council were passed before the election took place. They held out to the people of this country that the Government considered that it was important in the interests of the country that farmers and their sons should not be conscripted, and a great number of people thought that those Orders in Council would be lived up to and adhered to. On the 18th of February, 1918, the following Order in Council was passed:

The Committee of the Privy Council have had before them a report dated 12th February, 1918,

from the Minister of Agriculture, stating that by Order of the Military Authorities, Leave of Absence Boards have been constituted for each Military District for the purpose of dealing with applications for leave of absence of persons ordered to report for duty under the Military Service Act, 1917, and

Military Service Act, 1917, and That the view of the growing necessity of maintaining and increasing the food production of the country, it is necessary to give special attention to applications made on behalf of farmers and farm labourers for such leave, and to that end it is expedient that an agricultural representative be appointed for each Military District to act as adviser to the Board in cases in which agricultural interests are involved.

The Minister, therefore, recommends that he be authorized to appoint such a representative for each Military District for the above purpose and that such representatives be paid at the rate of \$5.00 per diem while actually engaged in performing their duties as aforesaid, together with their actual expenses incurred while so engaged, such payment to be made out of the War Appropriation, and further that any appointments of such representatives heretofore made by him be confirmed.

That shows that at that time the Government considered that the production of food was a very important question, and that 'everything should be done to retain on the land the agriculturists who were so necessary in the production of food. We all acknowledge that the country should be doing everything it possibly can to help win the war. We all know that food production is quite as important as the obtaining of men to send to the front.

This motion calls for men immediately; but, as we all know, it takes a certain amount of time to train men to take their part in the war. Therefore, -even if this resolution were passed by this House tonight, and were put into effect to-morrow, as I understand the Government intend to do, it will be fourteen or probably eighteen weeks before any of these men can be got over to England or to the front. The time necessary to deal with this matter in the regular and proper way would make very little, if any, difference in the time when these men would be at the front. At the same time, the Government would be putting themselves in a very much better position before the country. They would be able to place themselves before the country in a right light, showing that they were doing everything they could to protect the men who to-day are doing their very best to provide the food that is so urgently required by our Allies in Europe.

Some honourable gentlemen may have been present only last Sunday at an address delivered by a gentleman who was brought here, I think, at the instigation of the Government, to speak to the people of Canada and to show them the necessity not

Hon. Mr. BOSTOCK.

only of producing food but of conserving labour and everything else as much as possible, in order to provide food for the civilian population of France. If I under-stood that gentleman aright, he went so far as to say that in the carrying on of this war the question of providing food for the civil population of France was a matter of as much importance as the sending of men to the front. He voiced the idea that if the civilian population of France were not fed, and were thereby reduced to a condition of starvation, there was danger that the soldiers of France might break in the same way that happened in Italy some time ago. That was a very startling statement indeed, and it struck a number of people who were present that this was a very serious matter. This all goes to show honourable gentlemen, that the question of food production is a very serious and very important one, and that in any action that the Government may take, they should carefully bear in mind the fact that we have to do all that we can in the way of producing and providing food as well as in obtaining men to fight the battles at the front.

I therefore suggest to the Government that they do not go any further with this resolution, as they are putting themselves-in a false position before this House and before the country. I think they should proceed in the proper parliamentary way and bring in a Bill to amend the Military Service Act. If they do this, they will find that they will not meet with anything like the difficulties that they are likely to meet with if they pass this resolution, and then proceed to enforce an Order in Council.

Some Hon. SENATORS: Question, question.

Hon. Mr. CLORAN: I thought the Government would be ready to answer the honourable gentleman. Have they no answer?

An Hon. SENATOR: There is nothing to answer.

Hon. Mr. CLORAN: We might as well walk out.

Hon. Sir JAMES LOUGHEED: There is nothing to prevent you.

Hon. Mr. CLORAN: I won't do it. His Majesty's loyal Liberal Opposition is more loyal to the Constitution and to British institutions than the Union Government. That is a broad statement to make. We are loyal to British institutions, especially parliamentary institutions; we are loyal to

APRIL 19, 1918

the British King and the British Empire · in this fight, and the Unionists, so-called, have no monopoly of the loyalty. We do not threaten to give one another black eyes as they do in the House of Commons. We do not have ministers threatening to put one another out of business. We have not got that far yet; but the Government has got to understand once and for all that they must not talk as if they were the only loyal people in Canada. By doing that, they assume an attitude detrimental to the best interests and to the very existence of Canada as a whole. During the past four years they have proclaimed themselves as the only loyal supporters of the Empire. That is not so. There is as much Liberal blood flowing in the trenches of France and Flanders as Tory blood.

An Hon. SENATOR: There are no Tories now.

Hon. Mr. POIRIER: There are no Liberals now.

Hon. Mr. CLORAN: I am a Catholic, thank God, and I make the sign of the Cross. There are no Tories now. Mr. Speaker, do you approve of that statement? You ought to call the honourable gentleman to order. Why, it is not true, because last night the Tories were fighting the Unionists on the floor of the House of Commons.

Some Hon. SENATORS: Order. order.

Hon. Mr. CLORAN: They were threatening to call them out and punish them. No, there are still two parties in this country, a Liberal party which stands for democracy—

Hon. Mr. POIRIER: No, there is no more Liberal party.

Hon. Mr. CLORAN: Yes. Do not ignore modern history. You may ignore ancient history, but contemporary events cannot be passed over unless you are blind, deaf and dumb. I am sorry to see that many on the Government side are deaf and dumb. Once the leader of the Government has done his duty—and I must say that he does it ably we cannot get an expression of opinion from them. But he must have some support.

Some Hon. SENATORS: He has.

6-15

Hon. Mr. CLORAN: That galaxy of talent? That bunch of patriotism? And they will not give him one word of comfort, advice or support. What are you here for, honourable gentlemen? Don't you present a nice picture to the country—solemn, silent and deaf? What I say does not go even into your ears; but I emphasize the fact before this honourable (House that there is more true loyalty in the Liberal party, more respect for the British Constitution and British institutions, than there is in the whole Tory party.

Hon. Mr. POIRIER: There is no Liberal party.

Hon. Mr. CLORAN: There is no Liberal party?

An Hon. SENATOR: Where is it?

(Hon. Mr. CLORAN: Where is it? It is here, represented by a humble standardbearer. There is no Liberal party? No, and you Tories took very good care of that, but you did not succeed in driving them out of existence by your military Franchise Act, and by the malevolent administration of the Military Service Act. There is a touch. What happened in the Northwest?

Hon. W. B. ROSS: A rebellion.

Hon. Mr. CLORAN: Four weeks before the election you conscripted every farmer, farmer's son and farm labourer. Do you hear that? On the 13th of December an Order in Council was passed, and put into the hands of General Mewburn, saying that farmers, their sons and farm labourers could secure exemption. Two weeks before that the Liberals would have carried Alberta, Saskatchewan and British Columbia. And here is the Siftonian policy, imagined, guided, directed and put into force by one Sifton. After this Order in Council was passed, what happened? Every Tory heeler in Saskatchewan—

Hon. Mr. POIRIER: There are no Tory heelers.

Hon. Mr. CLORAN: You were a Tory for forty-five years. I am glad you are repentant.

Hon. Mr. POIRIER: Unionist.

Hon. Mr. CLORAN: You were bad enough without making yourself worse.

What was done? The Tory organizers, lawyers and others, went to the farmers and said: "Here, if you vote for what we call Union Government, you will be exempted." That was done in Saskatchewan; it was done in Manitoba. I am not talking from what I know personally, but from what senators here have told me. I have witnesses here. The result was that in two weeks those farmers promised to vote Union in order to secure exemption. They were not Tories.

An Hon. SENATOR: Were they liberals.

REVISED EDITION

Hon. Mr. CLORAN: Yes, because the year before they swept everything Tory out of sight—the McBrides, the Roblins, and everything that was Tory. The West was Liberal to the core; but under the false representations made through this Act they consented to vote Union; but it was not for the sake of the war—you talk about the West being loyal and ready to sacrifice their blood; they voted Union so as to escape going to the front.

Some Hon. SENATORS: Oh, oh.

Hon. Mr. PLANTA: Just a moment ago my honourable friend said they were Liberals.

Hon. Mr. CLORAN: Yes, they were; but the Government was preaching two doctrines. First they said: "Farmers shall be allowed to remain on the land to produce food for the troops." Then the Government preached another doctrine. They said that more men were needed for the front. In spite of the declarations of the Government, the Siftonian policy was to go to every farmer and tell him that he would not be exempted unless he voted for Union Government. The farmers became frightened and consented to vote for the Union candidate on the ground that they would be exempted.

This is true not only of the West. Why, my good friend General McLean-he used to be Colonel McLean-in St. John, sent out a circular signed by himself, to the farmers in New Brunswick, especially in his own constituency-I have the documents in my office-stating that men who would vote for him could go to the courts and get exemption through his partner, a lawyer. That is how the Union Government forced their way into powerby deception, by fraud, by threat. They did it not only on the plains of the Northwest. I am sorry to say that they did it in the trenches, in the hospitals, in the barracks, and in the camps, in England, Flanders and France. This Union Government owes its existence to the most outrageous deception that was ever perpetrated by a civilized Government. They put posters in the polling booths of the soldiers, which said: "A vote against Union is a vote for the Kaiser."

An Hon. SENATOR: Hear, hear.

Hon. Mr. CLORAN: Where does that voice come from—a mouldy grave?

Hon. Mr. POIRIER: From heaven.

Hon. Mr. CLORAN: Where does it come from? Let the man stand up and say it to Hon. Mr. CLORAN.

my face, and I will give him his answer. Are you ashamed to answer?

An Hon. SENATOR: We would all have to stand up.

Hon. Mr. CLORAN: Are you ashamed?

Some Hon. SENATORS: Order, order.

.Hon. Mr. CLORAN: Is any honourable gentleman here ashamed of himself?

Some Hon. SENATORS: No, no.

Hon. Mr. CLORAN: Stand up.

The Hon. the SPEAKER: Order. The honourable gentleman has no right to make such references.

Hon. Mr. CLORAN: I accept the decision of the Chair, but I say that the honourable gentleman who told me that a vote against Union was a vote for the Kaiser was not fit to sit in this House, and I ask the honourable the Speaker to decide that. A man who charges me with being a supporter of the Kaiser because I voted against Union Government—

Some Hon. SENATORS: Order.

Hon. Mr. CLORAN: I am asking the Speaker to decide the point.

Some Hon. SENATORS: Order.

The Hon. the SPEAKER: Order. If a man says he is going to vote for the Kaiser he ought to be prevented from using such expressions.

Hon. Mr. CLORAN: I am vindicated by the Speaker. The leader of the Opposition has quoted two Orders in Council passed under the War Measures Act. The War Measures Act is like charity-it covers a multitude of sins. The Order in Council that the Government is passing here to-day is not authorized by the War Measures Act. The Government of the day has authority to pass Orders in Council on four or five subjects, that is all. Those subjects are stated in the War Measures Act of 1914. It does not give this Government any power or authority to destroy a prior Act of Parliament. Can honourable gentlemen seize that point? The War Measures Act does not give this Government or any Government the power, the authority, or the right to nullify an existing Act of Parliament. and that is what they are doing by this resolution now before the House. No honourable gentleman can deny it. He can deny it verbally, but not as a matter of constitutional law. The Government are asking us to-night to nullify an Act of

APRIL 19, 1918

Parliament passed no farther back than last year, 1917. I thoroughly agree with the honourable leader of the Opposition when he says that the Government should bring down a Bill. They should have the courage and the manhood to propose a Bill, so that the people may understand it and Parliament may act according to British constitutional law. We are not opposed to filling up the trenches with our sons. I for one am not. No farther back than last week, the last son I have joined the American Army Submarine Corps. But I do not want to be bulldozed by a Government. I do not want to be seized and throttled by any Government. My loyalty is in my heart, in my mind, and in the blood of my family. Loyalty is in the blood of all who feel as I do. The Government have no right to come before the country with false and deceptive legislation and do what they are now doing. These are the points, and I hold that the honourable leader of the Opposition has taken a proper attitude in protesting against the manipulation of the British constitution by the Government. Let the Government come down manfully and ask to have their Military Service Act amended. Is it because they are ashamed of their previous legislation that they are trying now to hoodwink the public? They have promised under the Military Service Act and through their Orders in Council that no farmers, no farmers' sons, no farmers' needed aid, in the form of labourers or otherwise, should be conscripted. That has been their declared policy up to the present, and now, under the guise of an Order in Council, they come and say: "All that we promised, all that we pledged ourselves to do, to secure power, we cast it aside." By one fell blow they take away from the people their sacred rights. That is the condition of things. Is that an honour to Canada? Is that creditable to our statesmanship? Is it not worse than kaiserism? So, honourable gentlemen, we are following a path that leads neither to honour nor to usefulness on behalf of the poor boys who are dying in the trenches. This is not the way to serve them. This is not the way to keep the honour of our country aloof from deception, to keep our Government aloof from securing power through fraud. What are our boys fighting for at the front but honour, integrity, freedom of nations; and while we are attempting to aid them we are dishonouring our public institutions, we are striking at the credit of our country. we are taking means that will not be useful,

but detrimental, to the very object which they are striving to obtain. These are things which demand the attention of this Parliament. These are things that will awaken the public. The public, as has often been said since Abraham Lincoln's day, can be fooled part of the time, but not all of the time, and the Liberals throughout the country who in the last election voted for Union Government through false pretenses will at the first opportunity cast the vote that will drive the Government from power. The Government under the pretense that they want to save the boys at the front, claiming that they have authority under a War Measures Act which limits their power, are overstepping their powers every day in the week and every week in the month. Government to-day is no longer by Parliament; is is by hole-and-corner proceedings in what is called the Cabinet Council, probably attended by two or three members, and when a thing is cut and dried it is brought down to Parliament and Parliament is asked to approve it. That, from a constitutional point of view, is the condition of things here in Canada. That is not the form of democratic government that our boys are fighting for in France. They are not fighting for a government to be carried on in hole-and-corner fashion; they are fighting for open parliaments, free discussion; and now, by another Order in Council that is coming down, freedom of speech even in Parliament is to be abolished. It is put into the hands of whom? Into the hands of a censor, or a Speaker. Why, in the name of the British constitution, has the voice of Parliament to be re-echoed by a servant of the Crown or of Parliament? That is now on the tapis. Parliament is no longer to be free, no longer to have the right to criticise ill-doing, no longer the right to suggest wise action to the Government, and all our freedom of speech is to be put into the hands of one man, the censor or the Speaker. Is not that an overthrow of everything that England has fought for during the past 700 years? Any statesman who would attempt to propose a thing like that in England itself would meet with the punishment that Cromwell and the Long Parliament imposed on the King: he would be beheaded. These are crimes against constitutional liberty under the British regime, and we in Canada, as an easy-going people, tolerate them, allow ourselves to be driven like a lot of dumb animals without a word to say. Honourable gentlemen, we are saying these things not to bring about the immediate

S-151

SENATE

downfall of the Government. We hope to bring the Government down some day, in punishment, but we are giving these suggestions as good Canadian citizens, loyal to the King, loyal to our boys in the trenches, not wishing to see their blood flow in vain. The Government will not listen to our voices, and they kill us with silence. The leader has given the signal and the cohorts of lovalism bow down. Honourable gentlemen, it is a pitiful spectacle. It is a sad one. It is not encouraging for one who loves the constitutions of his country and the Sovereign from which they spring. Oh, give up your silence. Be men. Talk out. Give your views, whether for or against. As a humble exponent of Liberal opinion, I say, the flag of Liberalism stands for loyalty to the Empire, for service to Canada, for protection to the boys at the front.

Hon. ROBERT WATSON: It is not my intention to take up very much time, but there is a matter which I think ought to be seriously considered by this House and by the Government before this resolution is passed. I am not a lawyer, but I think that any one who reads this resolution can see very plainly that the Government are binding themselves by it in such a way that they will have no power to grant any exemptions. I read in section 5:

5. The Governor in Council may direct orders to report for duty to issue to men in any class under the Act of any named age or ageg or who were born in named years or any named year or part of a year and any exemption theretofore granted to any man of any such named age or year of birth shall cease from and after noon of the day upon which he is ordered so to report and no claim for exemption by or in respect of any man shall be entertained or considered after the issue to him of such order, provided, however, that the Minister may grant leave of absence without pay to any man by reason of the death, disablement or service of other members of tho same family while on active service in any theatre of actual war.

It seems to me that the only person who can be exempted for any reason, when his health is good and he is of military age, 1s the man who has relatives engaged in the war. Now, I want to call the attention of this honourable House and of the Government to the fact that a number of farmers were granted exemption until the first of October next. The Exemption Board took into consideration the provisions which were made regarding farmers under the Act and otherwise. In fact, the Minister of Agriculture appointed men to attend at the tribunals and see to it that young farmers were exempted. The Government Hon. Mr. CLORAN.

recognized the fact that it was necessary to increase production, and necessary for this purpose to have the agriculturists exempted. They recognized the fact to such an extent that under the Order in Council which has been read here to-night they appointed representatives to attend at the tribunals on behalf of farmers. I know of a number of young farmers who have been exempted and who are cropping from 100 to 240 acres this present year. They are putting the seeds in at the present time. They were exempted on account of their large operations in farming, until the beginning of October, in order that they might harvest and thresh their crops. Surely the Government will provide in this legislation for taking some power whereby they may continue such exemptions. It is hardly credible that the Government of Canada would go back on their pledges to those men so far as to say that they must be called away from the farms. It is hard to believe that legislation would be enacted which would contain no provision whereby the exemptions to farmers granted at the instance of the Government could be continued.

Hon. Mr. CLORAN: It is a tricky Government.

Hon. Mr. WATSON: I am not going to criticise the resolution further. The honourable gentleman from Manitou (Hon. Mr. Sharpe) and other honourable gentlemen in this House can corroborate what I have stated, that a number of farmers in the West, on the ground that they were cultivating large tracts of land, were granted exemptions until after the next harvest is gathered. I do hope that the Government will see to it before this measure is put through, that some provisions shall be made for that class of exemptions.

Hon. Mr. CLORAN: No answer.

The resolution was agreed to.

Hon Mr. WATSON: That is the answer.

Hon. Mr. CLORAN: That is the answer. A deaf and dumb institute. You ought to be proud of yourselves.

INDUSTRIAL DISPUTES INVESTIGA-TION BILL.

FIRST READING.

Bill 48, an Act to amend the Industrial Disputes Investigation Act, 1907.—Hon. Sir James Lougheed.

The Senate adjourned until Monday, April 22, at 3 p.m.

THE SENATE.

Monday, April 22, 1918.

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

Prayers and routine proceedings.

PRINCE EDWARD ISLAND RECRUITING.

Before the Orders of the Day:

Hon. JOHN McLEAN: I would like to bring to the notice of this honourable House a matter with reference to a claim for separation allowance. There was in Prince Edward Island a doctor by the name of Gillis, who died and left a family of three sons and two daughters. The family moved to Winnipeg where two of the sons enlisted, leaving two daughters there. The other son went to the United States about six years ago and has not been heard of since. The two sons went to the front. One of them was killed and the other severely wounded. One of the sisters is in the hospital, an invalid, and the whole expense of supporting her falls upon the sister who is now living in Winnipeg and earning her own living. I have a letter from a nephew of mine who saw her a short time ago, and I have also a letter from herself. I do not think it is necessary to read all the letter from my nephew but I will read enough to enable the House to understand. It says:

I wrote you last year about this matter, but never received any reply. Since then her brother has been killed in action, and it has left her in a bad position, as she is the sole support of her sister Florrie, who is an invalid in the States.

Two of her brothers went to the war, almost at the start, one has been badly wounded, and the other killed.

She has a third brother, about whom she speaks of in her letter, and she cannot locate him, and does not know if he is still living or not.

It appears that her brother Clarrie, who was killed, failed to take out a Separation allowance, and after he enlisted seems that he could not get it through, and had to proceed Overseas without having the matter fixed up.

He then assigned half of his pay to his sister, but since he has been kiiled, that has stopped. It now means that she has to support herself, and her sister as well. You will know that this is no easy task for a girl, especially those times. It may not be the custom for the Government to take up those things, but I consider an exception should be made in this case, as I can assure you it is deserving, and I do not know what the girl can do if some assistance is not forthcoming.

Another case has happened in Prince Edward Island to which I would call atten-

tion. In the fall of 1916 a call was made to Prince Edward Island to furnish 100 men for artillery and others for infantry and for the navy. My son, who had qualified as lieutenant, and a young man by the name of Davidson, of Charlottetown, also a lieutenant, went through the country recruiting, and I, along with a good many others. assisted, asking for volunteers for the artillery, 'also 'for the infantry, and for the navy. In our section we secured thirty-two men for the artillery, 18 for the infantry, and 14 for the navy. Those men went across to England. There were in the party 84 men from different sections of Prince Edward Island. I do not know exactly how many of them were for the infantry, but there were quite a number for the navy. Immediately on their arrival at Liverpool they were all put into the infantry. Upon the lieutenant's claiming that the men were enlisted for the artillery they were told that they could either go into the infantry or go back to Canada. However, the men were all separated-from each other. This situation continued for two or three months. I wrote then to Sir George Perley, calling his attention to the matter, and stating that the parents of those young men who had enlisted for the artillery were finding very great fault because some of them had been sent over to France as infantrymen within three months of their arrival in England, though they had enlisted as artillerymen. The answer that I received was that in the cablegram that had come across asking for 500 men from Canada for artillery, the figures had been changed by the telegraph company to 5,000, and it was found when all arrived in England that there were more men for the artillery than there were guns available. Sir George Perley mentioned that after making inquiry he had learned that all of those men still in England were being put into the artillery and the rest would be put into the artillery as soon as they were located; they had been sent over to France and were all divided up. As honourable gentlemen will understand, the parents of those young men who were sent over felt very indignant. Eventually two of those men who went over to France as infantrymen were killed at the same time and another was gassed. I want to call special attention to the case of a young man by the name of Campbell, who was killed. His father is paralyzed and totally helpless. They have a small farm and the mother is without any support. The young man had assigned to his mother half his pay, which she was receiving until he was killed. I bring the matter to the attention of the Government because, in my opinion, cases of this kind are more deserving of support from the Government than even the case of men who come back slightly wounded and are able to take up some occupation.

Hon. Mr. CLORAN: And it helps to kill recruiting.

Hon. Mr. McLEAN: It would kill recruiting, because those men said that the recruiting had been done under false pretenses. In a reply from an officer over there-the name is one which I do not think any honourable gentleman here could decipher-I was reminded very curtly: "You must remember that when they enlisted they signed a declaration that they were prepared to go into any department or place they were put." We have down in Prince Edward Island many fishermen who have enlisted for the naval service. When men are enlisted especially for the artillery or the naval service, it is unreasonable to transfer them. If it were absolutely necessary to transfer them they would feel satisfied, but when the men arrived at Liverpool they were transferred to the infantry without having twenty-four hours notice. I want to say further that the artillery from Prince Edward Island went up to Petawawa, and for seven years in succession took the first prize.

Hon. Mr. MURPHY: Ten years.

Hon. Mr. McLEAN: I believe they took the second prize one year, and I know that for seven years they took first prize. Therefore I consider that they are as good as any artillerymen in Canada. I bring this matter to the attention of the Government, because there will be many more deserving cases. I think that a committee or an officer should be appointed to take those cases into consideration, and if they are found to be deserving, some provision should be made for them.

Hon. Sir JAMES LOUGHEED: I shall be very glad to direct the attention of the Government to the very serious case of hardship which my honourable friend has pointed out, in the hope that eventually we may see some way of meeting conditions of this kind.

Hon. Mr. CLORAN: Such things should not happen.

Hon. Mr. McLEAN.

DOMINION LANDS ACT AMENDMENT BILL.

CONSIDERED IN COMMITTEE AND REPORTED.

On motion of Hon. Sir James Lougheed, the Senate went into Committee on Bill 5, an Act to amend the Dominion Lands Act. Hon. Mr. Thompson in the Chair.

On section 1—declaration as to improvements prior to entry, and valuation by homestead inspector:

Hon. Sir JAMES LOUGHEED: With the permission of the Committee, I should like to ask Mr. Hume, of the Department of the Interior, to take a seat at the Table.

This is a slight amendment to the existing Act touching the declaration as to improvements prior to entry, and valuations by the homestead inspector. It is largely a matter of routine. As honourable gentlemen know, when a homestead is abandoned upon which certain improvements have been made by the former entrant, the improvements are valued by the department, and the new entrant is called upon to pay the value of those improvements, and the advantage of that goes to the former entrant.

Hon. Mr. POWER: Perhaps the honourable leader of the House would just indicate with respect to each clause what the important change is in the existing law.

Hon. Sir JAMES LOUGHEED: That is the only change in this clause. That is a practice which has grown up in the department, and which, as honourable gentlemen will readily appreciate, is based upon equity; and now we are putting it in the statute.

Hon. Mr. BOSTOCK: If I understand this amendment aright, the proposed alteration is that the entrant has to pay the value of the improvements before he can go on the land at all.

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. BOSTOCK: I understand that heretofore he has been allowed to go on the land, and that sometimes he has paid and sometimes he has not. There has been a good deal of trouble. I think, in some cases over the question of the payment for improvements, and the man who originally made the improvements on the homestead has not always received payment for them. I presume this proposed alteration will make it rather more easy to get the money than before.

Hon. Sir JAMES LOUGHEED: Yes. It makes it a condition of the entry.

230

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Hon. Mr. MURPHY: Are there many of these lands abandoned as the result of men going to the front? Is that one of the reasons for this Act?

Hon. Sir JAMES LOUGHEED: Those men are protected. In fact, service at the front counts as residence.

Hon. Mr. WATSON: I understand that the homestead inspector has to make a valuation of the improvements. Previously, the person who applied for cancellation made the valuation. It seems to me that this Bill is taking powers out of the statute and putting them into the hands of the minister. I do not object to that at all. As a matter of fact, I think the late Minister of the Interior was a little too anxious to have everything crystallized into a statute. I think that the department can be better administered by regulations well applied. I should like to ask what amount is outstanding on seed grain relief and seed and feed.

Hon. Sir JAMES LOUGHEED: I am sorry that I cannot give my honourable friend the information. I understand that it is a small amount compared with what was advanced.

Hon. Mr. WATSON: What was the total amount advanced?

Hon. Sir JAMES LOUGHEED: I think it was \$13,000,000.

Hon. Mr. WATSON: It would be interesting to get that information, and I would ask the minister to make a note of it and bring it down on the third reading.

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. BOSTOCK: Paragraph c seems to work a hardship on a man. What was the reason for the Government dealing with the matter in that way? Why should he have to pay for the seed supplied to a former man?

Hon. Sir JAMES LOUGHEED: He had the advantage of the seed.

Hon. Mr. BOSTOCK: Not the man who is taking it over?

Hon. Sir JAMES LOUGHEED: He need not take it over unless he is prepared to pay for that. It is simply a charge against the land, like a mortgage.

Hon. Mr. WATSON: I think in many cases the seed supplied was of more value than the land. Of course, this only applies to the case of a man who wishes to take up the land. He does not have to take it up. Hon. Mr. BOSTOCK: It might result in the land being left idle.

Hon. Mr. WATSON: In addition to what I suggested before, it might be interesting to know how many homesteads that received seed grain were abandoned.

Hon. Sir JAMES LOUGHEED: I will get that information.

Section 1 was agreed to.

Sections 2, 3 and 4 were agreed to.

On section 5—Absent on military or naval service, and for three months after discharge, to be counted as residence:

Hon. Mr. BOSTOCK: What is the alteration in these two clauses?

Hon. Sir JAMES LOUGHEED: This provision will extend to the members of our Allied forces.

Section 5 was agreed to.

On section 6-Issue of letters patent to British subjects only:

Hon. Mr. POWER: Clause 3 seems to be rather sweeping. I should like to ask the honourable leader of the Government if it does or does not involve a change in the existing law?

Hon. Sir JAMES LOUGHEED: No. That, I understand, is the old Act.

Hon. Mr. BOSTOCK: Has the minister got the old Act before him? If he has, I think he will see that there is a change in subsection 3 after the word "Act."

Hon. Sir JAMES LOUGHEED: Oh, yes. My honourable friend from Halifax (Hon. Mr. Power) refers only to subsection 3?

Hon. Mr. POWER: Yes.

Hon. Sir JAMES LOUGHEED: Subsections (c), (d) and (e) are new.

Hon. Mr. POWER: Do I understand that in the law as it is now an alien who has not been naturalized cannot get letters patent-for a homestead?

Hon. Sir JAMES LOUGHEED: That has been the law. I will just read the old Act. It says:

Letters patent for a homestead shall not issue to any person who is not a subject of His Majesty by birth or naturalization: Provided that, on completion of the requirements for the obtaining of letters patent for a homestead in accordance with the provisions of this Act, letters patent may issue to an alien entrant who has become insane or mentally incapable, or to an alien legal representative of an entrant who has died. Hon. Mr BOSTOCK: Then, there is an addition in the Bill before us of these words:

Or where the completion of such requirements have been dispensed with in accordance with the provisions of this Act, or any amendments thereto.

Hon. Sir JAMES LOUGHEFD: That is necessary to give effect to the new section that we are introducing.

Hon. Mr. BOSTOCK: Under section 25 the patent can be issued after three years of entry; under the present Naturalization Act it is five years before the entrant becomes qualified.

Hon. Sir JAMES LOUGHEED: Yes, and if the alien goes on, he has to wait five years.

Hon. Mr. DANIEL: What is the object of refusing letters patent for a homestead to one who is not a subject of His Majesty by birth or naturalization, and issuing letters patent to the legal representative of an alien?

Hon. Sir JAMES LOUGHEED: If he is insane, he cannot qualify. If he went on as an alien entrant, and became insane before he was able to take out his naturalization papers—

Hon. Mr. DANIEL: That is paragraph b.

Hon. Sir JAMES LOUGHEED: Paragraphs a and b are the old law. My honourable friend will see that it will not be possible for a man to qualify as a British subject, being insane, but the Government would not take advantage of his insanity to deprive him or his legal representative of the benefit of the duties he had performed on the land.

Hon. Mr. DANIEL: Paragraph a refers to a deceased entrant, and the idea is that he has not been here long enough to obtain his naturalization papers?

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. BRADBURY: Paragraph c says:

An alien entrant who has died while on active service during the European war in progress at the time of the passing of this Act.

While I agree that these men should be taken care of, I think something ought to be done to make it impossible for men to return who have left this country to fight against us. There are hundreds of such men who left this country and who are in the German or the Austrian army to-day. Something ought to be put in this Act to make it impossible for these men to return

Hon. Sir JAMES LOUGHEED.

and secure homesteads. I would go so far as to say that they should never be allowed to return to the country at all.

Hon. Sir JAMES LOUGHEED: An alien entrant who has entered upon land, and who has gone to Europe to fight for an enemy country could not get a patent without taking the oath that he had not fought with the enemy's forces.

Hon. Mr. BRADBURY: There is nothing in this Act to show that.

Hon. Mr. McMEANS: Sub-clause a covers it.

Hon. Sir JAMES LOUGHEED: I have no objection to making it stronger by an amendment. I see no reason why that class of man should not be absolutely shut out it there is evidence that he served with the enemy's forces.

Hon. Mr. BRADBURY: I would move that.

Hon. Sir JAMES LOUGHEED: Before we take the third reading, I will amend the Bill in that way.

Hon. Mr. BOSTOCK: What clause would that come into?

Hon. Sir JAMES LOUGHEED: I am not prepared to say at the moment, but it would be a provision along this line, that an alien entrant who had served in any of the enemy's forces in the present war should not be entitled to his homestead in Canada upon coming back; that is to say, it would disentitle him to become naturalized.

Hon. Mr. BOSTOCK: That will come in as an amendment to section 25.

Hon. Sir JAMES LOUGHEED: Yes. It is a question of policy as to whether we should prevent alien enemies from coming into Canada and becoming naturalized hereafter.

Hon. Mr. WATSON: If an applicant makes a false declaration that he is not an alien enemy, I think sections 24 and 25 provide for the cancellation of the letters patent.

Section 6 stands.

Section 7 was agreed to.

Section 8-holder may obtain patent by extra payments where he is in default for residence duties solely:

Hon. Mr. WATSON: That opens the way for speculators to get hold of lands. We are reducing the area of the land and the time for living on the homestead, and this can only apply to those who have taken up pre-emptions and who apparently have done their duties. I think it would be limited to a very few cases.

Section 8 was agreed to.

On section 9—certificate of recommendation to holder of entry for a pre-emption on completing all duties except payment:

Hon. Mr. BOSTOCK: What is the object of that?

Hon. Sir JAMES LOUGHEED: The object is to permit of an entrant giving a certificate to show that he has performed all his duties, but he may not be in possession of the money to pay to the Government; consequently he will in all probability mortgage; and this will enable him to mortgage his homestead and thus pay the Government.

Hon. Mr. WATSON: The certificate will put him in a position to borrow the money.

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. BOSTOCK: What price does he pay for the land under that arrangement?

Hon. Sir JAMES LOUGHEED: Under the present law he is paying \$3 an acre for the pre-emption.

Section 9 was agreed to.

Sections 10 and 11 were agreed to.

On section 12—sale of agricultural lands to entrant prevented from completing duties but with equitable claim:

Hon. Mr. BOSTOCK: The section to which this is a proviso says that the minister may sell a quarter-section with or without homestead duties, the rate to be not less than \$3 an acre.

Hon. Sir JAMES LOUGHEED: The section we are considering affects only a homestead.

Hon. Mr. BOSTOCK: The old clause 32 also deals with homesteads, does it not?

Hon. Sir JAMES LOUGHEED: The old section 32 applies to agricultural lands purchased under regulations made by the Governor in Council. It is not necessarily confined to homesteads.

Hon. Mr. WATSON: The minister would not have authority to allow land to be sold for \$1 an acre that was purchased for \$3 an acre as homestead land.

Hon. Sir JAMES LOUGHEED: That would not apply to a pre-emption. It only

applies to a homestead which a man earns by residence and duties.

Hon. Mr. BOSTOCK: It seems to me that this might be interpreted to allow the minister to reduce the price from \$3 to \$1.

Hon. Sir JAMES LOUGHEED: No, because under no provision of the statute has he the right to sell a homestead. The Governor in Council could do this at the present time; but it is now proposed that the minister rather than the Governor in Council should exercise that right, as he is the only man who knows anything about it.

Section 12 was agreed to.

On section 13—sale or lease of lands unsuitable for cultivation:

Hon. Mr. POWER: Will the honourable gentlemen explain where drainage comes in?

Hon. Sir JAMES LOUGHEED: It has long been the policy of the department to sell lands that required irrigation, that is, that are not taken up for homestead purposes; and, as an inducement for those lands to be brought into a state to be made fit for cultivation, power has been given to sell them, and that policy has been carried out conditionally upon the purchaser expending a certain amount in irrigation work.

Hon. Mr. POWER: But drainage is mentioned here in addition to irrigation. Why is that put in?

Hon. Sir JAMES LOUGHEED: It would practically apply to the same thing. The land may be unfit for cultivation either for want of irrigation or for want of drainage.

Section 13 was agreed to.

On section 14-payment for school lande:

Hon. Mr. WATSON: That is increasing the rate of interest?

Hon. Sir JAMES LOUGHEED: Yes; at the present time I think it is 5 per cent.

Section 14 was agreed to.

On section 15-regulations to control disposal of timber and pulpwood berths:

Hon. Mr. BOSTOCK: Does this make the same conditions apply to pulpwood areas as apply now to timber areas?

Hon. Sir JAMES LOUGHEED: They are substantially the same.

Hon. Mr. DANIEL: Supposing there is only one offer, the berth would not be assigned at all. Hon. Sir JAMES LOUGHEED: There is an upset price on it, and if a bidder did not reach this price, the property would be withdrawn.

Section 15 was agreed to.

Section 16 was agreed to.

On section 17-withdrawal of portion of timber berth from license, after notice:

Hon. Mr. GORDON: It seems to me that sixty days' notice of withdrawal of a portion of a timber berth by the minister is not sufficient. The notice might come at a time when the license holder was not able to take off the timber that was on it. At one season of the year it might be all right, but at another season it might not.

Hon. Mr. BRADBURY: It is not supposed that there would be any valuable timber on it.

Hon. Mr. GORDON: It is not supposed, but it might be so.

Hon. Sir JAMES LOUGHEED: This is all done under inspection.

Hon. Mr. GORDON: I suggest that the notice of withdrawal should be ninety days instead of sixty days.

Hon. Sir JAMES LOUGHEED: If the case required an extension of time, surely the minister would grant it. We will make it ninety days.

Hon. Mr. WATSON: It seems to me that this section puts in the hands of the minister a good deal of patronage. If a man holds a timber berth, and there is any part of the area which he does not wish to retain, he can make application to the minister, who will strike it out of his berth, and thus relieve him from paying ground rent on it. I understand that men holding berths at present are also under certain obligations to prevent forest-fires-that they have to pay a certain amount on the area of the timber berth to pay for forest rangers, as a condition of holding the berth. Under this section the minister could relieve them from all those forest duties by reducing the area. I think it is a question whether a man taking up a timber berth any portion of which is valuable should not pay the whole of the timber dues on the berth, as he took it up in the first place.

Hon. Mr. BRADBURY: Under the old Act, if a man had a timber berth of 25 square miles and had already cut off 10 miles, the Government was very glad to Hon. Mr. DANIEL. relieve him of the expense of that land, so as to throw it open.

Hon. Mr. WATSON: The old Act provides that where the land is suitable for homesteading that could be done, but this is not that case at all; it repeals the whole section.

Hon. Mr. BRADBURY: This gives another man an opportunity of getting that land.

Hon. Mr. WATSON: It seems to me that the only party who would be affected here would be the one who is released from paying the dues and the fire protection. The other case covered lands that were taken up for homesteading.

Hon. Mr. BRADBURY: This gives an immense power to withdraw areas from the licenses, and it may be that while the minister and his representatives may not think a certain area worth holding, the licensee may think it is. I have known many cases like that.

Hon. Mr. EDWARDS: It seems to me extraordinary power to give to the minister, who should have all the knowledge and skill of a lumberman in order to determine whether it will pay to keep it as a timber limit.

Hon. Sir JAMES LOUGHEED: Certainly the officials who deal with these matters have as much knowledge as a lumberman. Why should an area be tied up for all time under a license, when a large part of it might not have a sufficient quantity of timber for use?

Hon. Mr. EDWARDS: In the old Act there is a provision for withdrawal of the license in case the land is fit for cultivation. If this country is making one mistake greater than another, it is the depletion of its forests. The maintenance of the forests is quite as important to Canada as the retaining of its lands.

Hon. Mr. BRADBURY: I quite agree with the honourable gentleman on the importance of maintaining forest reserves; but in northern Manitoba and Saskatchewan there are many places where a timber berth has been granted to some mill man, and a town has been built near it; and, although the merchantable timber had been cut off and the berth practically depleted, the very fact that the people could not acquire any of the land for the purposes of cultivation, has held back the whole district. I think this is a very wise clause. I differ with some honourable gentlemen. I think the Minister

APRIL 22, 1918

of the Interior ought to have some discretionary powers in this matter; I think the trouble during the last ten or fifteen years has been that he has had too little power in dealing with matters of this kind. I agree with my honourable friend from Rideau (Hon. Mr. Edwards) as to timber areas in Ontario. Is the Government going to take a piece of timber land to build a town or for homesteading if the timber is not all taken off? I do not think any minister of the Crown would be guilty of doing that. Leave it to the discretion of the minister.

Hon. Mr. EDWARDS: There are conditions and conditions, and I say at once that I do not know the conditions in Manitoba, Saskatchewan, and Alberta; but, so far as the eastern portion of this country is concerned, this provision would be a very serious mistake.

Hon. Sir JAMES LOUGHEED: For a great many years this has been the practice of the department. Where an area has been denuded of timber, or has an insufficient supply of timber to warrant its being continued under license, the Government relieves the licensee of it, and it reverts to the public domain, to be used for any purpose that may be considered wise.

Hon. Mr. GORDON: But if the licensee does not want to relinquish it? He may think it is valuable and be willing to pay the ground rent upon it, yet the minister says, "It is not valuable, and you must release it."

Hon. Sir JAMES LOUGHEED: There is no reason why any person should play the dog in the manger. If there is no commercial timber upon the land, there is no reason why he should tie it up for all time.

Hon. Mr. GORDON: Sometimes there is a difference of opinion as to whether there is commercial timber upon the territory or not.

Hon. Mr. WATSON: I think that as much as possible the responsibility of protecting the timber that remains on the timber berth and is valuable for commercial purposes ought to be left to the man who holds the license. The old Act, which this is wiping out, provides:

When any portion of a timber berth has not upon it timber in sufficient quantity to make it commercially valuable of the kind and dimensions described in the license, the Minister may declare that portion fit for settlement and withdraw it from the berth.

But the provision now being made is that the minister may withdraw any portion of a timber berth which he thinks fit for settlement. I understand that at the present time the holders are under obligation to provide a certain portion of the cost of forest rangers for protecting the timber from fire. The area is valuable not simply because timber fit for saw-mill purposes, or for sawing, is taken off it. I know timber reserves in the West, for instance the Riding Mountain reserve, which have not much timber fit for sawmill purposes, but which are important for the purposes of fire protection. Attempts have over made to reduce the Riding Mountain timber reserve for the purpose of providing some homesteads along the edge of the reserve; but the Government has maintained the policy that that reserve is worth as much or more than the farm lands adjoining, because, as honourable gentlemen who are familiar with the West know, if a fire were allowed to get into such a reserve and denude it of timber, the snow would melt more rapidly and the Assiniboia river would be dried up in the summer time. We have to protect those reserves for the purpose of rainfalls or moisture, and in an agricultural country it is just as important to have the land reserved for that particular purpose as to have it cultivated.

Now, according to this provision, a person who has a 25-mile timber berth and has 10 miles of it skinned off and says, "I want to throw this out." can be relieved of paying his share of the annual dues for forestranging for the purpose of keeping fire out of the district. That scrub land may be just as valuable, on account of the effect on rainfall, as if it contained timber that was fit for saw-mill purposes. The small timber growing up on those timber berths is of great value to the country and ought to be protected, and the man who leases that timber berth and has good merchantable timber on it ought to be taxed for the purpose of helping to keep fire out. By this clause you are enabling the minister to re lieve the holder of a license entirely of those responsibilities which he has at the present time.

Hon. Mr. DANIEL: I should imagine that this clause is a protection for the lumberman.

Hon. Mr. WATSON: I think so too.

Hon. Mr. DANIEL: It looks like that. At the same time, if there is any difference of opinion such as that mentioned by the honourable gentleman from Nipissing (Hon.

Mr. Gordon) it can be arranged. The legal representative of the lumberman can appear before the minister and argue his case, if he thinks that the timber limit is worth holding.

Hon. Mr. WATSON: The honourable leader of the Government can inform us if my idea of the present law is not correct that the owners of timber berths are required to pay a portion of the forest-ranging expense.

Hon. Sir JAMES LOUGHEED: Yes, but the Government administers the fire-protection regulations regarding those forest reserves.

Hon. Mr. WATSON: But the licenseholder has to pay.

Hon. Sir JAMES LOUGHEED: And the owner provides his share. The withdrawal of a certain area from a timber berth would not in any way affect the enforcement of fire regulations. The regulations continue.

Hon. Mr. WATSON: Yes, but the person who holds the timber berth-

Hon. Sir JAMES LOUGHEED: He may be relieved of the payment of his share.

Hon. Mr. WATSON: Yes.

Hon. Sir JAMES LOUGHEED: But there is no reason why he should continue for longer than the period of the license.

Hon. Mr. WATSON: I think that for no excuse should the forest reserves in Manitoba or in Saskatchewan be reduced-for cultivation or for any other purpose. I believe those lands ought to be maintained for all time, for the reason which I have just given. I believe they are more valuable for the purpose of conserving moisture than for agriculture. The accumulation of snow which preserves the moisture for the streams in the summer time is greater than it would be if the land were under cultivation. In many cases only a small portion is cultivated. I remember that in the Red Mountain reserve some years ago a fire started on Gilbert plains and burned right across to Rossburn, a stretch of country about thirty by sixty miles. That damage will never be fully repaired. A lot of valuable timber was burned. A great deal of the land burned over is unfit for homesteading. We lose in every case of fire.

Hon. Mr. BRADBURY: I would like to emphasize what I said a moment ago about the desirability of allowing the minister to have discretionary powers regarding this Hon. Mr. DANIEL. matter. My honourable friend from Portage la Prairie (Hon. M. Watson) may remember very well the case at Lac du Bonnet. A lumberman some years ago secured a large area, including a whole town site and taking in land north and south along the Winnipeg river. After a while that town grew to be a fairly large place. A great many settlers came in and settled along the river, near where the land had been taken up, and a great many more settlers from the province of Quebec came in, looking for land along the river, and could not get any, The timber had been cut off for miles around this town. The timber berth had been practically denuded of all merchantable timber, though there was a lot of cordwood on it. Time after time I myself appealed to the Government to have this land thrown open for settlement. There were dozens and dozens of men making applications for that land. It was good land, splendid for agriculture. Something was done: some of the land was released. But I hold that this clause in the Bill is absolutely necessary. The minister ought to have discretionary powers in cases of this kind to say to a lumberman: "You cannot hold up this whole district; men are coming from Ontario and Quebec, wanting some of this land for farms to put their families on, now that you have cut off all the timber that is worth anything." The minister ought to be able to deal with a matter of this kind. I do not doubt that my honourable friend from Portage la Prairie (Hon. Mr. Watson) has had a similar experience in other parts of the province. I can understand that what he says about Riding mountain and other reserves is absolutely true; but it is not the intention of the Government, I am sure, to interfere with those timber reserves.

Hon. Mr. TODD: In the province of New Brunswick cases somewhat similar to this have occurred with regard to Crown lands, as between the license-holder and the Government, the Government claiming that the land, being depleted of its timber, should be given out in free grants for settlement. The arrangement generally made there was to give the license-holder, when he claimed there was timber on the land, sufficient time to take the timber off, and after that time to give out the land in free grants. Why could not something of that nature be done in this case?

Hon. Mr. GORDON: That is just what is wrong with this clause. A person is granted a license without being given any specific

APRIL 22, 1918

time in which to take off the timber: then this paternal legislation is introduced, whereby the minister may come along and say, "You have depleted the timber of this 10-mile area, and we take it from you because we want it for agricultural purposes," even though it immediately adjoins an area on which there is a large quantity of timber. The farmers come in there and your timber is destroyed. That has been the case in Ontario and Quebec, and it will be the case in the West if such clauses as this are enacted. Why not, when selling this timber, grant a license for five or eight or ten years? The licensee will then know he has to take off timber in that time and he gets it off.

Hon. Mr. TODD: I do not think it would be satisfactory to the license-holder to have his license limited as to time. He may want to put a mill and other equipment on the land, and would require a permanent license. Would not an addition to this clause giving the license-holder a certain time to take the timber off at the request of the minister protect the license-holder, and at the same time prevent the land from being tied up? If the timber were worth taking off, the license-holder would then take it off, or, if he did not, he could find no fault.

Hon. Sir JAMES LOUGHEED: In the first place, we deal only with land on which there is practically no timber; in the second place, we allow 60 days under the amendment—and I am willing now to extend the period to 90 days—in which to take off what little timber remains. In that way, I think the situation would be fully met.

Hon. Mr. TODD: That was exactly the ground taken in New Brunswick in every case—that there was no timber on the land. Though that was the viewpoint of the Government, the license-holder generally claimed there was timber. Of course, 60 or even 90 days, is a short time in which to take timber off.

Hon. Mr. WATSON: I think that honourable gentlemen are looking at this question from different viewpoints. I am not objecting to this clause from the standpoint of the lumberman. The principal reason for withdrawing the land from the timber berth is not that it is agricultural land which is wanted for farming purposes. I am inclined to think that the application for this clause comes from the men holding timber berths in the West, who want to be relieved of a good deal of mileage they are holding at the present time, and on which they have to pay their annual dues.

Hon. Sir JAMES LOUGHEED: We always did relieve them; that has been the practice for years and years.

Hon. Mr. WATSON: What has been?

Hon. Sir JAMES LOUGHEED: To relieve them of any part of the limit which had been depleted of timber, or which it was not desirable to hold.

Hon. Mr. WATSON: I think that the man who holds a timber berth and wants still to retain a portion of it for the purpose of getting valuable timber off it, ought to be taxed for the purpose of keeping fire out and protecting it.

Hon. Sir JAMES LOUGHEED: He is.

Hon. Mr. WATSON: Under this section the minister may relieve him.

Hon. Sir JAMES LOUGHEED: But the fire protection system goes on all the same; it is maintained by the Government.

Hon. Mr. WATSON: But the man who holds the timber berth is not taxed for part of it.

Hon. Sir JAMES LOUGHEED: He is just relieved of the rent of that portion.

Hon. Mr. WATSON: The section in the old Act appeals to me as much better. It provided for cases where land was required as fit for agricultural purposes. I venture to say that under this section there will be a great number of square miles of timber berths taken out of the present leases and left with no person to look after them.

Subsection 1 of section 17 was agreed to.

On subsection 2 of section 17-reduction of rent:

Hon. Mr. POWER: It occurs to me that this subsection is susceptible of amendment:

(2) Upon the withdrawal of any portion of a timber berth, the rental to be paid under the license shall be reduced in proportion to the area withdrawn.

A man secures a timber berth of 25 square miles. He is supposed to know what the land is like when he applies for it. He gets these 25 miles and after a little while it appears that 15 square miles of the 25 are comparatively valueless—there is very little timber and the bulk of it may be rock. The Government under the Act have power to reduce the amount that he has to pay "in proportion to the area withdrawn."

My criticism is on these last words, because the 10 miles which he retains may be good timber land, and the remaining 15 square miles may be almost valueless for timber purposes. I think that, instead of saying "in proportion to the area withdrawn," we should say, "in proportion to the value of the area withdrawn." I think that is an amendment that would commend itself to the minister's good sense.

Hon. Mr. WATSON: That would be a little better.

Hon. Mr. DANIEL: That would be the same thing, would it not?

Hon. Mr. POWER: No. In this case the area withdrawn would be two-thirds, and the holder of the license would be released of the payment of two-thirds of the license fees; whereas it may be that the 10 mileswhich he has retained are worth nearly the whole value of the 25 miles. The value may be in the ten miles which he has retained. I think the right thing to say is "in proportion to the value of the area withdrawn. I move that we insert after the words "in proportion to" the words "the value of."

Hon. Sir JAMES LOUGHEED: This so very seldom occurs, and will so seldom occur, that to establish a standard of value of that kind is introducing something entirely new into the Act. It would result in very great difficulties. It would at once establish a conflict between the Government and the licensee, the licensee holding that the land is of little or no value and the Government probably holding that it is of very much greater value, and so forth. This amendment is being made simply for a specific purpose-either for providing homesteads or for some other purpose which may arise. such as the establishment of a small park, or possibly a small grazing lease. Within the last few years, we have extended our grazing lease regulations so as to permit of cattle grazing upon the outer fringes of timber berths, in districts where there is grazing. It seems to me that the matter is not of sufficient importance to warrant the introduction of so complicated a system of valuation as that which my honourable friend from Halifax has suggested. The parties will certainly not agree and there would be a conflict at once.

Subsection 2 of section 17 was agreed to.

Section 18 was agreed to.

Hon. M1. POWER.

On section 19-permits to cut timber:

Hon. Mr. BOSTOCK: This section just adds pulpwood.

Hon. Sir JAMES LOUGHEED: Yes.

Section 19 was agreed to.

On section 20-pulpwood included, and area of tract extended:

Hon. Mr. BOSTOCK: What is the reason for this? Subsection 2 of section 59 of the old Act says:

The Governor in Council may make regulations for the issue of permits to cut timber as cordwood, fence posts or telegraph poles, or for mining purposes—

In this case I think we add pulpwood

-over tracts of land in each case not exceeding one-quarter of a square mile.

I understand that the area is now increased to one square mile.

Hon. Sir JAMES LOUGHEED: A quarter of a mile was not sufficient for the purposes for which the provision was passed. It is thought that a mile is the least area that should be given for this purpose.

Hon. Mr. BOSTOCK: I understand that this does apply to the railway belt in British Columbia.

Hon. Sir JAMES LOUGHEED: No.

Hon. Mr. WATSON: Does the one square mile apply to other woods than pulpwood?

Hon. Sir JAMES LOUGHEED: Yes.

Section 20 was agreed to.

Section 21 was agreed to.

On section 22-entrant for homestead:

Hon. Mr. BOSTOCK: Why is this clause repealed?

Hon. Sir JAMES LOUGHEED: Paragraph l reads as follows:

In case an entrant for a homestead who has faithfully and to the best of his ability endeavoured to perform the duties required of him, but who, for some unpreventable cause or physical incapacity, has failed to complete those duties, or who, through some technicality, is held to have failed in fulfilling the requirements of this Act, but yet has a moral or equitable claim entitling him to consideration, order the sale of the homestead to the said entrant at a price not less than one dollar per acre.

We have already put that in the statute, so it will not be an Order in Council any longer.

Section 22 was agreed to.

On section 23-no department employee to purchase land:

Hon. Mr. WATSON: What is the occasion for that provision?

Hon. Sir JAMES LOUGHEED: It is a question of policy. It is very good policy, I think.

Hon. Mr. BOSTOCK: There is a change made.

Hon. Sir JAMES LOUGHEED: It is to make the language plainer than it is in the old Act, so that there will be no misunderstanding about it. The language of the old Act was somewhat obscure on that point.

Section 23 was agreed to.

Section 24 was agreed to.

On section 25—power to stay delivery of patents not sent out, on evidence of fraud, improvidence or error:

Hon. Mr. WATSON: That would deal with the case of an alien making a false declaration?

Hon. Sir JAMES LOUGHEED: Yes.

Section 25 was agreed to.

On section 26—stock in lieu of cultivation in certain quarter sections:

Hon. Mr. BOSTOCK: What is the alteration in subsection 5?

Hon. Sir JAMES LOUGHEED: The erection of buildings on the homestead. If the settler has taken up a pre-emption the buildings may be upon the homestead.

Hon. Mr. BOSTOCK: Where were they previously?

Hon. Sir JAMES LOUGHEED: They might have been on the pre-emption. In fact, the duties had to be performed on the pre-emption.

Hon. Mr. WATSON: You are making it easier for the applicant to get his land?

Hon. Sir JAMES LOUGHEED: Yes.

Section 26 was agreed to.

On section 27-patents to be issued in name of deceased entrant in certain cases:

Hon. Mr. LAIRD: I have an amendment to submit to this clause at the request of the Department of the Interior. It is proposed to add the words "or sale" after the word "entry" in the fourth line. The clause as drafted relates only to entries. It is desired to make it apply to sales also.

The amendment was agreed to, and section 27 as amended was agreed to. On section 28—privileges of pre-emption entry and purchased homestead entry withdrawn:

Hon. Mr. WATSON: What is the object of subsection 3?

Hon. Sir JAMES LOUGHEED: It is for the purpose of protecting the rights of the absentee who may, for instance, have gone to the front—particularly as we are withdrawing all pre-emptions. I do not know that I can make it any clearer than the language of the Bill does. This is a provision for men on active service and persons under notice who have been notified to conclude the purchase.

Hon. Mr. WATSON: I understand that there is a regulation somewhere in the Act, or by Order in Council, that provides for a substitute taking up the homestead. For instance, a father might take it up for his son.

Hon. Sir JAMES LOUGHEED: It does not deal with that class of cases. Mr. Hume tells me that on the 20th of March last there was an Order in Council passed taking away the pre-emption right, and also that of a purchased homestead. There were certain existing rights up to that time. This is to preserve those rights and permit the persons mentioned to avail themselves of their rights according to the notice served upon them, for the payment up of the homestead or the pre-emption. The Order in Council is dated the 20th of March; consequently we make this section operative from that date.

Section 28 was agreed to.

Section 29 was agreed to.

Hon. Mr. LAIRD: I wish to propose another short amendment to subsection 1 of section 10 of the Act. This is a new section.

Hon. Sir JAMES LOUGHEED: Honourable gentlemen who have the existing Act before them will see subsection 1 of section 10. In the fifth line it is desired to strike out, "or a purchased homestead." The Act will then read:

A person who bona fide settled.... shall, if he is eligible under this Act to make entry for a homestead, have a prior right to obtain entry for the land so settled on.

A purchased homestead will hereafter have no existence.

The provision which existed before for purchasing a homestead will cease by reason of the Order in Council of the 20th of March. Therefore if that provision were to remain in the Act, it would be a contradiction.

Hon. Mr. BOSTOCK: I understand that my honourable friend is going to let this Bill stand so that the honourable gentleman may make that amendment.

Hon. Sir JAMES LOUGHEED: My honourable friend (Hon. Mr. Laird) will have an opportunity on the third reading. We will not have the third reading until the day after to-morrow.

The Bill was reported with amendments.

FISHERIES ACT AMENDMENT BILL.

FIRST READING.

Bill 63, an Act to amend the Fisheries Act. --Hon. Sir James Lougheed.

DEPARTMENT OF SOLDIERS' CIVIL RE-ESTABLISHMENT BILL.

SECOND READING.

Hon. Sir JAMES LOUGHEED moved the second reading of Bill 12, an Act respecting the Department of Soldiers' Civil Re-establishment.

He said: In the absence of the honourable Mr. Robertson, it may not be improper for me to move the second reading of this Bill.

The object of the Department of Soldiers' Civil Re-establishment is to deal with the many problems which will arise owing to the return of our forces, particularly upon demobilisation taking place. The depart-ment will embrace, and to-day does embrace, within its duties the administration of homes such as the permanent homes established by the Military Hospitals Commission, now known as the Invalided Soldiers Commission-homes for the tubercular, the demented, the paralytic, the epileptic, and that class of disability from which many of our men unfortunately are suffering. This department has now under its administration some three thousand patients of the class to which I have referred. It is also charged with the administration of vocational training of returned soldiers throughout the whole of Canada. The department has now under its control some four thousand returned soldiers who are engaged in vocational work, pursuing new trades and other forms of employment. In addition to the duties the department has assumed touching employment for disabled soldiers, it is also proposed, upon demobilisation taking place, that the employment of returned soldiers shall come within this department. That in itself is probably one of the largest problems the

Hon. Sir JAMES LOUGHEED.

Government will be called upon to deal with upon the much-desired event, demobilisation.

Hon. McSWEENEY: Who is the head of that department now?

Hon. Sir JAMES LOUGHEED: I am charged with the duties at the present time.

Hon. Mr. BOSTOCK: I understand that part of the Military Hospitals Commission work does not come under this new department. I understand that the work which my honourable friend has been carrying on heretofore with regard to hospitals will not come under the Department of Civil Reestablishment, and that returned men who are not of the class my honourable friend mentioned still remain under the military authority. They are not discharged from the army, and while they are in those hospitals they are kept under military discipline.

Hon. Sir JAMES LOUGHEED: All the convalescent homes, as distinguished from the more permanent homes, have passed over to the Militia Department. The line of distinction hereafter drawn is that men who are not pensioned will be dealt with by the Militia Department, but those who are pensioned will come under the new department, the object being to make more convenient the carrying out of a system of demobilisation and discharge as the men from the Canadian Expeditionary Force arrive in Canada. That is to say, if the men are suffering from some temporary disability they are put in convalescent homes, and are under the authority of the Militia department. If it is found that they are suffering from some permanent disability, or some disability requiring prolonged treatment, they are discharged and become pensioners, and will be handed over to the new department. They are no longer members of the militia.

Hon. Mr. POWER: The other day I had occasion, en passant, to refer to the fact that we had largely increased the number of departments. Now this Bill provides for the establishment of a new department. We have a Department of Militia, which is supposed to look after our military men while in Canada, and it was thought desirable, although I do not think it was at all necessary, to appoint a second Minister of Militia to look after the soldiers and the military interest of Canada generally on the other side of the Atlantic. Now we are to have a new minister, with a deputy minister and a secretary of the department,

and no doubt a whole host of employees, to look after the soldiers after they have left the army. While the objects which the honourable gentleman has disclosed here are very desirable, I think that it is quite unnecessary that a new department should be created for the purpose of attending to them. It could he done just as well in the Militia Department, where there are plenty of men who could perform these duties, without creating a new department with all its staff. I mentioned the other day that in the United States, where they have a population of over a hundred millions, and a country which, taking its habitable surface, is as large as Canada, they have only ten members of the Cabinet all told. Here we have now over twenty. I think that when one of the members of this Government has been emphasizing lately the desirability of individual members of the community exercising the greatest economy, we might expect something different from this wholesale creation of new departments.

Hon. Mr. McLENNAN: Without touching the latter part of the question which the honourable Senator from Halifax (Hon. Mr. Power) brought up, namely, the multiplication of departments, it seems to me there is a very distinct advantage in having this work separated from the Militia Department. I speak as one who has had the pleasure of assisting the honourable leader of this House in this work since its inception. Essentially the work of the Militia Department is to take a citizen and turn him into a soldier. The work of this department, which embraces the operations of the Invalid Soldiers' Commission and of the Pensions Board, is to take a man who has been a soldier temporarily in defence of his country, acting from the highest motives, and turn him back into a civilian, with every advantage that can possibly be given him to make a good citizen of him. It seems to me, and I think it would seem to the honourable gentleman on reflection, that military influences are not the best to prepare a man for civil life, and that therefore the separation of it from the Militia Department is a very desirable thing.

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

PUBLIC WORKS ACT AMENDMENT BILL.

SECOND READING.

Hon. Sir JAMES LOUGHEED moved the second reading of Bill 40, an Act to amend the Public Works Act.

S-16

He said: Owing to constitutional questions having arisen between the Federal Government and the provincial governments touching the beds of navig-able waters, the Department of Public Works has been confronted with a difficulty in entering upon the beds of navigable rivers for the purpose of carrying out such public works as have been authorized by the Federal Government from time to time. No direct legislation has been passed upon the subject expressing what the authority of the minister may be as to making such entry, and it is therefore thought desirable to have this expressed in direct language, so that the Federal Government may exercise the necessary authority which is incidental to the carrying out of such works, in being permitted to go upon the bed of any navigable river notwithstanding any claim which may be set up as to its being vested in the province.

Hon. Mr. POWER: I should like to ask the honourable minister if there is any provision in another portion of the Act for paying compensation to the parties whose property may be seriously damaged by the exercise of the powers provided for in this section.

Hon. Sir JAMES LOUGHEED: I cannot conceive of any damage arising in such a case. It is purely a technical right.

Hon. Mr. POWER: Well, I can.

Hon. Sir JAMES LOUGHEED: In what way might damage arise? The department is not going into possession of the navigable water; they are simply entering on it for the purpose of carrying on works. In the first place, the Government would have a right to enter upon a navigable water for the purpose of carrying out public works, but a technical question might arise as to whether a trespass were being committed in their so doing. If my honourable friend has in view any damage that would arise from such course, I should very much like to know it.

Hon. Mr. EDWARDS: I suppose the general idea is that so far as the Dominion Government is concerned it is only a question of transportation; it has no right to obstruct a navigable stream.

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. POWER: It has been suggested by my honourable friend on my right (Hon. Mr. Bostock) that what I am saying could be more properly said in committee. I do not

241

REVISED EDITION

SENATE

quite concur in that view, and there is mind where several individuals in Hamilton this advantage in calling attention to the matter on the second reading, that the minister in charge of the Bill has some idea as to what objection is likely to be made in Committee. Now, I look at the matter in this way. In the old provinces before Confederation there were numbers of grants made of land covered with water or with water in front of it. Bedford basin is an instance. Now, the grantee of the land on the shore of the basin and of the water lot in front of it, extending generally, I think, about six hundred feet, may come into collision with the action of the Dominion Government. Suppose that the owner of this land, which was granted perhaps in 1840 or 1850, has erected a valuable wharf or pier. Under this provision, I understand, the Minister of Dominion Public Works, with a view to constructing some Dominion public work, could destroy a structure which had been erected by the owner of the property. My question was whether there was any provision in the law for compensation to the owner of the property which had been destroyed. I think that is a reasonable question.

Hon. Mr. LYNCH-STAUNTON: I should like to understand this section a little more. For exemple, the honourable member for Halifax (Hon. Mr. Power) has spoken of the bed of the sea, for Bedford basin is part of the ocean. But take the inland waters. It has been laid down by the Privy Council that the bed of the St. Lawrence river, or the bed of lake Erie or of lake Ontario, is vested in the provincial Crown. That Crown has granted a great many patents to various persons around these beds and along the lakes and rivers. I know that for many years the Federal Public Works Department has disputed the right of the province to grant these privileges, and where a person wishes to erect a dock or wharf in the waters of any of those lakes or rivers they insist on his obtaining a lease from the Dominion Government. I have no doubt personally that the Dominion Government has no authority to grant such leases, but when one is in a hurry to build a dock he rather takes a lease rather than raise the question and perhaps go to the Privy Council with it.

Hon. Mr. EDWARDS: They build the now. dock and take chances.

build the dock anyway. I have a case in to do it, and were not allowed to. Hon. Mr. POWER.

own the water out for four hundred or five hundred feet under a patent from the Ontario Government, and I think some of it even under the Dominion Government. Lately the Department of Public Works has insisted that those people have no right there. Is the Department going to take power under this section to interfere with those people in their right? I think that if that is done we should understand what it means, and there should be some provision for payment. The Dominion Government has the right to expropriate the land of a province or of an individual, but it has no right to confiscate it; and the Minister of Public Works may want power to walk in there with or without paying a cent for the land. He cannot do that under the Railway Act unless he is prepared to compensate, and I do not think he should be entitled to do that under the Publick Works Act unless he is prepared to compensate. I think this is a section that we should thoroughly understand before we assent to it.

Hon. Mr. GORDON: Does chapter 39 of the Revised Statutes refer to private property?

Hon. Sir JAMES LOUGHEED: No: this only deals with navigable water.

Hon. Mr. LYNCH-STAUNTON: The point I fear is this, that if the Governor in Council or the minister charged with any work for the improvement of navigable waters directs any work to be done in any navigable water for the improvement of the navigation thereof, the part of the bed that he may remove may not be navigable. A bed may be navigable up to within 500 feet of the shore all around, but within that 500 feet it may not be navigable; yet he could, under this Bill, "remove any part of the bed of such navigable water." It does not say, "any part of the bed of the water where it is navigable." He could go into any part of the whole, I should think. If any officer of the department sees that that water is navigable, generally speaking, he might go into any bed or any brook running into it; in fact, do anything without anybody's consent or without allowing any compensation.

Hon. Mr. GORDON: He is doing that

Hon. Mr. LYNCH-STAUNTON: I do not Hon. Mr. LYNOH-STAUNTON: They know where. I know they were wanting

Hon. Sir JAMES LOUGHEED: The question of navigable waters has been established over and over again by the Privy Council. Those waters are vested in the Crown through the Federal Government. The Public Works Act gives power to the Minister of Public Works to have "the management, charge and direction of the following properties belonging to Canada, and of the services in this section enumerated, namely, dams, sawmill works, construction, repairs of harbours, powers and works for improving navigation on any property, and the vessels, dredges, etc., slides, dams, piers, booms for works," etc. So that there- is no question as to the navigable waters being vested in the Crown through the Federal Government; and it is ancillary to the exercise of that power that the Federal Government has the necessary authority to enter upon the bed of a navigable stream, although that bed may be vested in the province. Otherwise it is quite manifest that the power vested in the Federal Government could not be exercised at all.

Hon. Mr. POWER: I do not object to the Federal Government using the power, but I do object to their taking the property of people without compensation.

Hon. Sir JAMES LOUGHEED: There is abundant provision made in our statute for compensation to which any person may be legally entitled.

Hon. Mr. POWER: That is what I want to know.

Hon. Sir JAMES LOUGHEED: The Bill only gives authority to officers or servants of His Majesty or contractors for the work "to enter upon, dig up, dredge and remove any part of the bed of such navigable water, or to build or erect any works thereon, as may be directed or authorized by the Governor in Council or by the minister for the improvement of the navigation." The whole question turns upon that of navigation. If the stream is not a navigable one, then it is manifest that the power cannot be exercised. If it is a navigable stream, then that power is vested in the Crown, as I have said, through the Federal Government, and the Government may have powers that are ancillary to the proper exercise of that power.

Hon. Mr. BOSTOCK: But nearly every stream would be a navigable stream, and it seems to me that there would be great danger of the Federal Government, in the $S-16\frac{1}{2}$.

exercise of this power, infringing on the rights of the provinces.

Hon. Mr. ROSS: Do you not think the word "navigable" there means tidal?

Hon. Mr. BOSTOCK: If it means only tidal waters, that is another matter; but we have no authority for taking that view of the definition of the word "navigable."

Hon. Mr. ROSS: I have never examined the question for the purpose of arriving at a conclusion, but my impression has been that the Dominion Parliament controls matters relating to tidal waters. I do not know that the Dominion Parliament has power to interfere with fresh water streams or inland lakes. I would like to look up that question.

Hon. Mr. DANIEL: Would not the fact that no one can build a wharf to interfere with navigation do away with the objection of the honourable gentleman from Halifax (Hon. Mr. Power)? It appears to me that the law already denies the right to any one, whether from a provincial government or otherwise, to build any pier or make any obstruction that would in any way interfere with the navigation of a navigable stream, unless-at all events-he has the permission and authority of the Federal Government. So, if no one is allowed to interfere with the navigability of a river, I do not see how any one could be injured by the operation of the Department of Public Works improving the navigation of a stream or water.

Hon. Mr. GORDON: Yes, but it may interfere in this way. I had better explain by citing a case. A dam is being built on the French river, and it has been and is now interfering with navigation. The building of that dam has caused a great loss to lumbermen who had been using that river for the past thirty or forty years, and they thought they were entitled to compensation, but could not get any, and did not get any.

Hon. Mr. DANIEL: A dam used to improve navigation?

Hon. Mr. GORDON: Yes.

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

NAVIGABLE WATERS PROTECTION ACT AMENDMENT BILL.

SECOND READING.

Hon. Sir JAMES LOUGHEED: moved the second reading of Bill 41, an Act to

amend the Navigable Waters Protection Act.

He said: It has been found that in the operation of the Navigable Waters Protection Act questions arise at times as to the rights of persons to erect wharves, etc., in navigable streams, and the object of the Bill is to prevent this from happening without the consent of the Public Works Department. The Bill defines what constitutes a "work."

I find in my papers, however, a letter from the Minister of Marine and Fisheries stating that this Bill should not be proceeded with until he has had an opportunity of discussing the subject with the Minister of Public Works. I move the second reading of the Bill, but will not move now that it be considered in committee. We will put it on the Order Paper for consideration in Committee of the Whole a week hence.

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

DEPARTMENT OF RAILWAYS AND CANALS ACT AMENDMENT BILL. SECOND READING.

Hon. Sir JAMES LOUGHEED: moved the second reading of Bill 42, an Act to amend the Department of Railways and Canals Act.

He said: This is a Bill to give authority to the Minister of Railways to acquire rolling stock and equipment to an amount not exceeding \$50,000,000. It is very necessary that this equipment be secured for the purpose of meeting the demands which are now being made upon the department for rolling stock and motive power. The Government is called upon, not only to furnish rolling stock and motive power for the road which it is operating, but also to assist other roads, which cannot at the moment secure rolling stock or motive power from the different industrial concerns engaged in their manufacture. The transportation companies in Canada are at present confronted with the difficulty of obtaining sufficient sums to enable them to purchase rolling stock. As honourable gentlemen know, our industrial firms are precluded from entering the London market to float any of their debentures, and to a very large extent the American market is closed to them, and this can be done successfully only through the Government. It is not necessary to say that when any rolling stock or motive power is taken over from the Government by the transportation companies it is done for a consideration.

Hon. Sir JAMES LOUGHEED.

The Government, in operating the National Transcontinental railway, will have to furnish rolling stock for it. This largely applies also to the Grand Trunk Pacific; it applies peculiarly to the Canadian. Northern; and the Government will have to go, or has already gone, to the extent of loaning motive power to the Canadian Pacific, a certain consideration being given therefor. It is not necessary for me to mention that the building of the rolling stock, as well as of engines, is done by tender and is scrutinized in every possible way.

Hon. Mr. McSWEENEY: What is the amount of the tenders that have been accepted? This fifty millions is not the amount originally asked for. The amount originally asked for was \$100,000,000, but that has been cut down to \$50,000,000.

Hon. Sir JAMES LOUGHEED: For instance, 75 engines have been ordered for the Grand Trunk Railway system. \$4,500,-000 is being expended on engines alone. Contracts were given a few weeks ago for rolling stock valued at practically \$33,000,-000. All the large industrial concerns in Canada, I believe, have received their share of those contracts. The ability of each company to carry out a certain contract has, of course, to be taken into consideration, but the price which has been established, particularly for freight cars, is practically uniform throughout.

Hon. Mr. BOSTOCK: My honourable friend has spoken of this rolling stock being leased to the railways for a consideration. The Bill, I understand, provides also that it can be sold under some arrangement, such as the issue of securities or bonds.

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. BOSTOCK: I presume that the intention is that this rolling stock shall be in some cases perhaps transferred to the railways, and equipment bonds taken as a recognition of the debt?

Hon. Sir JAMES LOUGHEED: Yes. Instead of the transportation companies placing their equipment bonds upon the market, which they could not successfully do at the present time, those equipment bonds will be handed over to the Dominion Government in satisfaction of whatever purchases may be made by those companies of the rolling stock in question. It is simply a method of financing the rolling stock and equipment generally, in view of the impossibility of making a flotation on the money market.

Hon. Mr. BOSTOCK: Is it the intention to put these bonds on the market at a later date?

Hon. Sir JAMES LOUGHEED: That would be for the Government to decide.

Hon. Mr. BOSTOCK: There is nothing said about it.

Hon. Sir JAMES LOUGHEED: It is very possible that when conditions are normal, the railway companies may choose to redeem or take up their issues.

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

PRIVATE BILLS.

SECOND READINGS.

Hon. W. B. ROSS moved the second reading of Bill 8, an Act respecting The Cosmos Cotton Company. He said: This is a small Bill in one way, but it is of some importance. The Cosmos Cotton Company is doing business at a place called Yarmouth, in the province of Nova Scotia. It is making an article that is of very great use at the present time. Owing to the climate, they are able to make a very superior article in the line of cotton goods. I do not know for what purposes it is used, but I fancy—

Hon. Mr. McSWEENEY: Principally for cotton duck.

Hon. W. B. ROSS: It is very valuable and very useful and very necessary at the present time. The company was supplied with nearly all its money by some men living in Boston. Yarmouth used to be a very rich place at one time, when the wooden sailing ship was in vogue. It was a very wealthy town, but it is not so wealthy a town to-day. The amendment that is asked for in this Bill is to allow the shareholders to elect Boston men who are interested in the company to the board of directors. That is the point in the Bill. There is some prior legislation which I have not looked up.

Hon. Mr. McSWEENEY: Are there not Americans on the board of directors now?

Hon. W. B. ROSS: No. We want to get some Boston men on, notwithstanding some proposed legislation. Of course, we cannot put on an alien enemy. The only persons who would be put on the board of directors would be Americans.

Hon. Mr. BOSTOCK: It conflicts with the Companies Act.

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

Hon. Mr. THOMPSON moved the second reading of Bill 9, an Act respecting Fraser Lumber Company, Limited, and Fraser Companies, Limited. He said: The object of this Bill is to permit the Fraser Lumber Company to consolidate all their different works under one name. They have one property, the Tobique Manufacturing Company, on the river Tobique, the charter of which was obtained from the Federal Parliament at the time Mr. Hale represented the county of Carleton. Subsequently there was a failure, and the property came into the hands of the Fraser Company. Fraser & Son are probably the largest operators in the province of New Brunswick. They have some thirteen different miles, and are to-day engaged in the construction of a pulp-mill which will furnish over 100 tons of pulp a day, and which will cost over \$2,000,000. As I have said, they wish to consolidate under one name, and probably anticipate making a flotation of bonds in connection with the pulp-mill, for which these consolidated properties will form the collateral.

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

Hon. Mr. BOSTOCK moved the second reading of Bill 22, an Act respecting the Canadian Society of Civil Engineers, and to change its names to "The Engineering Institute of Canada." He said: In the absence of Mr. Casgrain I move the second reading of this Bill. As honourable gentlemen will see, it is for the purpose of changing the name of the Canadian Society of Civil Engineers to "The Engineering Institute of Canada," and to make certain other changes in their Act.

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

Hon. Mr. WATSON (for Hon. Mr. Mc-Hugh) moved the second reading of Bill 29, an Act respecting a patent of O.G.C.L.J. Overbeck.

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

CRIMINAL CODE AMENDMENT BILL-REVISION OF PUNISHMENTS.

SECOND READING.

Hon. LENDRUM McMEANS moved the second reading of Bill B, an Act to amend the Criminal Code so as to provide for the revision of excessive or inadequate punishments.

SENATE

He said: Honourable gentleman, this is an Act to amend the Criminal Code so as to provide for the revision of excessive or inadequate punishments. I think honourable gentlemen who have followed the criminal law must have been struck by the fact that in like cases a light sentence is sometimes given to one man and a very heavy sentence to another. A criminal is always tried by one judge, and as we all know, different judges have different ways of looking at certain offences. The records show a great disparity in sentences in criminal cases. I know of a case within the last month or so where a man was sentenced to six months for having committed a crime, and within three months another man was sent to the penitentiary for seven years for committing a crime of exactly the same kind. It often happens that a criminal lawyer who is cute will manœuvre the case so as to bring it before a certain judge whom he knows to be lenient. There is also a disparity between judges. In the cities, where criminal trials are a common occurrence, the sentence is generally fixed, but in the country districts, where the commission of certain offences is probably more rare, and a trial does not happen very often, a man may receive a very severe sentence. I was told the other day by a gentleman who sat on a commission in a penitentiary, that he asked any of the prisoners who had anything to say to come up and make a statement-and he would give them every opportunity of airing their views. He was struck by the fact that the men who waited on him said: "Can you explain how it is that a man who is sentenced in a city is generally sentenced for a moderate term, while one who is tried and sentenced in a country district receives a very severe sentence?"

I think criminal sentences are more important than civil judgments. If one is interested in a civil suit to the extent of \$50, he can carry it to the Court of Appeal; but in the case of a man who is tried by a judge, and who may be sentenced to ten or twenty years in the penitentiary, the sentence cannot be revised. The liberty of the subject should be the first consideration of the law. I know of a case of a man who was sent to the penitentiary for twenty-one years for stealing an overcoat. It should not be in the judgment of any one man to give a sentence that is out of proportion to the crime nor to dismiss a guilty man without any sentence at all.

This Bill is hedged around and protected so that no appeal can be taken unless the Hon. Mr. McMEANS. attorney general of the province in which the trial takes place gives his consent. The further safeguard is provided that before an appeal can be taken the attorney general must make a representation to the Minister of Justice, who can then consent to the case going before the court of appeal. I think the Bill as drafted might be amended in that respect. It seems unnecessary that the matter should be referred to the Minister of Justice. It should be left to the attorney general of a province, who has the sole control of the law in that province. If the case were tried in British Columbia, or in Nova Scotia, or in some other province, it might be very inconvenient to have to refer to the Minister of Justice.

Hon. Mr. POWER: As one member, I do not wish to be committed to the principle of this Bill.

Hon. W. B. ROSS: I suppose the better plan would be to discuss it later on. I want to say something about it.

Hon. Mr. McMEANS: Say it now.

Hon. W. B. ROSS: I will support this Bill. One of the scandals of the administration of criminal justice in Canada since Confederation has been the disparity between the sentences, first as between the judges individually in the different provinces, and again as between the sentences given by judges in one province as compared with those given by judges in another province.

I discussed this matter once with the late Sir John Thompson, and he said that when he came here as Minister of Justice he was horrified at the sentences that he had imposed in the province of Nova Scotia when he compared them with the sentences imposed in the province of Ontario. I know, as a matter of fact, that a great many of the sentences that he had imposed in Nova Scotia were in part remitted after he became Minister of Justice, in order to make them coincide with the sentences imposed in Ontario. I remember one case of a man who stole a horse and wagon, who received nineteen years in the penitentiary. That was in Nova Scotia.

Hon. Mr. POWER: They wanted to keep the standard high.

Hon. W. B. ROSS: They did keep the standard high. You could knock a man's brains out and get off for less.

Hon. Sir JAMES LOUGHEED: There might not be as much use for them as for a horse and wagon.

Hon. W. B. ROSS: There is no proper check. This Bill will go a long way towards meeting what is felt on the part of the public to be a want of sense of proportion and of what, in the last resort, is justice and fair play. Mankind in general have a strong sense of what is right, and it is a mistake to shake that sense of justice, as it breeds a contempt and hatred of the law. Therefore it is desirable that we should have some machinery for equalizing sentences. Possibly, if it were workable, a central authority might be the best. As I have said, this Bill will go a long way. If the attorney general of a province thinks a sentence is too severe, or is not severe enough, for a particular crime committed, he can state a case for the Supreme Court of the province, who can deal with it. In that way, instead of one individual judge dealing with it, there will be five or six or seven, as the case may be. They will then be able to confer with one another, and compare the sentences which they have inflicted, and they should be able to make themselves conversant with the sentences imposed by judges in other provinces. I will be very glad to support this Bill.

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

DEPARTMENT OF RAILWAYS AND CANALS ACT AMENDMENT BILL.

SECOND READINGS.

Hon. Sir JAMES LOUGHEED moved the second reading of Bill 52, an Act to amend the Department of Railways and Canals Act.

He said: The object of this Bill is to authorize the Department of Railways and Canals to add to the balance of the debit of their stores account an amount not exceeding \$6,000,000. When the Government was confined to the Intercolonial railway, the amount was \$1,500,000 for it and \$100,000 for the Prince Edward Island railway. Since that time, the cost of railway material particularly has increased so much, and the assumption by the Government of additional railways, the increase of the Intercolonial mileage, the taking over of the National Trancontinental—

Hon. Mr. WATSON: And the Quebec and Saguenay.

Hon. Sir JAMES LOUGHEED :-- and other undertakings of that kind, have increased the responsibility of the department to such an extent as to necessitate at least \$6,000,000 being carried to the credit of that account.

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

At six o'clock the Senate took recess.

The Senate resumed at 8 o'clock.

RAILWAY ACT CONSOLIDATION BILL.

FURTHER CONSIDERATION IN COM-MITTEE.

The Senate again went into Committee on Bill A, an Act to consolidate and amend the Railway Act.—Hon. Sir James Lougheed. Hon. Mr. Girroir in the Chair.

On section 302—running of trains; use of both languages:

Hon. Sir JAMES LOUGHEED: I suggest that we take up section 302. That stood for this evening at the request of my honourable friend from Ottawa (Hon. Mr. Belcourt). I moved the adoption of subsection 2, and I think my honourable friend from De-Lorimier (Hon. Mr. Dandurand) moved an amendment thereto.

Hon. Mr. DANDURAND: I do not desire . to prolong the debate on this clause; but, as the Committee was not constituted on Friday afternoon as it is to-day, I would ask my honourable friends to grant me a little of their patience, that I may state in a few words how the question stands. Section 302 contained three subsections when the Bill came from the House of Commons last year. The section as it is to-day before us contains only the first two subsections. The third subsection, which, as I am informed, had the support of the Minister of Railways and was adopted unanimously in the House of Commons, is not to be found in the Bill as presented to this Chamber this year. It reads as follows:

After the first day of January, one thousand nine hundred and nineteen, the Board may from time to time make such orders and regulations as it may deem advisable to provide that all or any railway employees on local passenger trains running in the province of Quebec shall be conversant with the English and French languages

I stated on Friday that, since this clause had been adopted by the Commons, the responsibility for striking it out rested with the Senate; and, in the event of the Bill returning to the Commons without that clause, its absence would be noted in the other Chamber and therefore it is proper for the Senate to give reasons why it has been dropped. SENATE

I did not know why the clause had been dropped until the honourable gentleman from Welland (Hon. Mr. Robertson) made on Friday last his statement on behalf of the railway employees who object to this new legislation. Honourable gentlemen will find the objection summarized in a letter addressed to Hon. Sir James Lougheed and Hon. Senator Robertson, which appears on page 227 of our Debates. It is signed by C. Laurence, Dominion Legislative Representative, Brotherhood of Locomotive Engineers; L. L. Peltier, Dominion Legislative Representative, Order of Railway Conductors; and Wm. L. Best, Canadian Legislative Representative, Brotherhood of Locomotive Firemen and Enginemen.

Their objections are contained in six paragraphs, but the material reasons are to be found in the first four.

The first reason that they give is that so far no complaints have been made in the province of Quebec concerning the propriety of conductors of trains speaking the two languages. I do not know upon what experience these gentlemen base their affirmation. I know that there are trains operating exclusively in the province of Quebec, on which, in my presence, passengers have been inconvenienced from the fact that the conductor understood and spoke only the one language, and I am convinced that what took place in my presence must have taken place elsewhere hundreds and thousands of times.

The second reason given reads as follows:

2. The proposed legislation might result in a grave injustice to many experienced employees in the province of Quebec who are not conversant with the English language, but who are permitted to converse in their native language in the course of their employment, and to even pass their oral examinations to the positions of conductors or engineers, in such language.

I consider, honourable gentlemen, that this is no reason why the Railway Board should not be empowered to redress any grievance on this score in the future. Railway employees may continue as heretofore to pass their examinations in either language, but when one of those employees comes up to the grade of conductor, it will be for the railway company, under the control of the Railway Board, to say if it is proper that a local train running for 100 or 200 miles in the province of Quebec should be under the superintendence of a man who does not speak the two languages. So I do not see that the employee would have any grievance, because, if he is employed in the province of Quebec, he will

Hon. Mr. DANDURAND

have, during the years in which he is climbing the ladder, ample opportunity to qualify as a conductor on a local train where the two languages are spoken. If the honourable gentleman (Hon. Mr. Robertson) will look at the subsection, he will find that there is nothing in the discretionary power with which the Board would be vested which would constitute a grievance to any of those employees.

The third reason given is, to my mind, one of the most important reasons in favour of this subsection being adopted. This reason is written as an explanation why it should not be. I think it will suffice to read it, because it will be in itself a sufficient explanation why the proposed subsection 3 should be adopted by parliament. The third reason given is as follows:

3. There would be very serious interference with the seniority rights of experienced employees, not conversant with the French language, who might be required for service on local passenger trains operating through the province of Quebec, although resident in another province. The proposed legislation would necessitate placing on such local passenger trains operating through the province of Quebec, employees conversant with the French language, although they might not be entitled to the run under the rules of seniority contained in the employees' agreement with the companies, because of being many years junior to the first named employees.

This very reason implies and admits that cases do happen when, through the right of seniority, an employee may be transferred to a district in which he would not be understood by, and would not be able to understand, the passengers under his care. This is perfectly plain from the letter of these gentlemen. One of the fundamental objections to the adoption of this clause, which only grants discretion to the Rail-way Board to redress a grievance if a grievance there be, is that it will prevent the law of seniority being carried out, and will prevent the placing on local roads of conductors who would not be familiar with the language of the country through which they were travelling. It seems to me that the whole case is made out by the gentlemen who wrote the letter.

The fourth reason is:

We are of the opinion that the officers of the railways will give immediate considerate consideration to any complaints which might arise from alleged inconvenience to the public, due to any employee not being conversant with both languages, and take such measures as may be necessary to prevent the recurrence of such complaints. We can also assure the Government of the hearty co-operation of the employees in the future, as in the past, in this regard.

The fourth reason given is that if there be a grievance—and, according to the third

reason there may be one — the railway companies are well disposed to do the right thing, and would of their own accord redress any grievance. I do not challenge that affirmation; but, because the railway companies are well disposed to do the right thing, Parliament has not been prevented from passing a Railway Act containing a number of stringent regulations and penalties, or from creating a Railway Board to supervise the execution of those regulations.

Here are the reasons given by the employees themselves: first-and I think it must be the main reason-it may thwart or hinder the full play of the seniority rights of the employees. Well, honourable gentle-men, I said on Friday, and I want to repeat now, that the railways and railway employees have not been created for their own single advantage, but to serve the public. I understand that a public commodity is for the public at large; and, even if there should be slight inconvenience caused in the operation of the seniority regulations governing the employees, should they not accept that inconvenience in order that the public may be well served? Is it possible, honourable gentlemen, for the public to be well served in a district where but one language is spoken if the man in charge of a railway train cannot be understood by the passengers under his charge and cannot make himself understood by those passengers? There are many instances in which a passenger may be in difficulty. He is sure to be if there is anything wrong with his ticket. If the conductor explains that there is something wrong with his ticket he will be unable to explain his case. The conductor may tell him that he will not accept the ticket for one reason or another; he may threaten to put him out at the next station; and yet the passenger will be powerless to make him understand.

I have always understood that a certain sign of the higher civilization of humanity was the possibility of one person putting himself in the shoes of another. One who is incapable of understanding his neighbour's feelings, and who sees things only from his own angle, has, I think, something to learn in order to rise to a high standard of civilization. Now, honourable gentlemen who do not belong to Quebec, I simply refer you to conditions in your own provinces, and ask you how you would feel if in your section a local train, running 50 or 100 or 200 miles, as they do in the province of Quebec, were under the

charge of a conductor who could not understand one word of the language spoken by . the passengers he served.

Hon. Mr. OLORAN: They would fire him.

Hon. Mr. DANDURAND: If you can imagine such a state of things in your own section of the country, then you can understand the feeling in the province of Quebec, where trains leave Montreal for Quebec daily and oftemer, and run from Que-bec to Rimouski and farther east, passing through a section of the country where nine-tenths of the population are French; or leave Montreal and run northwards to Ste. Agathe and La Tuque, where ninetyfive per cent of the population is French; or run from Montreal through the Eastern Townships, where the population is mixed; in charge of conductors who are unable to understand the language of one of the two races who are there. I shall be answered: "But that situation has existed for the last thirty years, and things have run on smoothly: no complaints have arisen." I must repeat that I have seen cases in which I have been obliged to intervene- and I do not travel very much. If I were a commercial traveller, I suppose I could give you numberless instances in which I had been obliged to intervene to bring about understanding.

It is in the interest of the railways that they should serve the public in such a way as to prevent any grievance arising. But the Senate of Canada is now face to face with a clause passed unanimously by the House of Commons. "But," you will say, "it was not before us until you proposed to add it." No, but it was before us last year, and when the Bill returns to the Commons that clause will be in it or it will not. Its disappearance will be our action, our omission. It is well to face the question squarely and to decide if it is worth while raising the question whether we are giving more importance to the question than it deserves. I will admit that the railways generally make an effort to satisfy the public, yet there are cases where such a grievance would exist and where it may exist just now. When all that is asked is to clothe the Railway Board with the necessary power to make regulations in individual cases, it seems to me that it is worth while using the necessary time to discuss this clause, especially as it is in line first with the Constitution of Canada which allows of the two languages being spoken in the province of Quebec. It is in line with the legislation in this very Bill,

in this very clause, the second subsection of which says:

Every railway company shall print in both the English and French languages the time tables that are to be used along its lines within the limits of the province of Quebec.

I wonder if it is not the right thing to abide by the will and desire of the House of Commons and to restore that section?

Hon. Mr. BEIQUE: Honourable gentlemen, I was not here on Friday, but I have had the advantage of reading the discussion which took place in this honourable House on that day, especially the remarks of the honourable gentleman from Welland (Hon-Mr. Robertson). The honourable gentleman seems to have been influenced somewhat by the fact that he had been a witness of a prank on the part of some schoolboys which took place between Rigaud and Montreal. The schoolboys may have been ill advised; but I may assure the honourable gentlemen that things of that kind are not of common occurrence in the province of Quebec. I think the population is known to be not exacting as far as language is concerned. I may give as an instance an experience that I had several years ago on the occasion of an inquiry which was held by the municipal council of the then town of St. Henri, now part of the city of Montreal, with a view of tracing the cause of a very serious fire which had taken place. I was conducting the inquiry on one side. and the late Hon. John S. Hall was acting for the other side. We had to examine twenty-seven witnesses, of whom two were English and twenty-five French. At the request of Hon. Mr. Hall every one of the twenty-five French Canadian witnesses gave his evidence in English; because Mr. Hall, although born and educated in Montreal, was not very familiar with the French language.

Hon. Mr. CLORAN: And he was Provincial Treasurer in Quebec.

Hon. Mr. BEIQUE: Yes, he was the Provincial Treasurer in Quebec and a member of the Legislative Assembly for some years. I give that instance, and I could give many others, to show that we in the province of Quebec readily speak English when we are able to do so. We have no objection at all to doing so; but it seems to me that in matters of this kind what the honourable gentleman from De Lorimier (Hon. Mr. Dandurand) suggests is but a matter of that conductors on railway trains running among a population speaking only the [Hon. Mr. DANDURAND.] French language should not understand that language? He related an experience which he had had. In a number of instances I have had occasion to help women with children, because they could not obtain the proper information which they They wanted to change trains; desired. they had to make a connection; and they could not obtain any information from the conductor or the trainman because they were unable to speak a word of English, and the trainmen could not understand a word of French. Is it fair to submit the population to a condition of that kind? It seems to me that one would have only to draw attention to a matter of this kind. especially in a Chamber like this, to have full justice rendered.

The honourable gentleman (Hon. Mr. Robertson) said that no complaints had been made. There was no machinery for making complaints. The only possible machinery was an amendment of the Railway Act. An amendment was made in the House of Commons last year, evidently because there had been some complaint. It is to be presumed that members of the House of Commons adopted the change at the request of their constituents; therefore, the honourable gentleman cannot say that there were no complaints. I know as a matter of fact of very serious inconvenience being caused, of which I have been a witness, and I know that any one who has travelled in the province of Quebec knows of a number of similar instances.

Now, if it is necessary to curtail this provision, it might be done in such a way as not to affect trains running beyond the province of Quebec. I do not think that would be necessary; but I am sure the honourable gentleman would have no objection to modifying the clause to read: "trains running only within the province of Quebec."

As the honourable gentleman (Hon. Mr. Dandurand) has suggested, reverse the position: apply it to the province of Ontario, or the provinces of the West. Would you for five minutes suffer a conductor who did not understand a word of English to run a local train? I think the question has only to be asked to be answered. Therefore, I hope that honourable gentlemen will see the necessity of restoring the clause.

Hon. Mr. CLORAN: I hope this honourable House will take the Ontario point of view. How would you honourable gentlemen representing Ontario, like railroad companies, through their process of seniority, to send half-a-dozen French-Canadian conductors and brakemen up to

Hamilton, London and Toronto to run the trains. These men would not understand a word of English. You would not like it? Then, why do you want to pass it over Quebec? Can you not see fair play? The honourable minister said that cases might arise where employees of a company who know only one language might have to be placed on those trains owing to seniority. Would he undertake to put half a dozen French Canadians who do not understand English on trains running in Ontario through Toronto, Hamilton and London? Will you guarantee that? Answer. Your silence, then, is consent that you would not. That is not a fair proposition, nor a fair position to take. You would not dare to do it in Ontario, but you would dare to do it in Quebec.

Hon. Mr. ROBERTSON: In portions of the province of Quebec the population is almost entirely English, yet there is no objection to the French Canadian conductors.

Hon. Mr. BELCOURT: Because they all speak English.

Hon. Mr. ROBERTSON: Not by any means.

Hon. Mr. CLORAN: Certainly there is no objection to the French Canadian, but if he could not speak English how long would he be tolerated on the trains? The passengers would bounce the conductor.

Hon. Mr. ROBERTSON: I explained to the House on Friday last that there were French Canadian men residing in British Columbia and working on railways who stated that they object to this clause being enacted because it would militate against them, and probably a movement would be put on foot that would make it impossible for them to work upon a railway in the West because they could not speak English.

Hon. Mr. CLORAN: I made it very plain to the minister, and he knows that what I said is true, that I do not go as far as the amendment and say that all employees on a railroad shall know the two languages.

Hon. Mr. DANDURAND: The amendment does not say that.

Hon. Mr. CLORAN: It does not say that, but there is a kind of loophole in it.

Hon. Mr. DANDURAND: No. ---

Hon. Mr. CLORAN: Well, I will admit that. So much the better for the amendment. All I hold here, on behalf of fair play and justice to all communities, whether

in British Columbia, in Prince Edward Island, or anywhere else, is that employees of a public corporation authorized to act as a public utility body, and coming in business contact with the public, must know the language of the people with whom they are dealing. A switchman need not know either French or English, because he does not deal with the public; a good Russian, and up to the present a good German was good enough for that work, who knew neither English nor French. What we ask under this legislation is that employees should know the language of the people with whom they are dealing.

Hon. Mr. DANDURAND: If the Railway Board judges proper.

Hon. Mr. CLORAN: I would not give the power to the Railway Board to dictate the rights of the people. We are nearly two million people in the province of Quebec, and the Government by its subterraneous methods of quelching legislation is trying to suppress the language right in the heart of Quebec. What right has the minister, or whoever is responsible for suppressing that clause which was passed unanimously in the House of Commons, to bring down here that Bill emasculated?

Hon. Mr. GORDON: It was not in the Bill.

Hon. Mr. CLORAN: It was passed by the House of Commons, and the minister or whoever is responsible had that struck out. He might as well strike out any other clause. That is not a proper way to deal with a free Parliament. If we want to strike out the clause we will do it; we do not want any minister or any officer of his department to do that work. We are here for that purpose, and I charge—

Hon. Mr. ROBERTSON: I hope the honourable gentleman is not suggesting that I had anything to do with the striking out of that clause.

Hon. Mr. CLORAN: No, I do not suggest you; I said the minister or whoever was responsible. I don't know.

Hon. Mr. ROBERTSON: The words of the honourable member very nearly bordered on that supposition, and I desire to resent any such imputation, because it is absolutely incorrect.

Hon. Mr. CLORAN: Certainly I would not charge you, because I know you to be a different man. You are too fresh a man in the Government to change that; you

would not undertake that job. It is somebody else; but I charge the Government with being responsible for trying to suppress the French language in Quebec.

Hon. Mr. DANDURAND: Oh, no.

Hon. Mr. CLORAN: If they do not suppress it in toto, they suppress it in a very actual walk of life, that is, railroad travelling. Now, the law permits-not permits, but orders-that all regulations and tickets shall be printed in both languages in the province of Quebec. If that is necessary, is it not more necessary that the man who has to explain those regulations should know the two languages clearly? The members of this House should deal out fair justice to Quebec, the same as they would exact for themselves in Ontario. I notice my honourable friend from Stanstead (Hon. Mr. Pope); he is a representative from a mixed community, and is in a position to' state that both languages are necessary right in his own community. We are not imposing French upon anybody. All this House is asking through us is that when business is conducted between a railway employee and people in Quebec who are all French, they should be interested mutually. know of districts in Quebec where there is not one English-speaking person for hundreds of miles. On the trains from Quebec to La Tuque and up to Cochrane the passengers are all French; yet the universal experience is that the conductors are unable to speak the language of the passengers, and the result is trouble. We are trying to build up a united country here, yet day after day we put in a wedge to split the population. There is no harm in granting a people numbering two millions of the population what they are asking for under the constitution, and what is guaranteed to them by the constitution. I think honourable members should rise to the occasion and help to consolidate the union of the people; and I hope the members especially from Ontario, and those from British Columbia if there are any, will vote and tell the minister that a man who speaks only Russian or German can get a job, but if he speaks only French he cannot.

Hon. Mr. BOYER: In reference to the argument of my honourable friend opposite (Hon. Mr. Robertson) that if this clause is adopted a certain number of French Canadians living in British Columbia will lose their jobs, I would ask him to be kind enough to tell me how many French Canadians there are in British Columbia whe do not speak English.

[Hon. Mr. CLORAN.]

Hon. Mr. CLORAN: I don't suppose there is one in a hundred.

Hon. Mr. BOYER: Suppose there are a hundred, two hundred, three hundred, five hundred, five thousand, is it just and right that a million-and-a-half of people in Quebec should suffer because five thousand of their compatriots have seen fit to leave their own province and go and live in British Columbia?

Hon. Mr. POPE: I would like to ask the honourable member if he says there are half a million people in the province of Quebec who do not understand English.

Hon. Mr. BOYER: Oh, my, no. Then why should we not follow the example of all the big English and French railways? On every railway train, on every steamer that crosses the English channel from Calais or Boulogne to Dover or Folkestone. the minute it reaches England you have half-a-dozen interpreters at the service of whomsoever cannot speak English. If you happen to cross from Folkestone or Dover to Boulogne or Calais the French Government or the French railway companies have a dozen interpreters, entirely free cf charge, at the service of English-speaking people who do not speak French, and they are ready to give all information required. Now, in the province of Quebec, although the country has been settled for many years, new districts are being colonized every day, railways have been run in, and it has been my experience, not once but a dozen of times, to hear a conductor Anybody speaking French on this ask. train?" I answer "Yes," and the conductor says, "Would you be so kind as to ask this lady what she requires?-there is a difference between the two of us." Do you know what the difference was? Ten cents; and they could not understand one another. If the conductor could have said two words in French, "Dix sous," she would have understood him. He insisted on saving, "Ten cents," and the old lady did not understand. There are now two men on each train; there is the conductor and a modern invention called the train man-because the breaks have been done away with; and, as this is a lift up, I suppose he will be a colonel next. Now, why should not one of those two be required to understand French?

Hon. Mr. ROBERTSON: They do.

Hon. Mr. BOYER: Well, then it is news to me. They do not even call the name of the station in French when it is a French.

name; they generally manage to distort it so that you have to ask for an explanation of what they mean. I know a station called Isle Cadieux, and they call it " I'll Cajoe." Well, if any man knows where he should get off at that call, he must be a good prophet or a pretty good guesser. Why not give us the facilities of redress by applying to the Railway Board in cases where the clause is to be applied? If it is necessary, we shall apply for it; if we do not require it. we would not ask, for we are not accustomed to ask for things we do not require. As this clause was put in by the House of Commons, who know the wants of the people better than we do, I cannot see why it should not be allowed to stand as it was in the original Bill.

Hon. Mr. BELCOURT: To my mind the refusal of this amendment sins against one of the very prominent sections of the British North America Act. My honourable friend from Welland (Hon. Mr. Robertson) in his observations the other day referred to section 133 of that Act. I do not rise to repeat the arguments that have been advanced; but I wish to present an argument in favour of the amendment proposed that is to me unanswerable. In the province of Quebec from one end to the other we have a Government railway, running from Montreal to Halifax. People are entitled under the constitution to be spoken to in French on that railway. Now, what are you going to say to that? Are you going to refuse to apply the constitution on Government railways? There is just as much necessity for conductors in the province of Quebec being able to speak both languages as there is for money orders and postal notes and all the literature in the savings banks of the Government of Canada to be printed in both languages. Where is the distinction between the postal service and the Government railway service in the matter of language? Yet postal notes, money orders and all literature in connection with Government savings banks, not only in Quebec but in the other provinces, including Ontario and British Columbia, are printed in both languages. I put it to the House if the refusal of this amendment is not a distinct and positive refusal to apply section 133 of the British North America Act. Perhaps my honourable friend will let me say that so far as the province of Quebec is concerned there is not a conductor in that province who cannot speak both languages thoroughly, I mean among the French people. There

is not a French Canadian conductor in Quebec who cannot speak just as good English as my honourable friend and myself.

Hon. Mr. ROBERTSON: I am not a lawyer, but I believe that the very section of the British North America Act cited by my honourable friend from Ottawa (Hon. Mr. Belcourt) gives one the right to plead his case in any court within the province of Quebec in either of the two languages.

Hon. Mr. CLORAN: There is no doubt about that.

Hon. Mr. ROBERTSON: And if my honourable friend from Victoria (Hon. Mr. Cloran) were conducting the prosecution of a case, and spoke in French, while I, acting as attorney for the defendant, was speaking in English, and he could not understand what I said or I could not understand what he said, yet we would both be exercising our rights, as I understand the law. Therefore the comparison my honourable friend from Ottawa (Hon. Mr. Belcourt) draws would be exactly parallel to the present situation, and the quotation he makes from the British North America Act has, in effect, a force exactly opposite to that which he gives it.

Hon. Mr. CLORAN: But you do not answer his /point—that all literature is printed in two languages

Some Hon. SENATORS: Order, order.

Hon. Mr. CLORAN: I am talking to a gentleman, and I do not want other people to interrupt me. The honourable senator from Ottawa pointed out to him that all his instructions given in postal matters, railroad matters, and other Government matters are printed in both languages, and that is under the British North America Act. If he exacts that, why not exact it also verbally as well as by writing? Get over that if you can.

Hon. Mr. ROBERTSON: If it were desirable to say some things that might be said in connection with this question I might enlarge a good deal upon the subject, but I think it would not be wise to deviate too far from the subject in question, or spread out into too wide a field. I do not propose to go over the ground that was covered on Friday afternoon further than to call attention again briefly to the main reasons why the railway employees, in particular, and why I, as a humble member of this House, feel that this amendment ought not to prevail. I stated then that for more than thirty years these conditions SENATE

have been in force, and no complaint has ever come to Parliament of which we have any record; that the gentleman who introduced this measure in the House of Commons last year did not quote a single incident to justify its introduction; that another honourable gentleman in the House of Commons, speaking in support of the measure, did mention an incident which in his opinion justified the enactment of this legislation; that the information that was given in the other House as to this case was wholly incorrect, the facts being the very reverse; and the honourable gentleman from De Salaberry (Hon. Mr. Béique) says to-night that that was a prank and it ought not to be regarded as a serious matter at all. I may say for the information of the honourable gentleman that this very day, since the House opened this afternoon, four railway conductors have come to me and testified to having had similar experiences. Therefore it is beyond question that these incidents have occurred, and I do not propose to dwell on them further. The railway employees state most emphatically that the French Canadian members of their organization do not desire this legislation, because it would be detrimental to them. The English-speaking members do not desire it. because they think it would discriminate against them. There is no gainsaying the fact that the proposal is utterly impracticable so far as concerns the five reads entering the province of Quebec from the American side, because this Parliament has certainly no authority to say to the United States, which now controls these reads: "You must man those trains with French Canadians or persons able to speak both languages."

Hon. Mr. DANDURAND: We are not claiming the right to interfere with those roads.

Hon. Mr. ROBERTSON: That was the effect of the honourable gentleman's amendment in the first place; and if you do not include those roads, then honourable gentlemen are admitting that in certain portions of the province of Quebec the provision is not necessary, but in other portions it is.

Hon. Mr. CASGRAIN: Why not have an interpreter?

Hon. Mr. ROBERTSON: With reference to the question of interpreters, which has been raised by bonourable gentlemen who have spoken, it has been stated that for passengers crossing from England to France interpreters are provided where they are [Hon. Mr. ROBERTSON.] necessary. To my certain knowledge—and l may say that I worked on a railway in the province of Quebec for six years, have many close personal friends among the French Canadians in that province, and know whereof I speak—in the operation of trains in the province of Quebec it is the practice of all the railway companies, if the conductor on a particular train is not thoroughly familiar with the French language, to have on the same train a French Canadian brakeman, and there is no doubt that any person on the train can find an interpreter in the person of either the conductor or the brakeman.

Hon. Mr. CLORAN: They do not do it to-day.

Hon. Mr. ROBERTSON: It may not be convenient to do it just at a particular moment; the brakeman may be in an adjacent car; but I say that an employee able to speak French is available. Altcgether too much stress is being laid upon the contention that the passenger has no way of obtaining some one to act as an interpreter, because there is not one case in a thousand where that could possibly occur.

The honourable gentleman from De Lorimier (Hon. Mr. Dandurand) said that we should attempt to look through the other fellow's glasses, or, in other words, as he put it, that we should put ourselves in the other fellow's shoes. I would like to say to the honourable gentleman that there are a great many railroad men in the province of Quebec who would be glad to lend him a pair of their boots right now, if he desires to put himself into their shoes, as he has suggested.

Hon. Mr. DOMVILLE: Would they be war boots?

Hon. Mr. ROBERTSON: If the honourable gentleman (Mr. Dandurand) viewed the matter from their standpoint he would arrive at a far different conclusion.

I want to make only one other observation, and that is to point out what I regard as an absolutely serious side of the situation, entirely apart from its effect upon the railway employees. Unfortunately, there has been in years past, and perhaps there will be in years to come, too much stress laid upon the question of what language should be spoken in this or in that locality. That particular question has caused a lack of harmony in many parts of this country in times past, and ought not to be revived more often than is absolutely necessary. We should endeavour to overcome the dif-

ficulty. I say to the people of the province of Quebec in particular and to many French-speaking people in other provinces of this country, that that very provision of the British North America Act which gives to the Canadian citizen the right to speak the official language of his choice is of immense value and must be dear indeed to the heart of every Frenchspeaking Canadian,—

Hon. Mr. CLORAN: No doubt about that.

Hon. Mr. ROBERTSON:—and if this amendment should prevail, if this proposed clause is inserted in the Railway Act, Parliament declares in effect: "We have the power to ignore the provisions and requirements of the British North America Act, and we are going to impose upon a certain class of our citizens the obligation of speaking both languages, under pain of losing the employment which they have worked for 30 years to obtain."

Hon. Mr. CLORAN: Oh, no.

Hon. Mr. ROBERTSON: If the amendment is adopted, that is what is bound to happen. If it is right to ignore the provisions of the constitution of this country in one case, it will be in another. If we permit that situation to arise, it will bring about a controversy which will become acute throughout this country. I say, honourable gentlemen, that there has been no specific instance, correctly or accurately quoted, that would show the necessity for the passage of this proposed subsection,—

Hon. Mr. CLORAN: The entire press of Quebec are demanding this change.

Some Hon. SENATORS: Order.

Hon. Mr. ROBERTSON: —and there is ample evidence coming in from many and various sources that it is not necessary and ought not to be enacted. But, entirely apart from the local reasons or arguments that have been advanced, I do think that you are striking at the very rock upon which the liberty of the French-speaking people is founded if you enact that clause.

Hon. Mr. CLORAN: Oh, no.

Hon. Mr. ROBERTSON: Therefore I hope, not only in the interests of the railroad men, but in the interests of all our Canadian citizens, that we will not interfere with the principle that has been adopted and has been in effect for so long.

Hon. Mr. BOSTOCK: Honourable gentlemen, I have listened with a great deal of attention to what the honourable member

for Welland (Hon. Mr. Robertson) has said. Personally I cannot see that the arguments that he puts forward apply to this particular clause. If the clause were mandatory in stating that the Board should do certain things, I could understand the honourable gentleman's contentions, but this clause only leaves the matter in the hands of the Board, and the Board may do what they think advisable in the interests of the general public. The clause had been put into the Bill, as it was brought up to this Chamber last session, by the members of the House of Commons. They seemed to think that it was a wise and proper provision to insert in the Bill, and all we are asked to do at the present time is to replace that clause in the Bill that is now before us. Such a clause leaves it at the discretion of the Board to take action in the matter if they think it is in the public interest to do so. They are not compelled to take action unless they do think it is wise and in the public interest. Therefore I cannot for myself see the soundness of the argument put forward by the honourable gentleman that we are treating this matter in away which is detrimental to the railway employees.

Hon. Sir JAMES LOUGHEED: Honourable gentlemen, this is not a new question. Since Confederation it has been, like the poor, always with us. In 1867 the Fathers of Confederation readily foresaw the difficulties which would arise respecting the use of both languages, and section 133 of the British North America Act was passed accordingly. That section embodies the policy of Canada with respect to the use of both languages, a policy which has been consistently observed from Confederation down to the present time. Every Government has resisted any invasion that was attempted upon the principle embodied in that section, notwithstanding the pressure which has been brought to bear from time to time to have a departure made in an acknowledgment of the principle that the use of both languages, instead of either language, should be made obligatory in the province of Quebec. I understand my honourable friend from Ottawa to contend that the principle embodied in section 133 is that not only should both languages be used in the official literature of the province, but both languages should be obligatory upon those residing in the province of Quebec or elsewhere.

Hon. Mr. BELCOURT: I did not say that.

Hon. Sir JAMES LOUGHEED: Well, my honourable friend certainly left on this House the impression that his contention was that under that section the use of both languages became obligatory in the province of Quebec.

Hon. Mr. BELCOURT: I say it becomes obligatory on the part of the Government of this country in all matters pertaining to Federal legislation.

Hon. Sir JAMES LOUGHEED: We are now discussing the speaking of the language, not the official literature of both languages.

Hon. Mr. BELCOURT: I am speaking about the use of the languages.

Some Hon. SENATORS: Order.

Hon. Mr. BELCOURT: Will the honourable gentleman pardon me a moment? In this House I have the right to speak French or to speak English, just as I choose.

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. BELCOURT: Not only to write it, not only to make a motion in English or in French, but to speak in English or in French.

Hon. Sir JAMES LOUGHEED: The amendment to the section is equivalent to saying that, notwithstanding the existing rights of every English-speaking employee of a railway in the province of Quebec, in the face of those rights which he has enjoyed from Confederation down to the present time, he is to be deprived of his employment in the province of Quebec because he cannot speak the French language.

Hon. Mr. BELCOURT: Nobody said that. Let him go and learn the language.

Some Hon. SENATORS: Oh, oh.

Hon. Mr. BELCOURT: Let me put the matter to my honourable friend in this way. Section 133 gives me the right to say or to write anything in connection with Federal affairs in either English or French.

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. BELCOURT: And it is the duty of this House and of the other House to provide somebody to take down in French what is said in French.

Hon. Sir JAMES LOUGHEED: It is the privilege of every railway employee in the province of Quebec to speak either language and not both languages; and what the railway employees of the province of Quebec

Hon. Mr. BELCOURT.

are contending for is that this principle, which has been embodied in the British North America Act, shall continue to be observed.

Hon. Mr. BELCOURT: My honourable friend's statement is a complete perversion of the section, and he knows it as well as anybody.

Hon. Sir JAMES LOUGHEED: I know the contrary to be the case. It is possibly a very regrettable fact that citizens of that province cannot speak both languages.

Hon. Mr. CLORAN: Oh, it is a pity about Ontario.

Hon. Sir JAMES LOUGHEED: Allow me to read the section:

133. Either the English or the French language-

"Either," not "both."

Either the English or the French language may be used by any person in the debates of the Houses of the Parliament of Canada and of the Houses of the Legislature of Quebec; and both those languages shall be used in the respective records and journals of those Houses; and either of those languages may be used by any person or in any pleading or process in or issuing from any court of Canada established under this Act, and in or from all or any of the courts of Quebec.

Hon. Mr. BELCOURT: Is the Railway Board a court of Canada established under the British North America Act?

Hon. Sir JAMES LOUGHEED: Let me says this-

Hon. Mr. BELCOURT: My question is whether or not the Railway Board is a court under federal jurisdiction?

Hon. Sir JAMES LOUGHEED: Yes, precisely.

Hon. Mr. BELCOURT: There you are.

Hon. Sir JAMES LOUGHEED: And, notwithstanding the jurisdiction of the Railway Board in the province of Quebec, my honourable triends have not asked that this may be made obligatory upon the Railway Board.

Hon. Mr. BEIQUE: Will the honourable gentleman allow me one question? Are you not confusing the right to speak either the English or the French language, which is unquestionable, with the duty of the Government to serve the public properly, through its employees?

Hon. Mr. BELCOURT: Certainly.

Hon. Mr. BEIQUE: And I would ask the honourable gentleman (Hon. Sir James

Lougheed) to take this case. Suppose that a man is appointed by the Government as postmaster in a parish where the people speak only the French language and do not understand English, and this man does not speak or understand French, would not the people be entitled to demand that the Postmaster General, as a matter of common justice, replace that man? And would the honourable gentleman say, "Oh, no; that man has a right to speak English?" That is the argument.

Hon. Mr. CLORAN: That is the argument.

Hon. Sir JAMES LOUGHEED: I am not going to follow the sophistries of my honourable friend (Hon. Mr. Béique), because we are discussing here a constitutional right enjoyed by every citizen of Canada under the British North America Act; and I say that the Government would be recreant to the trust reposed in it were it to seek to violate that principle, which is one of the bulwarks of the liberty of the subject in Canada, by imposing upon the subject an impossible condition. But my honourable friend from De Salaberry (Hon. Mr. Béique) asks me: "Is it not the duty of the Government to impose by statute upon the English-speaking people in the province of Quebec the obligation to speak French?" I ask my honourable friend, why did not the Government, of which he was a follower from 1896 to 1911, impose that same condition? We had a French Canadian Prime Minister.

Hon. Mr. DANDURAND: If my honourable friend will allow me, it was your Government that brought this Bill into the Senate last year with that clause.

Hon. Sir JAMES LOUGHEED: As I have said to my honourable friend (Hon. Mr. Béique), there was a French Canadian, one of the most eminent men in Canada, Prime Minister of this Dominion from 1896 to 1911. The Railway Act was consolidated in 1906. and during his period in office that Act was no less than half-adozen times the subject of legislation in this Parliament. Has the voice of any honourable gentleman opposite been heard at any previous time declaring that this should have been done—

Hon. Mr. DANDURAND: Was not this clause brought from the Commons?

Hon. Sir JAMES LOUGHEED: —that the principle of the British North America Act should be distinctly violated? Not a word. Those honourable gentlemen sat quietly 8—17 and passively in their places and never lifted their voices on behalf of this so-called right to which the people of the province of Quebec were entitled. But immediately this Government comes into office, my honourable friends become intensely patriotic; they insist that the Governments of Canada from Confederation down to the present time have been recreant to their trust, and that this Government, forsooth, should cast to the winds the principle to which I have referred, and impose this obligation upon every railway employee in the province of Quebec.

Now, I am informed that the railway employees on those roads in the province of Quebec, so far as it is at all possible, speak French and English; and it is within the realms of possibility that practically all the employees speak both languages. Is it not unreasonable to suppose that the railways of the province of Quebec will ignore the sentiment of the people of that province by neglecting to place in charge of their trains employees who can speak both languages? Why, it is quite obvious that one of the very first considerations that would be given by a railway company to the manning of its trains in the province of Quebec would be to select those employees who can speak both languages.

Hon. Mr. BELCOURT: What is the harm in having the regulation then?

Hon. Sir JAMES LOUGHEED: It is in the interest not only of the railway company, but of the public, that the railway companies should do so; and I say without hesitation that the railway and other transportation companies of the Dominion of Canada are more closely in touch with the sentiment of the people of Quebec, or the sentiment of the people of any other part of the country, than the Government of the day.

Hon. Mr. BELCOURT: Than you are, that is quite certain.

Hon. Sir JAMES LOUGHEED: Than the Government of the day. Two or three sessions ago, as representing the Government in this Chamber, I resisted as strongly as I could, and the House resisted, the pressure which was brought by the honourable gentleman from Grandville (Hon. Mr. Choquette) to require a member or members of the Pilot Commission to speak both languages. From Confederation down to the present time the policy which I have mentioned has been consistently observed by every Government in office and, so far as

257

REVISED EDITION

the Federal Government is concerned, my honourable friend (Hon. Mr. Belcourt) cannot find a word in the entire statutes of the Dominion making both languages obligatory upon employees of railways or other public officials in the province of Quebec.

Hon. Mr. CASGRAIN: There are no English pilots on the St. Lawrence. That would not apply.

Hon. Sir JAMES LOUGHEED: Then, why would the honourable gentleman from Grandville (Hon. Mr. Choquette) bring it up time and again?

Hon. Mr. DANDURAND: He wanted them to learn English.

Hon. Sir JAMES LOUGHEED: One of my honourable friends said a few moments ago that every French conductor in the province of Quebec can speak both languages. Then how is this going to help? It simply means that the English-speaking conductors in Quebec must seek work elsewhere.

Hon. Mr. BELCOURT: Why should they not speak French?

Hon. Sir JAMES LOUGHEED: I am coming to that.

Hon. Mr. DANDURAND: Will my honourable friend insist upon an English conductor who does not speak French?

Hon. Sir JAMES LOUGHEED: My honourable friends will insist upon putting hypothetical cases, which I am informed by the railways and the Government do not exist. Notwithstanding this discussion, my honourable friends have not yet established before this House a concrete case wherein any injury or any serious inconvenience has arisen through an official not being able to speak both languages.

Hon. Mr. BEIQUE: We have affirmed.

Hon. Sir JAMES LOUGHEED: And in the very face of memorials which have been presented to the Government by railway employees-and by French Canadian railway employees of the province of Quebec; in the face of the protest which they have registered here against the adoption of this legislation, my honourable friends assume to know more about this subject than they. It would seem to me that if anyone could speak with authority upon this subject, it would be the French Canadian railway employees of that province. However, as I have said, it is a regrettable thing that we have constantly to meet this situation. It would be fortunate if we could

[Hon. Sir JAMES LOUGHEED.]

speak both languages; but in the interests of harmony and good will, and that national sentiment that ought to prevail throughout the whole of Canada, I say that discussions of this kind are certainly subversive of the promotion of the good feeling which we should all entertain.

Hon. Mr. CASGRAIN: The explanation would be complete if the honourable gentleman would only tell us who put that clause in the Bill last year.

Hon. Sir JAMES LOUGHEED: It was not done by the Government; it was put in by a private member.

Hon. Mr. CLORAN: Adopted by the minister.

Hon. Mr. BELCOURT: If my honourable friend wishes to promote the harmony of which he speaks, I do not think he will stand up to oppose an amendment of this sort. To my mind it is a very sorry spectacle to see a party as strong as the Conservative party in this House—

An Hon. SENATOR: Unionist.

Hon. Mr. BELCOURT:-led by an able man like the leader of the Government, who, as the honourable gentleman from De Lorimier (Hon. Mr. Dandurand) said, are unable to get into the other fellow's shoes. I for one am sure that the harmony and good will of which my honourable friend speaks so glibly is not going to be helped by exhibitions of this sort-petty, small, unworthy.

Some Hon. SENATORS: Order.

Hon. Mr. BELCOURT: I repeat it.

Some Hon. SENATORS: Order.

Hon. Sir JAMES LOUGHEED: Honourable gentlemen, the last member of this House that should stand in his place and seek to castigate other members of the House on the absence of liberality and generosity in regard to this subject is the very honourable gentleman who has just spoken. Furthermore I may say that I am not accustomed to having the counsel, the advocate, of the dual language, giving me advice and seeking to teach me wisdom as to what constitutes generosity, particularly in dealing with this question.

Hon. Mr. BELCOURT: I repeat-

Some Hon. SENATORS: Order.

Hon. Mr. CLORAN: I want to ask the Minister of Railroad Employees (Hon. Mr. Robertson) should the demands or the requests or the views of the railway em-

ployees determine this question? I want to tell him that we have no concern with the railroad employees here. When I express my opinion here it is not on their behalf. I express the opinion voiced by the entire population of the province of Quebec-a million and a half of peoplewho demand this clause. What do we care about the employees? It is a million and a half of people against a paltry number of employees. You have subverted the whole situation. The desires and wishes of the people should be consulted, not those of a labour organization. There are a million and a half to two million people in the province of Quebec who demand this legislation.

Some Hon. SENATORS: Oh.

Hon. Mr. CLORAN: We demand it, and you say there is no great cause. Why, every senator on this side who has spoken has quoted instances that he has seen with his own eyes. Honourable gentlemen have told of cases where they had to intervene to established peace on trains where a conductor could not speak the language of the passengers.

Hon. Mr. SHARPE: Is that the case of the students?

Hon. Mr. CLORAN: That was one occasion; but nine times out of ten that you travel in Quebec you will find the same thing

Hon. Mr. SHARPE: Where the students had been put up not to talk English?

Hon. Mr. CLORAN: We are talking of general traffic. I myself have had to intervene. As I said on Friday night, you will find no French Canadian impolite, even towards a conductor who does not speak his language; but from my own experience I have found the opposite. A conductor will tell a passenger to go to the devil.

Some Hon. SENATORS: Order.

Hon. Mr. CLORAN: I have seen that myself.

Hon. Mr. ROBERTSON: Will the honourable gentleman permit me to make a statement?

Hon. Mr. CLORAN: Certainly.

Hon. Mr. ROBERTSON: In justice to the 45,000 employees in train service, I desire to say not only to the honourable gentleman, but to this House, that the statement which he makes is absolutely incorrect. If a conductor on any passenger train in this $S-17\frac{1}{2}$

country ever made such a statement to a passenger—and I defy him to show that such a statement has ever been made—he would not be permitted to remain on the train twenty-four hours; he would not be allowed to remain any longer than was necessary to reach the end of his journey. To make a statement like that to go on record and to go abroad through the country is unfair, uncalled for, and ought to be apologized for by the honourable gentleman who makes it.

Hon. Mr. CLORAN: I would certainly apologize if what I said were not true, but I cannot forego my own eyesight and my own ears. Does the honourable minister understand that? That is the statement that I make here. I do not say that every conductor is impolite; but I tell you that where there is one case of impoliteness on the part of a passenger you will find ten on the other side.

Hon. Mr. PLANTA: May I ask a question?

Hon. Mr. CLORAN: Let me deal with this honourable gentleman first.

Hon. Mr. PLANTA: May I ask a question?

Hon. Mr. CLORAN: Like Sir Boyle Roche, I cannot be in two places at once. Now, there is a statement. You have heard the honourable gentleman from De Salaberry (Hon. Mr. Béique), the honourable gentleman from De Lanaudiere (Hon. Mr. Casgrain), and others say that scenes have occurred on trains. I was not on their trains, but I make the statement now and do not withdraw it. I do not charge the 45,000 railway employees of this country with impoliteness; I charge that there are some who are impolite, and one is too many, especially when serving the public. That is the apology I make.

Hon. Mr. ROBERTSON: I should like to remind the honourable gentleman that the exception is always found to the rule. It may perhaps be found in this honourable House.

Hon. Mr. CLORAN: There is no doubt about that.

Hon. Mr. ROBERTSON: Therefore he should not put all the conductors in that class.

Hon. Mr. DANDURAND: I agree with the honourable gentleman from Welland (Hon. Mr. Robertson) when he declares that politeness is the rule; but I want to

say one thing: it is a fact that the conductor has a heavy load on his shoulders, and sometimes is in a hurry and cannot stop to have a conversation with a passenger who wants information. I have sometimes seen a slight appearance of rudeness on the part of conductors who were hurrying from one end of the train to the other, and I have noticed that it has a very depressing effect on the humble people who happen to be travelling for the first time, or who travel perhaps once in a year, and who are puzzled as to some difficulty and have become nervous. Then we have had to intervene in the effort to explain to the passenger what the conductor had said and that had not been understood. It is obvious that in order to give good public service in a section like the province of Quebec, a conductor should speak the two languages. All I say to my honourable friend who leads the Government in this House is that the position that he takes, and that some of his friends take, is to me most discouraging for the future of this country.

Hon. Mr. CLORAN: The honourable gentleman who has taken his seat corroborates all that I have said, in spite of the protestation which I believe was honestly made. The honourable minister does not travel in that province as much as we do. He has not been through election campaigns, travelling from village to village and from pillar to post. We have seen a good deal of the country. It is a long time since the honourable gentleman has travelled in Quebec.

Hon. Mr. ROBERTSON: I have only travelled 50,000 miles a year for the last ten years.

Hon. Mr. CLORAN: Any Englishman who is able to pronounce one or two words in French is welcome, and is taken almost to the breast of a French Canadian. The statement has been thrown across the floor that no specific case has been reported to the Government or to the Railway Board. If the honourable minister will exercise his usual common sense he will know that when Jean Baptiste has been snubbed or not understood by the conductor on a moccasin train three or four or six hundred miles from Ottawa, he is not going to come here to lodge a complaint. These things happen day in and day out, and nobody knows anything about them but the poor sufferer. I have never made it my business to go to the Railway Board, I have tried simply to pacify the parties who happened to be on

Hon. Mr. DANDURAND.

the train. The honourable minister must remember that the complaint is not made against the 45,000 employees; it is against probably a half-a-dozen; but that is six too many.

I am not asking to have the 45,000 employees of the railway companies in this country made to speak both languages. The minister will admit that I am fair, and that I do not ask that any man who has nothing to do with the public should speak either English or French. I am willing that a Russian, who speaks neither, should have work. The railways to-day are seeking alien labour-Chinese who cannot speak a word of French or English. I would be the last man to refuse the right of labour in that regard. But when a corporation is authorized by Act of Parliament to do business on such a scale as railways are, its employees who come in close contact with the public should know the language of that public. Is that extraordinary? Is that preaching discord, as the honourable leader of the Government says? Is that preaching disunion in the country? I do not think it is. I think I put it well when I said that if what happens in Quebec were to happen in Ontario you would not dare to put a man on a train, local or otherwise, who could not speak English. He would not be on that train nor in the service twenty-four hours. In Quebec we do not do that. We do not ask that this man who cannot understand French should be dismissed. I have seen some of them on the trains for years.

Hon. Mr. POPE: What do you want them to do?

Hon. Mr. CLORAN: What I want, or what the people of the province of Quebec want, is that men who come in contact with them, men who have their employment under parliamentary legislation and government control, should speak the language of the people with whom they are dealing. Why not exact that qualification as well as other qualifications? Take the qualification exacted by the Civil Service Commission. You cannot be a clerk in any Government office unless you are able to read and write. You cannot be an accountant in the Auditor General's office-unless you may be his son, and there are quite a number of them there-unless you know the four rules of arithmetic. The Government exacts this knowledge. Why not exact the knowledge of a language where a million and a half to two million people are interested? We are not asking for anything extraordinary.

Now. I am prepared to answer the honourable gentleman who wanted to catechise me.

Hon. Mr. PLANTA: I do not wish to detain the House by giving the honourable gentleman another opportunity to make a long speech; but I understood him to say that he had heard a conductor tell a passenger to go to the devil.

Hon. Mr. DOMVILLE: He didn't go.

Hon. Mr. PLANTA: Did I understand him aright?

Hon. Sir JAMES LOUGHEED: He did not go, anyway.

Hon. Mr. PLANTA: I was going to ask the honourable gentleman if he reported that conductor.

Hon. Mr. CLORAN: Why, no, I am not a spy on the railroad.

Hon. Mr. PLANTA: The honourable gentleman would not require to be a spy. I say it is the duty of everyone who hears a conductor say to a passenger to go to the devil to report that conductor.

Hon. Mr. CLORAN: I have other duties; besides, no one will exact that from anybody. Why am I going to come up here or write letters to the Minister of Railways to say that a conductor in a moment of heat or impatience said, " Go to the devil," or, "Why the devil don't you speak English?"

The amendment of Hon. Mr. Dandurand was negatived: yeas, 10; nays, 35.

Section 302 was agreed to.

On section 372-putting wires across railways or other wires:

Hon. W. B. ROSS: Honourable gentlemen will remember that section 372 was amended by inserting another section, 372A. There is objection to putting in section 372A, because the sections of the Act are interlocked, and because the re-writing of the whole Act is rather a difficult job. I therefore propose the following:

Substitute the following for sections 372 and 372a:

372. (1) lines, wires, other conductors, or other structures or appliances for telegraphic or other structures or appliances for telegraphic or telephonic purposes, or for the conveyance of power or electricity for other purposes, shall not, without leave of the Board, except as pro-vided in subsection (5) of this section, be constructed or maintained,-

(a) along or across a railway, by any com-pany other than the railway company owning or controlling the railway; or

(b) across or near other such lines, wires, conductors, structures or appliances, which are legislative authority of the Parliawithin the (2) Upon any application for such leave, the

applicant shall submit to the Board a plan and profile of the part of the railway or other work proposed to be affected, showing the proposed location and the proposed works.

(3) The Board may grant the application and may order the extent to which, by whom, how, when, on what terms and conditions, and under what supervision, the proposed works may be executed.

(4) Upon such order being made the proposed works may be constructed and maintained subject to and in accordance with such order.

(5) Leave of the Board under this section shall not be necessary for the exercise of the powers of a railway company under section 367 of this Act, nor for the maintenance of works now authorized, nor when works have been or are to be constructed or maintained by consent and in accordance with any general orders, regulations, plans or specifications adopted or approved by the Board for such purposes. R.S., c. 37, s. 246; 1911, c. 22, s. 7; 1917, c.

37, s. 4 Am.

Honourable gentlemen will see that this deals with all lines, telegraphic, telephonic, or for the conveyance of power or electricity for other purposes, either across or along a railway. The old section 372 dealt with wires running across, and then we constructed another section, 372A, for those running along. Now, this new section covers both of them, either across or along, where it is some company other than the railway company itself that is putting up these lines. Section 367 deals with the company's own wires. Then, under section 368 there are special powers given to the Railway Board.

Hon. Mr. WATSON: Do I understand that this amendment would provide for a railway company running a high voltage power wire along its line without asking permission?

Hon. Mr. BELCOURT: I agree with my honourable friend from Portage la Prairie (Hon. Mr. Watson) that any company would have the right under this amendment to string its wires along the railway, no matter how high the voltage might be.

Hon. W. B. ROSS: It was my intention to cover the point my honourable friend mentioned, because it is important that the railway company itself, in the interest of its employees, should not have a high tension wire there.

Hon. Mr. WATSON: Or in the interest of the travelling public. I have seen the traffic in Toronto blocked completely by a wire falling over the track. As the amendment reads, it seems to me it would exempt

the railways from the necessity of consulting the Board.

Hon. Mr. BELCOURT: The amendment covers wires for power also. My honourable friend has not said definitely whether that would not permit the railway company to string high voltage wires along the railway without the consent or permission of the Board.

Hon. W. B. ROSS: No, I do not think so. If there is the slightest doubt about it, we will have to get words to remove any doubt.

Hon. Mr. MACDONELL: This is a very important section, dealing with at least three sections which have been carefully passed upon by the committee, and the amendments proposed are far-reaching and apparently of very considerable importance. As this is the first notice we have had of the language, or even the intention to review these sections, I would suggest that a notice go in and that we deal with the matter to-morrow. In the meantime, we can compare the sections, and thus save time and secure uniformity.

Hon. W. B. BOSS: I would like to refer back to section 287, subsection g, which provides that the board may make orders and regulations covering operation and equipment, so as to provide means for the full protection of property, the employees of the company, the public, and all persons travelling on His Majesty's service.

Hon. Mr. BELCOURT: What words in that section would cover the stringing of live wires?

Hon. W. B. ROSS: The words: "devices, structures and works to be used upon the railways."

Hon. Mr. BELCOURT: But those are railway structures, railway works, and railway devices; that would be the interpretation the court would put on those words.

Hon. Mr. WATSON: We ought to make it perfectly clear that a railway company should not be allowed to run a high voltage wire along the railroad track under any circumstances.

Hon. W. B. ROSS: I agree with my honourable friend from Toronto (Hon. Mr. Macdonell) that there is a good deal of crisscrossing of sections; and, as there is no desire to get this through in anything like a rush, it will be better that I should give notice of this so that it can be printed, and members of the House can have it in the morning. I would ask honourable members

Hon. Mr. WATSON.

to take notice of sections 367, 368 and 287, where they will find other regulations of railways that were not spoken of very much when we were passing sections 372 and 372A.

Hon. Mr. MACDONELL: Are they embodied in your proposed motion?

Hon. W. B. ROSS: No, but I call attention to them.

Section 372 stands.

On section 11-agreement for sale, lease or amalgamation of railway:

Hon. Mr. BEIQUE: I would like to move an amendment to section 151 of the Act which provides for these agreements being voted upon and approved by two-thirds of the votes of the shareholders of each company party thereto. The principle is already in practice, and there are a number of agreements of very small consequence, which do not involve amalgamation at all, but cannot be entered into without obtaining the approval mentioned, which at times is very difficult. In fact, in one company with which I have met, a large number of shareholders are distributed in foreign countries so that it was absolutely impossible to obtain their consent. I would therefore suggest the following additional subsection :

8. Whenever the agreement does not involve any amalgamation, and may be terminated by either company on giving a notice not exceeding twelve months, the Board may, notwithstanding anything in this section, by order or regulation, exempt the company from complying with any of the foregoing conditions with respect to any such agreement.

It will be seen that it would have to be an agreement which would not involve any amalgamation, and which could be be dissolved by a mere notice not exceeding twelve months, so that it would leave the shareholders perfectly free and not committed by any agreement which was approved by the board.

I may state that an honourable member sent me another draft of the same clause, which I desire to put before the House. It was to this effect—that the board, notwithstanding anything in this section, may by order or regulation exempt the company from complying with any of the foregoing conditions with respect to any agreement for selling, conveying or leasing to any such company, or for any agreement where the consent of the railways is deemed to be unnecessary. I put the two forms before the House so that the matter may be discussed to-morrow.

Hon. W. B. ROSS: I know from personal experience that subsection 1 of this section is entirely unworkable; but I think a more effective amendment would be to take out the last three lines so that you would require only a two-thirds vote of the members present at the annual meeting. That would make the matter much simpler and easier.

Hon. Mr. BEIQUE: But it may involve the sale of the railway, and I think the shareholders should be protected as they have been in the past. That amalgamation should not take place or a railway should not be sold without a majority of the shareholders having an opportunity to pass upon it, whether it be a bare majority or twothirds. To limit to those present might give rise to surprises or abuse.

Hon. W. B. ROSS: A man can send in his name and consent. If a shareholder does not choose to send in his name it is his own fault.

Hon. Mr. BEIQUE: But shareholders of companies are widely scattered. Take the Grand Trunk, for instance. There are shareholders in England, in the United States, everywhere. As far as amalgamation is concerned, I agree that the spirit of the clause is proper; but whether the clause goes too far or not I am not ready to say. But I would like to see taken out of that clause agreements of no consequence at all, which could be worked out without the sanction of the shareholders.

Hon. Mr. BELCOURT: Does not my honourable friend (Hon. W. B. Ross) think that there would be more protection afforded by leaving the matter to the Railway Board, who would, no doubt, insist upon the parties being given such notice as would protect them in a case of that sort? I understand my honourable friend's amendment is prompted by the difficulty of having the matter attended to in proper time. The giving of this notice calling the meeting would entail a long delay. If we left it to the board to deal with the matter, the board having the power to require any notice to be given, it seems to me that ample protection would be afforded.

Hon. Mr. MACDONELL: Does the honourable gentleman's motion exempt from requiring the approval of shareholders an amalgamation agreement? Is that the purport of the proposed amendment?

Hon. W. B. ROSS: No, it is to guard against that.

Hon. Mr. BELCOURT: It does not deal with amalgamation at all.

Hon. Mr. BEIQUE: No; the question of , amalgamation is not involved.

Hon. Mr. MACDONELL: What, then, does the proposed amendment include and cover?

Hon. Mr. DANDURAND: Leases.

Hon. Mr. MACDONELL: But a perpetual lease is just as important.

Hon. Mr. BEIQUE: Terminable on twelve months' notice. That is another condition. There are a number of agreements of this kind, granting the right to use a section of the railway line to another company jointly with the railway itself. Under this section, those agreements cannot be passed without the sanction of two-thirds of the shareholders, whether they are for one year or for two years, and whether they cover only three, four, five or six miles of a railway two or three thousand miles in extent. It is unworkable.

Hon. Mr. MACDONELL: As I understand the honourable gentleman's (Hon. W. B. Ross's) amendment, it does not limit the extent_ of the railway that can be leased without the consent of the shareholders. The amendment, as I heard it, would mean, if enacted, that any lease that would not require the consent of the shareholders might be a lease of the whole 5,000 miles of a road, and might be a very long lease. Pay leases are much more frequently entered into by railway companies than are sales or amalgamations; therefore it seems to me that those are the very things that should have safeguards placed about them. However, we can discuss the matter when it comes up to-morrow or at a later date.

Subsection 6 of section 151 stands.

Hon. Sir JAMES LOUGHEED: Honourable gentleman, I wish to give notice of an amendment in addition to those which appear in my name in the Minutes of Proceedings Nos. 4 and 5, so that it may appear in the Minutes for to-morrow. The amendment deals with the question of passes:

Amend paragraph c of subsection 1 of section 345 by inserting immediately after the word "equipment," in the third line, page 131, the following: "or to the families of any person or class of persons entitled to receive or not prevented by this Act from receiving, free transportation or reduced rates, and for their baggage.

Progress was reported.

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

THE SENATE.

Tuesday, April 23, 1918.

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

Prayers and routine proceedings.

PUBLIC PRINTING AND STATIONERY. MOTION FOR STATEMENT.

Hon. Mr. DENNIS moved: That an Order of the Senate do issue for

the following information: The names, dates of appointments, salaries or wages of all clerks and employees of the Department of Public Printing and Stationery,

under the following heads: (a) King's Printer's staff, including advertising.

(b) Printing Branch.

1. Clerks.

2. Proofreaders.

3. Typesetting rooms: Mono, Lino, Job and Parliamentary.

4. Press rooms: Platen and Cylinder.

5. Binding: Book, Pamphlet.

Sterotyping. 6. 7. Map engraving.

8. Any other Departments. (c) Outside Printing Branch.

(d) Accountants.

(e) Stationery.

(d) Distribution.

(g) Mechanical staff.

(h) Canada Gazette.

(4) Caretaker.

(j) Any other departments. The motion was agreed to.

RAILWAY ACT CONSOLIDATION BILL.

FURTHER CONSIDERED IN COMMITTEE AND REPORTED.

The Senate again went into Committee on Bill A, an Act to consolidate and amend the Railway Act.-Hon. Sir James Lougheed. Hon. Mr. Girroir in the Chair.

Hon. W. B. ROSS: Honourable gentlemen, if there is no objection, I would like the committee to take up sections 372 and 372A. For the information of the gentlemen who have not been following this matter closely, I may say that I understand that there is no difference of opinion in the House with regard to the proposed amendment. The two sections were meant to deal with two separate things. The first was the building of wires or lines across or along the lines of an existing railway company by another company. The second was the construction along the line of the railway by the railway company itself of wires carrying heavy currents for electric lighting and power purposes. For these two sections, 372 and 372A, I move to substitute the following:

Hon. Sir JAMES LOUGHEED.

372. (1) Lines, wires, other conductors, other structures or appliances for telegraphic or telephonic purposes, or for the conveyance of power of electricity for other purposes, shall not, without leave of the Board, except as provided in subsection (5) of this section, be constructed or maintained,—

(a) along or across a railway, by any company other than the railway company owning or controlling the railway; or

(b) across or near other such lines, wires, conductors, structures or appliances, which are within the legislative authority of the Parlia-(2) Upon any application for such land,

the applicant shall submit to the Board a plan and profile of the part of the railway or other work proposed to be affected, showing the proposed location and the proposed works. (3) The Board may grant the application

and may order the extent to which, by whom, how, when, on what terms and conditions, and under what supervision, the proposed works may be executed.

(4) Upon such order being made the proposed works may be constructed and maintained subject to and in accordance with such order. (5) Leave of the Board under this section

shall not be necessary for the exercise of the powers of a railway company under section 367 of this Act, nor for the maintenance of works now authorized, and when works have been or are to be constructed or maintained by consent and in accordance with any general orders, regulations, plans or specifications adopted or approved by the Board for such purposes.

R.S., c. 37, s. 246; 1911, c. 22, s. 7; 1917, c. 37, s. 4. Am.

The first four sections deal effectively with the first question, but they leave out the other question, namely, how to deal with power and light lines carrying heavy currents that are constructed on the railway by the railway company itself.

I pointed out yesterday that section 287 provides for the orders and regulations of the board, and the operation and equipment of a company. In subsection g of that section, to enable the Railway Board to control what should be built upon a railway by the railway company itself, I am going to suggest a slight amendment. I do not know that it is absolutely necessary, but I think it will meet with the views of those who were yesterday rather doubtful about it. Subsection g reads in this way:

The Board may make orders and regu-

lations,-(g) with respect to the rolling stock apparatus, cattle guards, appliances, signals, methods, devices, structures and works, to be used upon the railway, so as to provide means for the due protection of property, the employees of the company, and the public and all persons travelling on His Majesty's service.

The amendment which I propose is that we should add after the words " structures and works," the words " including power and lighting wires." That provision will APRIL 23, 1918

make it absolutely certain that the Railway Board will have the regulation of that subject. That is to say, if the railway companies put a power or lighting line along the line of railway the Railway Board will regulate that and will make orders to provide means for the due protection of property, and so on. When that amendment is made, I think both subjects will be covered.

The insertion of section 372A has rather thrown the whole Bill out of joint. The sections, are interlocked and interwoven, but by keeping 372 to one subject and inserting these words in subsection g of section 287, this will be cured. I hope that I do not misrepresent anyone when I say that I think there is not any difference of opinion on this amendment. I am simply trying to make sections 372 and 372A as amended more workable and to dovetail them into the Act. I have no desire to lessen the obligation of the railway company or of those who cross it, or in any way to lessen the regulating power of the Railway Board with regard to these matters of which I speak, because it is, I think, self-evident that if along a line of railway, or above a station, or crossing a line of railway there are any powerful currents to be carried, they should be carefully guarded so that no accidents will happen to the public in case of a storm.

Hon. Mr. BOSTOCK: I presume the honourable gentleman proposes to deal first with section 372 as printed in our Minutes. We had better dispose of that first, had we not?

Hon. W. B. ROSS: Yes, but in order to avoid controversy about that, I want to show that my amendment to 372 is followed by another proposed amendment that covers the other phase of the question that is in the minds of honourable gentlemen.

Hon. Mr. WATSON: The amendment proposed deals with the power to be used on a railway. We have granted charters to railway companies permitting them to dispose of surplus power generated or controlled by themselves. Would there be any provision made for the carrying of high current along the railway line?

Hon. W. B. ROSS: They must get an order from the board.

The amendment of Hon. W. B. Ross was agreed to.

On section 287, subsection 1, paragraph g:

Hon. W. B. ROSS: I move that after the word "works," in the third line on page

108, the following words be inserted: "including power and lighting wires and lines."

Hon. Mr. BOSTOCK: In other parts of the Act mention is made of "light, heat and power" wires. Does the honourable gentleman consider that the words which he proposes to insert will cover lighting?

Hon. W. B. ROSS: I move that we insert these words: "including light, heat and power lines or wires."

The amendment was agreed to.

On section 372, subsection 5:

Hon. W. B. ROSS: In order that there may be no misunderstanding, I may point out that this subsection, as you will see in the memorandum, referred to telegraph and telephone wires. These are provided for in another section, about which, as I understand, there is no controversy. That goes in as part of 372. I just mention this so that there may be no misunderstanding.

On section 151-agreements for sale, lease and amalgamation:

Hon. Mr. BEIQUE: With the leave of the committee, I would suggest that the amendment of which I gave notice be amended to read as follows:

8. Whenever the agreement does not involve any sale or amalgamation and may be terminated by either company on giving a notice not exceeding twelve months, the Board may, nothwithstanding anything in this section, by order or regulation, exempt the company from complying with any of the foregoing conditions with respect to any such agreement.

Under section 151, whenever any agreements whereby any part of a railway is conveyed or otherwise disposed of or affected, it is necessary to obtain the consent of two-thirds of the shareholders. In practice it is absolutely impossible in many cases to obtain such consent. There are a number of agreements which are of no importance-agreements whereby, for instance, one railway allows another railway to use its lines jointly with itself. Such agreements, although not interfering at all with the ownership of the property and not being in the nature of a sale or amalgamation, nevertheless cannot be made without the consent of two-thirds of the shareholders. I propose the amendment in order to obviate that difficulty. It will be seen that it is limited to cases where the agreement does not involve any sale or amalgamation, and may be terminated by either company on its giving a notice not exceeding twelve months.

265.

Hon. Sir JAMES LOUGHEED: We will accept that.

Hon. Mr. BEIQUE: So that the shareholders will not be committed and may dispose of the agreement as they like.

Hon. Mr. McLENNAN: Speaking as a layman, and recognizing fully the difficulty which often exists of getting as many as two-thirds of the shareholders together, and recognizing also that this amendment has valuable qualities, it seems to me that it may perhaps go too far. As I understand it, it means that there would be no notice to the shareholders—no public notice in cases where a purchase or a lease was in contemplation.

Hon. Sir JAMES LOUGHEED: No.

Hon. Mr. BEIQUE: It merely gives to the board the power to dispense with such notice, if the board deems advisable. If the agreement is of any consequence the board will surely see to it that all the required notices are given.

Hon. Mr. McLENNAN: The company's difficulty might be removed in this way. If the company tried to get a meeting of shareholders and could not get the requisite two-thirds, then the board might dispense with formalities. The absence of publicity, it seems to me, might be objectionable.

Hon. Sir JAMES LOUGHEED: The agreement may be terminated on 12 months' notice anyway. It is only a running agreement.

Hon. Mr. DANDURAND: I would draw the honourable gentleman's attention to the fact that there are very many such agreements made yearly, and considerable trouble would be caused to the companies if the shareholders had to be convened. It would be for the board to decide whether it would be necessary to notify the shareholders. Then, the agreement may be terminated within twelve months.

The amendment of Hon. Mr. Béique was agreed to.

Hon. W. B. ROSS: There is a good deal of objection to subsection 6 of section 151, and I propose to crystallize the objection in an amendment. I move that in lieu of subsection 6 the following be inserted:

(6) If, in the opinion of the Board, any railway or undertaking, or part thereof, in respect of which such an agreement is or has at any time been made, ought to be declared to be a work for the general advantage of Hon. Mr. BEIQUE.

Canada, the Board shall certify such opinion to the Governor in Council.

The effect of this amendment is to give some show to the provincial legislatures with regard to railways in the provinces, and not summarily to hand them over to Dominion jurisdiction.

Hen. Mr. CASGRAIN: In the case of a road belonging to a provincial government, would you not need the consent of that government before you could remove the railway from its jurisdiction?

Hon. W. B. ROSS: You would, but this only provides for a report from the board to the Governor in Council. Then, if the Governor in Council wants to have an Act of Parliament passed to take the road from the jurisdiction of the provincial parliament, that can be done. This proposed amendment gives the right of an investigation before the Railway Board before the province can be taken by the throat. It puts that measure of protection between the province and the Dominion authorities.

Hon. Mr. BELCOURT: Should not my honourable friend provide in his amendment for some investigation by the board? The amendment as proposed leaves it to the board to make a report of that kind to the Governor in Council without any investigation at all.

Hon. W. B. ROSS: Do they do such a thing?

Hon. Mr. BELCOURT: Should they not do it? Should not a report of that kind be made only after an investigation? I think the amendment ought to provide for an investigation.

Hon. W. B. ROSS: But is there not some provision which requires the Railway Commission to investigate everything, and give reasons for making an order to all the interested parties?

Hon. Mr. BELCOURT: The honourable gentleman's amendment does not provide that the report shall be made after the parties are heard. Without a provision of that kind, the board could make a report without hearing any party at ail.

Hon. W. B. ROSS: If there is danger of that, I have no objection to inserting the words, "after hearing all parties interested," after the words, "the Board." Then, subsection 6 of the Bill disappears altogether.

Hon. Mr. BELCOURT: Would the honourable gentleman substitute the word "may" for the word "shall "?

Hon. W. B. ROSS: I have no choice myself. Perhaps it would be better to use the word "shall" so that there may be no argument as to what it means.

Hon. Mr. BELCOURT: I suggested the word "may" instead of "shall," the word used in the amendment.

Hon. W. B. ROSS: I do not care which is used. The amendment means that a duty is cast on the Railway Board which they will have to perform.

The amendment was agreed to, and section 151, as amended, was agreed to.

On section 392-limitation and defences:

Hon. W. B. ROSS: I would like to invite attention to subsection 1, which provides that actions for damages may be commenced within two years after the damage is sustained. In line 5 the term "two years" occurs in that connection, and again in line 7, relating to continuation of damage. For many years the term of limitation was one year, but at the instance of the labour organizations last year the word "two" was substituted for "one." Whatever the reason may have been why the operators of the road should have two years within which to maintain their action, no reason seems to have been put forward for a general departure from the one year limitation prescribed in the former Act, which had been in effect many years, and which accorded with the Limitation Act in the different provinces in matters of this kind. It would seem fair that persons other than railway employees should bring such actions within a year, when it is possible to obtain witnesses and thus ensure a fair trial. On the other hand, the employees seem to think that a year for them is too short. It may be short in this way, that a man may be hurt on a railway and not be in a position to go into the matters involved in a lawsuit. I propose to insert after the word "railway" in the third line the words:

Other than an action or suit brought by or on behalf of an employee of a company, or by reason of the death of such employee.

That saves the employee. Then, in line 5, for the words "two years" insert "one year."

Hon. Mr. DANIEL: Does this refer to damages to the person-physical injuries?

Hon. Sir JAMES LOUGHEED: Yes.

Hon. W. B. ROSS: And then add the following words at the end of subsection 1: In case of an action for indemnity for personal injuries sustained by an employee of the

company the period of limitation shall be two years.

Hon. Mr. BOSTOCK: What about the second period of two years mentioned in line 7?

Hon. W. B. ROSS: I would leave that alone, because that deals with a case where there is a continuation of damage. I see no reason for changing that.

Hon. Mr. DANIEL: I think that the term of two years ought to remain in the second part of the clause. There may be cases of damage affecting the spinal cord or other parts of the nervous system where it is impossible in the space of one year to know whether the injury is going to be permanent or not. It takes the lapse of considerable time for a man really to know what is the extent of his injury. I think it is all right that the action should be taken within a year, but I think the employee should be allowed at least two years before his claim may be disallowed, in order that he may be in a position to know whether his injury is likely to be permanent or not.

Hon. W. B. ROSS: I took the "two years" only out of the first part.

Hon. Mr. BELCOURT: Does my honourable friend's amendment have the effect of making it impossible for any one except an employee to bring an action for continuation of damage?

Hon. W. B. ROSS: It extends to the public as well as to the employee.

Hon. Mr. BELCOURT: I do not see why you are making a limitation of two years in the case of the employee and only one in the case of the public.

Hon. W. B. ROSS: The reason is the difficulty on the part of a railway company, just as on that of an ordinary manufacturer, when an action is brought against him, to find witnesses who know the facts about the accident after the lapse of two years.

Hon. Mr. BELCOURT: Would that not apply as well to the public?

Hon. W. B. ROSS: The only persons who asked for this change from one to two years were the employees, and the railways said, "All right." The rest of the public are satisfied with the limitation of one year, which has existed for many years; but if the railway employees have any strong feeling on the matter, we want to make it two years. It is a concession to what may be called a prejudice or feeling or notion on the part of railway employees that they would sooner have two years than one.

Hon. Mr. BELCOURT: I am quite satisfied that passengers would also prefer two years, and I do not see why they should be treated differently from the employees of a railway. My honourable friend says it is because we have not heard from the public. Well, I am here to speak for the public, and I am voicing their feelings in this matter when I say I see no reason why you should make fish of one and flesh of the other.

Hon. W. B. ROSS: I do not say there is any reason. As a matter of fact, the general public have been satisfied with the limitation of one year. The only people who complained were the railway employees.

Hon. Mr. CHOQUETTE: I think it would be best to leave the clause as it is. If you allow one part of the community two years, I do not see why that should not apply to other people. There is a good deal in the argument of the honourable member from St. John (Hon. Mr. Daniel), that the nature of the damage cannot be known within a year. I remember the case of one man, whose injuries were such that the doctors could not tell how long they would continue; yet he took an action a few months after his accident, and before the expiration of a year he had to take other proceedings in order not to be deprived of his remedy against the company. Doctors cannot say within a year to what extent or how long an injured man will be incapacitated for work, and therefore the court could not during that term award the damage to which he would be entitled.

Hon. W. B. ROSS: The honourable gentleman will see that the last three lines of the subsection make ample provision for what he refers to—"if there is continuation of damage, within two years." As there is a difference of opinion about this matter, and the railway employees are getting two years within which to bring their action, perhaps it would be just as well to let the section go as it is, rather than divide the House, and the question can be dealt with another year.

Hon. Mr. CHOQUETTE: Moreover, I may add that there are legal applications of this amendment. Supposing a passenger on a railway happens to be one of the employees who is off duty; he has the privileges of an ordinary citizen, and the law would have to decide what period of limitation is to be allowed him. If the operator

Hon. Mr. W. B. ROSS.

of a railway were injured while travelling as a passenger, even though he carried a pass from the company, would he have the right to have two years, or be limited to one?

Hon. W. B. ROSS: I will withdraw the amendment.

The proposed amendment was withdrawn.

On section 184—branch lines; provisions applicable:

Hon. Sir JAMES LOUGHEED: The question has arisen as to whether the provisions in sections 171 and 172, necessitating action by the company within a certain time in the expropriation of lands would extend to the conditions mentioned in this section. The proposal is to amend section 184 by substituting in the third line of the section the words and figures: "sections 171 and 172" for the word "those" in the top line, page 66. That makes it clear that section 171 applies to branch lines. Section 184 would then read:

Upon compliance with the requirements of the last four preceding sections all the other provisions of this Act, except sections 171 and 172, relating to the sanction by the Board of the plan, etc.

That will make applicable the same machinery to the branch lines. That is the point that was raised.

The amendment was agreed to.

On subsection c of section 6-railways controlled or operated by Dominion companies:

Hon. W. B. ROSS: When dealing with section 151, we dealt with railways in respect of which contracts for sale, lease or amalgamation were being made. Subsection c is another way by which the Parliament of Canada is attempting to get jurisdiction over provincial railways. It is worth the while of honourable gentlemen to look first at section 7, which says:

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

I do not propose to touch that. But when you read subsection c of section 6, you will find that it is an attempt to bring within the jurisdiction of Canada any provincial railway company that a Dominion company happens to operate. Subsection c says:

Every railway or portion thereof, whether constructed under the authority of the Parliament of Canada or not, now or hereafter owned, controlled, leased or operated by a company wholly or partly within the legislative authority of the Parliament of Canada, or by a company operating a railway wholly or partly within the legislative authority of the Parliament of Canada, whether such ownership, control or first-mentioned operation is acquired or exercised by purchase, lease, agreement or other means whatsoever, and whether acquired or exercised under authority of the Parliament of Canada, or of the legislature of any province, or otherwise howsoever; and every railway or portion thereof, now or hereafter so owned, controlled, leased or operated shall be deemed and is hereby declared to be a work for the general advantage of Canada.

I move to strike out this subsection; I do not think there is any justification for it.

Hon. Mr. CASGRAIN: The Canadian Northern Railway Company is operating the Quebec and Lake St. John railroad, which is a provincial railroad. If subsection c should remain, ipso facto that railroad would be taken away from the jurisdiction of the province of Quebec and would come under the absolute jurisdiction of the board.

Hon. W. B. ROSS: Yes. The same is true of the Quebec Central railroad.

Hon. Mr. BELCOURT: What we have done in regard to section 151 seems to make it proper to strike out subsection c of section 6, otherwise there would be an absolute conflict.

Hon. W. B. ROSS: In part at least.

Hon. Mr. MACDONELL: It seems to me that if you cut out that subsection you practically destroy the effect of the whole section. Where a system of railways under one incorporation is composed of the orig-, inally constructed railway and other lines which have been leased or otherwise acquired, surely it is only proper that it should all be under the same jurisdiction. You can hardly separate any part of the railway from the main railway. Under the proposed amendment you might have one railway system coming under several jurisdictions. You might have one part under federal jurisdiction, another part under the jurisdiction or authority of one of the provinces, and still another under the jurisdiction of another province. It seems to me that you will have a very motley aggregation unless you maintain the clause as it is. The whole Act is designed to secure uniformity and system

and order in the operation of railways. It seems to me that you would have a curious conglomeration of rights and remedies if you were to have one railway coming under different jurisdictions.

Hon. Mr. CASGRAIN: Take the case of the Timiskaming and Northern Ontario railroad, over which the Grand Trunk railway has running rights. If the Timiskaming and Northern Ontario railroad were to amalgamate with the Grand Trunk railway to-morrow that amalgamation would remove it from the jurisdiction of the province of Ontario, which has spent over \$18 --000,000 upon it. All the provisions made by the Ontario Government for settlement along the line, low fares, and so on, would be wiped out. I do not think the province of Ontario, after having built 240 miles of railroad, would be willing to have that done, just because it amalgamated with the Grand Trunk or the Canadian Pacific. Would the province forfeit every right?

Hon. W. B. ROSS: I point out to the honourable gentleman from Toronto (Hon. Mr. Macdonell) that in addition to this automatic way of bringing a provincial railroad under the jurisdiction of the Parliament of Canada, there is ample legislation left to get clear of what I think he described as a conglomeration of roads, some under Dominion and some under provincial jurisdiction. Section 7 gives the Dominion Parliament power to declare a railroad to be for the general advantage of Canada. Subsection 6 of section 151 does that in another way.

Hon. Mr. BELCOURT: I think that is the answer to my honourable friend from Toronto, if he is willing to listen to it. He objects to taking out subsection c of section 6, because he says there would be a conflict. or, as he put it, a conglomeration of authorities. That condition is recognized, provided for, and dealt with all through the Act. If my honourable friend will read section 7, he will see that the Act contemplates the duality of control.

Hon. Mr. MACDONELL: I understand the point made by the honourable gentleman from De Lanaudière (Hon. Mr. Casgrain), but there are other points to be considered. I agree that in cases of the kind he referred to it would be proper to have the jurisdiction maintained; but subsection c of section 6 deals with railways controlled or operated by Dominion companies. These companies are part of a Dominion company, and as time goes by they merge into the Dominion company, and it

SENATE

is impossible to see where they commence and where they end, because they are part of the general system belonging to one company. Individual rights can be maintained by a provincial company if it does not desire to merge into the big company. When it merges into the larger company, it becomes part of that company, and the law should be of uniform application to that whole system. Railways that are controlled or operated by Dominion companies should be governed by Dominion legislation; but where an agreement or a working arrangement between two railways is made, they should maintain their separate entities, otherwise it would be very confusing.

Hon. Mr. CASGRAIN: The Quebec and Lake St. John railway is merged in the Canadian Northern railway of Quebec. The Quebec and Lake St. John railway has certain obligations to fulfil, and can be compelled to fulfil them. I think the Quebec Government has the right to appoint two directors. The honourable gentleman from Grandville (Hon. Mr. Choquette) informs me that he is a director of that railway, representing the Quebec Government. In this case as in the case of the Temiskaming and Northern Ontario railway, the province has made great sacrifices and has certain privileges. Those . privileges would be taken away. The Quebec Central railroad also has a distinct board and is a provincial road, although it is operated by the Canadian Pacific Railway Company. As far as through traffic is concerned, it is admitted that the Railway Board may fix the rates, and say what part is to go to the provincial roads. The idea of striking out subsection c of section 6 is to maintain certain rights now enjoyed by provincial governments. I think it would be wrong to take the jurisdiction absolutely out of their hands. There is a long railroad in the province of British Columbia which received a large subsidy from the McBride Government. When we were dealing with the question of the Canadian Northern railway, a great fuss was raised upon the question of whether that railway in British Columbia would be taken out of the provincial jurisdiction. The province almost bankrupted itself in voting money for that railroad. The provinces must have some rights. If you put a provincial railroad into the hands of the federal authorities, in my humble opinion you defeat the object the local government had in building the railroad.

Hon. Sir JAMES LOUGHEED: I did not resist a division on the amendment proposed by the honourable gentleman from Hon. Mr. MACDONELL.

Middleton (Hon. W. B. Ross) to section 151, because, instead of a road automatically becoming a federal road as the result of an agreement between a federal and a provincial company, the board may report to the Governor in Council upon the desirability or necessity of it being declared a work for the general advantage of Canada. If circumstances warrant the board in so reporting, it is manifestly the duty of the Federal Government at once to have such a declaration made by Parliament. That meets the conditions of the case. I can readily conceive of conditions arising wherein it may be desirable that some agreement of this kind may be entered into without changing a provincial road into a federal road; but if the conditions should be the contrary, then, on the report of the board, the duty falls upon the Governor in Council to have a declaration made that it is a work for the general advantage of Canada.

Hon. Mr. BELCOURT: Under section 7 there is nothing to prevent the Governor in Council declaring any road to be a road for the general benefit of Canada, without the report of the board.

Hon. Sir JAMES LOUGHEED: Of course, Parliament can always act on its own initiative; but under the provisions of section 151 it may not be desirable.

Hon. Mr. BELCOURT: It is a question of policy.

Hon. Mr. BEIQUE: Take the case of the Canadian Northern railway. Half-a-dozen different companies which have been incorporated by the legislatures of the provinces form part of the system; but they are not amalgamated with the Canadian Northern railroad. They have not lost their entity, but the stock is controlled by the Canadian Northern. The effect of that clause would be to remove all these different companies, as parts of the Canadian Northern, from provincial jurisdiction, and to bring them under the jurisdiction of the board.

Hon. Mr. GORDON: As a reason for striking out paragraph c, it has been said that an injustice might be done to such a railroad as the Temiskaming and Northern Ontario. I for one am very sorry that the board has not jurisdiction over that road. The position which I take is that any provincial road which is not willing to take a subsidy from the Dominion Government, or to place itself in the hands of a railway company having a Dominion charter, should not be interfered with. But the Ontario Government railway has received a large subsidy from the Dominion Government, and is willing to take a large amount of money from the Grand Trunk which is operating over its lines.

Hon. Mr. CASGRAIN: \$300,000.

Hon. Mr. GORDON: It is really part of the Transcontinental now.

Hon. Sir JAMES LOUGHEED: Under this section we could not take over that railway. No other road has an agreement with the Temiskaming and Northern Ontario. It is operated by the Ontario Government.

The amendment of Hon. W. B. Ross was agreed to, and subsection c of section 6 was struck out.

On subsection 2 of section 33-mandatory orders:

Hon. W, B. ROSS: I move that the words "or authorized," in lines 25 and 26, be struck out. A railway company may be incorporated to build a road between point A and point B, and we guard against its abusing the power given to it to do that by saying that unless it commences operations within two years its charter becomes null and void; but to say that the railway company must build between point A and point B, the day after it gets its charter-that it shall commence construction forthwith, before it has had its engineers out or made a proper survey of the whole line, would, I think, be all wrong. I do not think those words, " or authorized " ought to be in that section at all.

Hon. Mr. CASGRAIN: But there is an easier provision than that. Railway companies are authorized to build hotels, and they could be asked to build a hotel at every station. So I think it is quite right to strike out the words, "or authorized."

Hon. Mr. DANIEL: Would not that be going a little too far? Supposing a company gets a charter to build a certain railway, pays no attention to the obligations of its charter and does not go on with the work; under this amendment you take away the authority of the board to use any urgency or to compel the company to carry out its work.

Hon. W. B. ROSS: The honourable gentleman did not catch what I said a minute ago. In the incorporation of these companies there is always a time limit of two years. The work must be completed within two years or must be dropped.

Hon. Mr. DANDURAND: If we gave to the board authority to force a company to do a certain thing, the board might perhaps have to provide money to do the work. Very often the work is not done because the company has not the money. In the Railway Committee we have very often heard the question put: "Why should not the company, which has the power to build a branch line, be compelled to do so?" The answer of the company has been: "We proceed according to the amount of money we have at our disposal."

Hon. Mr. BELCOURT: To leave in the words "or authorized' would cause a usurpation of the powers of Parliament by the board. The board would be doing what Parliament alone has the power to do.

Hon. Sir JAMES LOUGHEED: We have authorized many companies to build hotels, stores, and that kind of thing. Of course, the board would not concern itself with such matters, and it seems to me that so long as we give power to the board to compel the company to do what is required, it will be sufficient if the clause reads, "may be required."

The amendment of Hon. W. B. Ross was agreed to.

On subsection 2 of section 369 and subsection 2 of section 376—telegraph and telephone tolls:

Hon. W. B. ROSS: I move that the words "telegraphs or," in the third line of subsection 2 of section 369 be struck out. As honourable gentlemen are aware, there are a number of private wires. For instance, there are brokers who have their own private wires from Halifax to Montreal; others have wires from St. John to Montreal, and so on. These private lines, between, say, the house of a brokerage firm and a telegraph company's office, do not concern the general public at all, and I do not think it is right that we should interfere, or put into the Act words that would interfere, with the right of private contract as between the telegraph companies. and private houses who want a wire for themselves. If the words "telegraphs or" are taken out, the subsection will read:

No toll or charge shall be demanded or taken for the transmission of any message or for leasing or using the telephones of such company except in accordance with section three hundred and seventy-six of this Act—

Hon. Mr. CASGRAIN: Why should those words be taken out?

Hon. W. B. ROSS: I gave a specific case, that of brokers in Halifax who have private wires. The lease of a private wire is a contract between the broker and the telegraph company, in which the general public are not interested at all. The clause as it stands interferes with such private arrangements.

Hon. Mr. BELCOURT: In what way would that conflict with section 376? Subsection 2 of section 369 says that no toll or charge shall be demanded except in accordance with section 376.

Hon. Sir JAMES LOUGHEED: It takes out telegraph tolls.

Hon. W. B. ROSS: Subsection 2 of section 369 interferes with the right of private contract between the telegraph company and a private concern.

Hon. Sir JAMES LOUGHEED: I could understand my honourable friend (Hon. W. B. Ross) suggesting that the leasing of a telegraph line from which no tolls are chargeable to the public should not have to be submitted to the board; but the proposed amendment would not make that provision. It seems to me that that must be specifically stated. This subsection makes provision for the submission to the board of all charges or tolls, etc.

Hon. Mr. BELCOURT: Subsection 2 of section 369 provides, if I understand it aright, that no tolls shall be demanded except a toll approved by the board under section 376. What is there in that to prevent a railway company from making an agreement with any company for the transmission of private messages? I cannot see that there is anything.

Hon. W. B. ROSS: Subsection 2 of section 369 reads:

No toll or charge shall be demanded or taker for the transmission of any message or for leasing or using.

The effect of that is to preclude the leasing of a private telegraph line.

Hon. Mr. CHOQUETTE: Why?

Hon. Mr. BELCOURT: It would prohibit perhaps the charging for a message, but not the leasing.

Hon. W. B. ROSS: Yes, it does.

Hon. Mr. BELCOURT: No; it declares that no charge shall be made for leasing or using. That is what it means, not that a contract cannot be made. If I understand the two sections, they mean simply that Hon. Mr. CASGRAIN. no toll or charge shall be made for the use of a telegraph or telephone wire unless the charge is made in accordance with tolls revised and approved by the board. I do not quite see why the company could not make a private arrangement for the transmission of private messages.

Hon. Mr. BEIQUE: As the section reads, prohibition regarding charges is absolute. The object of the amendment proposed by the honourable gentleman from Middleton (Hon. W. B. Ross) is to permit a railway company owning a telegraph line to lease it to another company.

Hon. Mr. BELCOURT: And to charge for it.

Hon. Mr. BEIQUE: But the public is not concerned at all.

Hon. W. B. ROSS: No.

Hon. Mr. CASGRAIN: Why does the honourable gentleman single out telegraph companies and not mention telephone companies?

Hon. Mr. BELCOURT: They do not gamble on the telephone.

Hon. W. B. ROSS: That is it.

Hon. Mr. CASGRAIN: Oh, they do.

Hon, Mr. BELCOURT: Why would not my honourable friend (Hon. W. B. Ross) state in so many words, not in a roundabout way, what he proposes? Why not simply say that nothing shall prevent the company from making a private contract?

Hon. Sir JAMES LOUGHEED: Yes. If honourable gentlemen will turn to subsection 2 of section 376, which is the section referred to in section 369, they will find that it deals with the same subject. The whole situation would be met by a provision reading somewhat like this:

The provisions of this section shall not apply to the lease of telegraph wires where no toll is charged to the public.

Hon. Mr. BELCOURT: Yes.

Hon. W. B. ROSS: That is all right.

Hon. Sir JAMES LOUGHEED: I have no objection to such an amendment.

Hon. Mr. BOSTOCK: Where would that amendment be made?

Hon. Sir JAMES LOUGHEED: It would be in subsection 22 of section 376. The subsection would read:

The provisions of this section shall not apply to the lease of telegraph wires where no toll is charged to the public. Hon. Mr. BELCOURT: "Lease" or "use?"

Hon. Sir JAMES LOUGHEED: I think we had better leave it "lease," because it will permit of less evasion than the other. The subsection deals with tolls subject to approval.

Hon. Mr. BEIQUE: I would suggest "telegraph lines."

Hon. Sir JAMES LOUGHEED: No; it is telegraph wires, because a company may lease one of its wires.

Hon. Mr. BEIQUE: "Telegraph wires leased."

Hon. Sir JAMES LOUGHEED: Where no charge is made to the public. That is to say, if the company leases to a broker a line, say from Montreal to Halifax, no toll may be charged to the public for that wire. It is a distinct wire and is dealt with by private agreement between the company and the broker.

Hon. Mr. BELCOURT: I cannot see why there should be any distinction between telegraphs and telephones.

Hon. Sir JAMES LOUGHEED: Telephone wires are not used for that purpose.

Hon. Mr. BELCOURT: But they might be used for other purposes—quite legitimate purposes. I do not see any reason for making a distinction between the two.

Hon. Sir JAMES LOUGHEED: It is a well-established practice for all brokers throughout Canada to lease wires from telegraph companies. I have never heard of telephone lines being leased.

Hon. Mr. BELCOURT: But I am not dealing with stock gambling or anything of that kind. A company may make an agreement with another company whereby it allows the use of its telephone lines for railway purposes. Why should they not be allowed to do that by private agreement? What is the objection to that?

Hon. Sir JAMES LOUGHEED: I am not prepared to consider that in all its ramifications. I do not know to what it might lead. But the other is a well defined practice, which we very well know.

Hon. Mr. McLENNAN: I know of one case where the Dominion Coal Company had leased from the local telephone company private telephone lines, which were kept in order for it and used by it exclusively. A similar arrangement may exist S-15

in other places, or it may happen again. It is quite conceivable that a company may have a private leased telephone wire.

Hon. Sir JAMES LOUGHEED: This section deals only with railway companies.

Hon. Mr. RICHARDSON: The Canadian Pacific railway at the present time leases some of its wires to brokers from Halifax to Vancouver. These wires are sublet, and there may be several brokerage firms on the same wire. For instance, our firm is on the wire from Halifax to Vancouver; we have our private wire. There is no toil collected by us for any messages or any business outside of our own private business. Such arrangements are quite common throughout this country and also in the United States. Large and important business concerns have to keep closely in touch with the market situation, and the ordinary telegraphic communication is not sufficient. Wires have to be leased by private companies.

Hon. Mr. BELCOURT: Why could not telephone wires be leased?

Hon. Mr. RICHARDSON: Like the honourable leader of the Government (Hon. Sir James Lougheed), I am not prepared to discuss telephones at all, because none of us lease telephone wires. I can see no reason for the lease of telephone wires, and I can see no objection to it.

The Hon. the CHAIRMAN: The amendment now is as follows:

That the following words be added to subsection 2 of section 376, at the end thereof: The provisions of this section shall not apply to the use of telegraph or telephone wires where no toll is charged to the public.

Hon. Mr. BELCOURT: My honourable friend said he did not want to use the word "use."

Hon. Sir JAMES LOUGHEED: I use that word because "using" is the word contained in that clause; and I have inserted in the amendment the word "telephone."

The amendment of Hon. Sir James Lougheed was agreed to.

Hon. Mr. MACDONELL: I wish to draw the attention of the committee to subsection 15 of section 2, the clause under "definitions." The latter part of that subsection is new. The subsection reads:

"Lands" means the lands, the acquiring, taking or using of which is authorized by this or the Special Act, and includes real property, messuages, lands, tenements and hereditaments of any tenure, and any easement, servitude, right, privilege or interest in, to, upon, under, over or in respect of the same.

REVISED EDITION

Hon. Mr. CASGRAIN: What are "messuages?"

Hon. Mr. MACDONELL: That is an intricate legal term meaning a certain character of title or interest that a person could possess in property, or a certain class of property. It is a law operating in Ontario and other provinces, I think, outside of Quebec. The words in the concluding part of this subsection, which are new, were added when this Bill was before the Commons. They are:

And any easement, servitude, right, privilege or interest in, to, upon under, over or in respect of the same.

The law as of to-day simply defines lands to be lands and the various holdings and interests in lands; but by the addition of the words I have just read a company can take an easement in lands, or a servitude, right, privilege, or interest in, to, upon, under, over or in respect of the same. The Commons passed upon that and inserted those words, which give a railway, or any company governed by the Act, a right to take an easement—I am using the word as typical of and embodying the other words on a man's property.

Hon. Mr. CASGRAIN: Or under.

Hon. Mr. MACDONELL: Under or over; they can take an easement which would destroy the land for all purposes thereafter, making it incapable of being built upon or utilized; and at the time they took the easement they would be getting comparatively a very small right, and would not be expected to pay the value of the land, nor would they pay it, though they would tie up this man's land for ever. I understand that this clause was inserted at the request of honourable gentlemen from Quebec, who stated that the tunnel of the Canadian Northern Railway Company had been constructed through or under the mountain of Montreal, or part of it, and that the railway company needed an easement or right to do that. They could not buy the whole mountain, but they required the privilege of tunnelling under it. No doubt there was a need for something of the kind in that particular case; yet, because of it, the whole law of the Dominion has been altered, and now a railway company can go through any place and take an easement. I apprehend that they could go over the land of Smith, Jones or Brown, and they would have to buy no land whatever, but just take an easement for their track.

I am calling the attention of honourable gentlemen to the important purport of this Hon. Mr. MACDONELL. language, with a view to seeing whether it is the will of honourable gentlemen that the Parliament of Canada should give such a wide right to any corporation. To my mind, it is an improper power to give in that broad way, though it is quite right to make some provision for the case in Montreal. I have received a letter from the Union of Canadian Municipalities, as I suppose other honourable gentlemen have. It is as follows:

Montreal, April 20, 1918. Re Railway Act.

The Union of Canadian Municipalities, especially its larger cities and towns, are very much exercised over the recent change in section 2, subsection 15, whereby easements and servitudes are placed under the definition of "lands." This will introduce great difficulty in cities, towns and villages, by giving the right, practically, to light and power companies to put their wires over and under private property. This is all right in the country, but will very much depreciate city and town property in any case. For this reason, easements and servitudes were originally omitted from the Act, but now are thoughtlessly put back again.

This matter was the subject of a resolution of the Executive of the Union of Canadian Municipalities on the 10th April, instant, and they would ask your good offices to have easements excluded from applications or expropriation matters in cities and towns.

This letter speaks for itself, and I have no desire to labour the point; but in my humble opinion this is an excessive and improper power to give to all companies that come under the Railway Act. While I think ample provision should be made for proper cases, the new language of this subsection, which is an innovation on the old law, is too wide and too general, and there is no limit to the working of it as against the interests of communities of all kinds. A railway might go through the settled part of a large city, take easements on properties, on buildings, and on interests of a nature and kind that we cannot at the moment contemplate.

Hon. Sir JAMES LOUGHEED: Could that not be settled by compensation?

Hon. Mr. MACDONELL: The difficulty is that when a railway takes an easement it is very often of comparatively small value to the railway, and yet the railway ties up and anchors that man's land for all time, perhaps running a conduit 15 or 20 feet below the surface. A man in a town might have a few acres of vacant land of comparatively small value, which might become of great value, but he could not build on that land, or make foundations, or sink anything. On the other hand, if a wire is strung 20 or 30 feet above a man's pro-

perty, it is there for all time, and he cannot build on or through that. The issues involved are so important that I would ask the committee not to be in a hurry to pass this section, but let it be well considered. I think that possibly it might stand over till some future date. Although the evidence in the Commons committee which dealt with this Bill filled in part four volumes, the only case that was thought of or suggested in support of this subsection was that of the Montreal tunnel, for which special provision should be made; but let us stop there and go slowly before we enact such radical legislation as this.

Hon. Sir JAMES LOUGHEED: I would state to my honourable friend that this provision is not entirely new, because I understand that this is substantially, if not precisely, the language employed in the Government Expropriation Act, and I believe it is the same as that in the English Act. We can very well conceive of cases where it would be very undesirable that a railway, telegraph or telephone company should be compelled to take the freehold, when all that they need is an easement to go upon the land to string their wires, etc. It seems to me that could all be settled by compensation. If the damage is excessive on account of any easement, there is provision made for compensation, and it seems to me unlikely to be subject to any abuse, particularly as it is surrounded by all the safeguards which we have incorpor-ated into the Act. I hope my honourable friend will see his way to reconcile himself to the language which we have used.

Hon. Mr. BELCOURT: To my mind these definitions are absolutely necessary, and the Act will not be susceptible of being worked out if they are not included. My honourable friend is looking at this matter only from the point of view of the railway company wanting to exercise an easement; but in order to construct a railway the company may require to obtain somebody else's servitude or easement. For instance, a property adjoining mine is one on which I have a right of way in connection with my property; the railway company proposes to construct its line over that very right of way; it has acquired from the owner the land on which the right of way exists, and it has also to acquire from me the right to exercise that right of way. How are you going to work out the Railway Act if you do not include the words "easement" and servitude?"

Hon. Mr. MACDONELL: It has been the law of Canada that railway companies had no right to take easements and servitudes, yet no one has ever complained.

Hon. Mr. BELCOURT: That is not the point. My honourable friend's point is that we should not deal with definitions of easements and servitudes. If so, we would make it impossible for a railway company to acquire any easement or servitude the exercise of which would be absolutely necessary in order to construct the railway.

Hon. Mr. MACDONELL: How have railways heretofore constructed and operated their roads without this power?

Hon. Mr. BELCOURT: It would only be confirming the fact to make the words mean the use of a right which has been exercised for many years past. That would not be any reason for striking it out; on the contrary, it would be a very good reason for putting it in. I have given you a specific case in which the railway company, after acquiring from the owner of the land the right of way on which it proposes to build, has to come to me and acquire the servitude or easement from me. Otherwise the Act is not workable.

Hon. Mr. CASGRAIN: I agree entirely with the honourable member for Toronto (Hon. Mr. Macdonell) that we should go slowly in granting this right of easement. The case cited by the honourable member from Ottawa (Hon. Mr. Belcourt) does not apply to this case at all because he owns a servitude or easement which he might sell to the Canadian Pacific railway or another road.

Hon. Sir JAMES LOUGHEED: How would they get it if they had not the authority to get it?

Hon. Mr. CASGRAIN: It is hard to explain this matter, and I would like your attention for a moment. This is a very vexed question. We cannot leave these words, easement, servitude, etc., under the pretext that the company is only taking an ordinary easement. What did the Canadian Northern do in Montreal? Starting from Dorchester street and going up College avenue, for instance, they went underneath the street. They had to go under the adjoining properties to a very shallow depth and only took an easement. None of the claims are settled yet, and they are likely to stand in that way for years. Later on, if any one wants to dig a foundation he is debarred forever from doing so. A railroad

S-181

passing under any one's property is no easement. Easement or servitude means that I make it easy for you to pass over or through my land; I give you a servitude that you can pass from place to place; it is a temporary relief. But here is a permanent structure; it is not a servitude, for they have a right, and you cannot remove them; they are underneath your property. Under the word "easement" the Canadian Northern railway has been expropriating from Dorchester street, which is at the south end of the city, clean through across the city and outside of it, without paying anybody up till now, and there are many claims for damages of all sorts coming against them.

I agree with the honourable member for Toronto that we should give special value to the word easement as we find it here, for it has given a great deal of trouble, and has been argued about seriously in courts. There is a case in point—the property of the Hon. H. B. Rainville. They passed under his property at a depth of 40 or 50 feet, shaking the property by blasting, etc.; but he took out an injunction through a very able lawyer in Montreal; and, as the whole work would have been tied up by the injunction, the company gave him some \$160,000 for his property. Being a smat lawyer himself and having enough influence, he managed to get it, but he was the only one who was paid for his property. That was the first time we heard of any of those easements under the Railway Act, and the people were taken by surprise. As a practical man, not a lawyer, I submit that if you make a tunnel under a property, that is not an easement, because you actually take the property and you have a right to it as far down and as high up as you choose to go, and anybody occupying it permanently has not merely an easement.

Hon. Sir JAMES LOUGHEED: We are not saying it is.

Hon. Mr. CASGRAIN: That is the application. I acted as arbitrator in a case where the railway passed under a man's property at considerable depth, and yet claimed they were only taking an easement. Our man was obliged to leave the property entirely, on account of the noise of blasting going on; still the company said: "No, we are not interfering; we are only taking an easement; we are not taking your property." I claim they were taking part of the property, and I think we should consider that clause very carefully. The word

Hon. Mr. CASGRAIN.

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"servitude" is a sort of French translation for easement. I doubt very much whether it applies entirely. Ever since Confederation railroads have been built under this Railway Act without the word "easement." The Canadian Pacific railway has been built, and when it passes under property it acquires it entirely. Another instance is that of the Shawinigan Power Company, which started to take easements over property for their wires, but they found in the long run that it would not work, and they finally had to acquire the ground itself. In Ontario you have several electric lines, and they do not take easements; but in Montreal those dangerous wires, carrying I do not know how many volts, pass over a property. A pole might be on a man's lot, and wires strung across, and if those wires broke they would burn down barns and houses; yet the company simply say they have an easement. They say the man cannot recover damages; still he has this lightning threatening his house all the time. I think this House should be very careful about granting powers which would permit companies permanently to acquire property and establish works of this kind. An easement or servitude may be granted in a case where there is a ballast pit, say, three-quarters of a mile away from a railroad, if the work is of a temporary nature. A right of way to that ballast pit might be acquired for a certain length of time, always provided that a reasonable amount was paid for the land during the time it was in use.

Hon. W. B. ROSS: I think the honourable gentleman who has just resumed his seat (Hon. Mr. Casgrain) and the honourable gentleman from Toronto (Hon. Mr. Macdonell) both make the same mistake in imagining that this definition enables railroads to get what they never had befcre. The honourable member from Ottawa (Hon. Mr. Belcourt) has pointed out that there are two sides to the question. An easement is just as valuable to the owner as it is to the railroad. If you do not enlarge the meaning of the word "land," you will have a Railway Act that will not be work-Within the last three months I able. examined the English Railway Act on this very point, and the definition of land which we have before us is practically a copy of the definition in the English Act. In that country they have had a thousand times as much litigation as we have had; they have more cities than we have; and I cannot imagine how a railway company is going to get any advantage by taking an easement or any of these interests in land when another clause provides that they cannot get it. I think the honourable gentleman from Ottawa (Hon. Mr. Belcourt) has given one reason.

Hon. Mr. BELCOURT: There are dozens of reasons. Take the case of the owner of a fee subject to a life estate.

Hon. W. B. ROSS: Take a drain or a tunnel.

Hon. Mr. BEIQUE: I think the honourable gentleman from De Lanaudière (Hon. Mr. Casgrain) is mistaken in his law.

Hon. Mr. CASGRAIN: I should be forgiven for that, being a land surveyor.

Hon. Mr. BEIQUE: He speaks as if he were under the impression that a servitude was not a permanent right in property. A servitude of passage is a permanent right to use the property for the purpose of passing. It lasts as long as the land remains. Honourable gentlemen have referred to the Canadian Northern railway tunnel in Montreal. I think it is the best instance to show the deficiency of the honourable gentle-man's definition. The Canadian Northern railway passed through the mountain. If Parliament had not granted that company power to exercise this very right of purchasing or expropriating an easement, what would have been the consequence? They would have had to purchase part of the mountain itself, part of the surface of, which is a park. The owner of the surface of the land owns what is under ground, and, if the railway company in that case had not been entitled to limit their ownership to what was underground, they would have had to purchase the whole thing. I cannot appreciate the objection to the definition which is to be found in this section. What objection can there be to the railway company acquiring only an easement, for which they have to pay, if they require only a servitude on the property?

Hon. Mr. MACDONELL: I cited the Montreal case as being the only reason advanced or then known to the committee in favour of this section. I was not saying that it was against the section. The honourable gentleman says that the Canadian Northern were taking advantage of a law which enabled them to acquire an easement or servitude. At that time there was no such law; nor is there to-day a law authorizing a railway company to take an easement or servitude. This is still a Bill, so the Canadian Northern could not have acted

on the authority of the law as contained in this Bill.

Hon. Mr. BEIQUE: It was put in the charter of the Tunnel Company.

Hon. Mr. MACDONELL: I am speaking of the general law. I am informed that that provision is in their charter; but I am objecting to it in the general law as applied to the whole of the country. It does seem to me that it is improper to retain these words. I do not want to divide the committee, but I want to ask their opinion on the question. If honourable gentlemen think the words should remain, well and good.

Hon. Mr. CASGRAIN: The honourable gentleman from De Salaberry (Hon. Mr. Béique) questions my knowledge of the law. He says that a servitude is permanent. My contention is that under a servitude, though you may pass over the land affected. you must not put even a peanut stand upon it. If a railroad passes under your property, the railway line is a physical thing. I may say that some very good lawyers in the province of Quebec have told me that they doubted very much if this granting of easements did not affect civil rights, and they did not know whether this Parliament had that right. They said that if the question were taken to the Privy Council very possibly it would be decided that this Parliament had no authority to do so.

Hon. Sir JAMES LOUGHEED: In order that the public may be protected in the matter, I suggest an amendment to section 199, as follows:

Provided that no interest in land less than a fee simple interest shall be acquired without the consent of the owner except upon leave of the Board and upon such terms and conditions as the Board may impose.

The board may determine the nature, value and character of such interests.

The amendment of Hon. Sir James Lougheed was agreed to, and section 199, as amended, was agreed to.

On section 345—for Government, charity, expositions, etc.:

Hon. Sir JAMES LOUGHEED: Section 345 deals with the question of passes. I will take this opportunity of explaining what is proposed. The amendment, which is No. 5 on the Order Paper, and which will be section 345A, absolutely prohibits the issuance of passes, etc. The amendment, No. 6 on the Order Paper, is the penalty clause. The notice which I gave yesterday.

No. 4 on the Order Paper, will permit of an enlargement of the classes referred to in section 345.

Hon. Mr. BOSTOCK: I understand that the proposed amendment really widens the power of granting passes rather than restricts it.

Hon. Sir JAMES LOUGHEED: No, it restricts it. The policy of the Act is to prevent railway companies issuing passes except to classes of persons mentioned in sections 345 and 346. I move that paragraph c of subsection 1 of section 345 be amended by inserting immediately after the word "equipment" the following:

or to the families of any persons or classes of persons entitled to receive, or not prevented by this Act from receiving, free transportation or reduced rates, and for their baggage.

The amendment of Hon. Sir James Lougheed was agreed to.

Hon. Mr. EDWARDS: May I suggest that the word "directors" be included in that amendment, to come after the word "own" and before the word "officers." The same word would have to be inserted in line 8 on the next page.

Hon. Sir JAMES LOUGHEED: That seems to be reasonable.

The amendment of Hon. Mr. Edwards was agreed to.

Hon. Sir JAMES LOUGHEED: I now beg to move that the following section be added to the Bill as section 346A:

Subject to the provisions of Sections 345 and 346 of this Act, no Company shall hereafter, directly or indirectly, issue or give any free ticket or free pass, whether for a specific journey or periodical or annual pass, and no Company shall otherwise arrange for or permit the transportation of passengers except on payment of the fares properly chargeable for such transportation under the tariffs filed under the provisions of this Act, and at the time in effect.

The amendment was agreed to.

Hon. Sir JAMES LOUGHEED: I now beg to move the adoption of section 426A, which reads as follows:

426A. Any Company or any Officer or Agent thereof, or any person acting for or employed by such Company, who in contravention of the provisions of this Act, directly or indirectly, issues or gives any free ticket or free pass, whether for a specific journey or periodical or annual pass, or who arranges for or permits the transportation of passengers except on payment of the fares properly chargeable for such transportation under the tariffs under the provisions of this Act, and at the time in effect, in contravention of the provisions of this Act, shall for each offence be liable to a penalty not exceeding one thousand dollars and not less than one

Hon. Sir JAMES LOUGHEED.

hundred dollars, and any person other than as provided by this Act who uses any such free ticket or free pass, whether for a specific journey or periodical or annual pass, shall be subject to a like penalty.

a like penalty. (2) No prosecution shall be had or instituted for any such penalty without the leave of the Board first being obtained. New.

Hon. Mr. CASGRAIN: It is true that in the United States companies are fined a large amount for issuing passes improperly; but I think the individuals using them are not fined more than one-tenth of that amount. Would it not be better to reduce the penalty in that regard?

Hon. Sir JAMES LOUGHEED: No, in the United States it is a like penalty.

Hon. Mr. DOMVILLE: They can take you out of a car and put you in jail.

The amendment was agreed to.

Hon. Sir JAMES LOUGHEED: The amendment of which the honourable gentleman from Hamilton (Hon. Mr. Lynch-Staunton) gave notice is to be dropped. The subject seems to be entirely too important to be dealt with at this time, and I informed him that we did not see our way to accepting it. It seems to me that it might be the subject of a separate Bill that he could bring up.

The proposed amendment of Hon. Mr. Lynch-Staunton was dropped.

The preamble was agreed to.

The title was agreed to.

Hon. Mr. CASGRAIN: Now that the title is adopted, I think it is only right to say that those who were in favour of having this Bill considered in Committee of the Whole have reaped their reward. I think we have done very well-much better than we should have done by sending the Bill to any standing committee-and I hope that this experience will serve as a lesson for the future. On public questions it should not be necessary to hear witnesses; we ought to have, or should take the trouble to get, all the information necessary to enable us to deal with them. If a private Bill is sent to a standing committee, well and good, because we are not obliged or expected to know all about private interests; but so far as possible, public Bills should in future be dealt with in Committee of the Whole. Now, I have a request to make of the honourable leader of the Government. As there have been a good many amendments and these may affect various large transportation companies, Iwould ask that after the committee rises the honourable leader of the Government will have the third reading of the Bill deferred for a couple of days in order that those who are specially interested may take communication of the various amendments. Then the Bill could be amended on the third reading, if there were reason to make any further amendment.

Hon. Mr. DOMVILLE: Oh, no. Let it go.

Hon. Sir JAMES LOUGHEED: Honourable gentlemen, I wish to express my appreciation of the courtesy, attention, and interest exhibited by the Committee of the Whole in dealing with this Bill.

Hon. Mr. CASGRAIN: We are to be congratulated on having had a good Chairman.

Hon. Sir JAMES LOUGHEED: With very great satisfaction I move that the committee rise and that the Chairman report the Bill as amended.

Hon. Mr. POWER: I should like to make just one observation before the committee rises, and that is to express my entire concurrence in what has been said by the honourable gentleman from De Lanaudiêre (Hon. Mr. Casgrain). I think that, although the discussing of this measure in Committee of the Whole may have been a little bit trying to gentlemen of our age and infirmities, still it is better calculated to give the public a correct impression of the sort of work that the Senate does than dealing with the Bill exclusively in one of the select committees. I think that the discussion of this Bill and the amendments that have been made to it are calculated. when they reach the eyes of the public, to impress then with the idea that the Senate is not, after all, a thing which exists only to be abolished.

The Bill was reported with amendments.

On motion of Hon. Sir James Lougheed, the amendments were concurred in.

STATISTICS BILL.

SECOND READING.

Hon. Sir JAMES LOUGHEED moved the second reading of Bill 32, an Act respecting the Dominion Bureau of Statistics.

He said: This Bill is very largely a consolidation of the legislation which exists at the present time on the subject of statistics. It is intended to enlarge somewhat the scope of the department so as to cover branches of statistics into which, up to the present time, extensive inquiry has not been made. When the House goes into committee we can discuss the various clauses of the Bill more particularly than I care to do at present.

Hon. Mr. BOSTOCK: Under section 22 of the Bill, dealing with statistics of trade and commerce, the Minister of Trade and Commerce will apparently have those statistics under his own hand; but I observe that by subsection 2 of that clause it is provided: "The Department of Customs shall send to the Dominion Statistician," etc. As I understand the matter, the statistics of the Department of Trade and Commerce and those of the Department of Customs are almost exactly the same. It would appear from this clause that the Customs Department is going to issue its statistics almost entirely separately from the Department of Trade and Commerce. It seems to me that, if there is duplication in that particular case, it is hardly necessary. I desire to draw my honourable friend's attention to this matter so that he may be able to inform us when we go into committee.

Hon. Sir JAMES LOUGHEED: The Department of Customs is the only source from which customs statistics would be obtainable. When they are forwarded to the Statistical Branch of the Department of Trade and Commerce they may possibly be arranged somewhat differently, but the main source of information is the Department of Customs.

Hon. Mr. BOSTOCK: I do not think my honourable friend has caught the point, but we can discuss it further when we go into committee.

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

YUKON ACT AMENDMENT BILL.

SECOND READING.

Hon Sir JAMES LOUGHEED moved the second reading of Bill 39, an Act to amend the Yukon Act.

He said: This Bill has for its purpose the abolition of certain institutions and offices in the Yukon. Our activities there are abating from time to time, and it is proposed in the expenditure of public funds to carry out substantial economies, into which I will enter more particularly when the Bill is before the committee.

Hon. Mr. BELCOURT: How many members compose the council at present?

Hon. Sir JAMES LOUGHEED: I cannot say.

Hon. Mr. CASGRAIN: A couple of dozen.

Hon. Sir JAMES LOUGHEED: I think the Yukon council is a fairly numerous council at the present time. It is proposed to reduce it to two members, I believe.

Hon. Mr. BELCOURT: Are they all appointed by the Government, or elected?

Hon. Sir JAMES LOUGHEED: Most of them are nominated, I believe, by the Government. I shall have all those particulars when we go into committee.

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

ANIMAL CONTAGIOUS DISEASES BILL.

SECOND READING.

Hon. Sir JAMES LOUGHEED moved the second reading of Bill 56, an Act to amend the Animal Contagious Diseases Act.

He said: This Bill proposes increasing the compensation already provided for animals that may be slaughtered under the Act. It has been felt that the compensation provided for in the existing Act is entirely inadequate.

Hon. Mr. BELCOURT: Owing to the high cost of living?

Hon. Sir JAMES LOUGHEED: Yes. Owing to the price of live stock having increased substantially of late, it is deemed desirable to increase the amounts of compensation.

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

INDUSTRIAL DISPUTES INVESTI-GATION BILL.

SECOND READING.

Hon. Sir JAMES LOUGHEED moved the second reading of Bill 48, an Act to amend the Industrial Disputes Investigation Act, ' 1907.

He said: The object of this Bill is to amend and improve the present general legislation respecting industrial disputes, and to enlarge considerably the scope of the Act and the inquiries which may be made.

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

NAVAL DISCIPLINE BILL.

SECOND READING.

Hon. Sir JAMES LOUGHEED moved the second reading of Bill 49, an Act respect-Hon. Mr. BELCOURT.

ing the Naval Discipline (Dominion Naval Forces) Act, 1911.

He said: The object of this is to permit of bringing into harmony, or making uniform, the naval discipline of Canada and that of the United Kingdom. Owing to our relations and our co-mingling not only at the present time, but for some time past and probably for the future, with the naval forces of the United Kingdom of Great Britain and Ireland, it is necessary that there should be uniformity between the two forces so far as possible.

Hon. Mr. DANDURAND: Is this to be a permanent Act or simply a war-time Act?

Hon. Sir JAMES LOUGHEED: It is not a war-time Act. It provides that our forces serving with the Imperial forces shall be subject to their discipline, and vice versa. As I understand, an exhange of members now takes place between the two naval forces, those of the United Kingdom and those of the Dominion. It is therefore desirable that no question shall arise as to the discipline which should be in force, and that no invidious distinctions shall be drawn between the two.

Hon. Mr. BOSTOCK: I suppose that this Bill has something to do with the question of court-martial as well as that of the exchange of officers?

Hon. Sir JAMES LOUGHEED: Yes, it has to do with that.

Hon. Mr. BOSTOCK: Does the honourable gentleman know how we have been getting along in the meantime without such an Act as this being in force?

Hon. Sir JAMES LOUGHEED: I really cannot say. I understand that the Admiralty has directed the attention of Canada to the desirability of having legislation along the same lines as their own.

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

GOVERNMENT EMPLOYEES COMPEN-SATION BILL.

SECOND READING.

Hon. Sir JAMES LOUGHEED moved the second reading of Bill 51, an Act to provide compensation where employees of His Majesty are killed or suffer injuries while performing their duties.

He said: This is to permit of this Government adopting practically the same compensation law as may be in force in the province in which occurs the injury of a servant of this Government. It further makes provision for election by the employee as between the benefits of the railway provident society to which he may belong and the benefits of this Act.

Hon. Mr. BELCOURT: Does this apply to all employees?

Hon. Sir JAMES LOUGHEED: Yes; all employees of the Dominion Government.

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

RAILWAY BELT ACT AMENDMENT BILL.

SECOND READING.

Hon. Sir JAMES LOUGHEED moved the second reading of Bill 54, an Act to amend the Railway Belt Act.

He said: This Bill makes provision for the issue of a patent for land held by a deceased settler. There is no provision at the present time for the issuance of a patent in such a case. It is quite obvious that it is very desirable that such patents should be provided for.

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

DEPARTMENT OF RAILWAYS AND CANALS ACT AMENDMENT BILL.

CONSIDERED IN COMMITTEE AND REPORTED.

On motion of Hon. Sir James Lougheed, the Senate went into committee on Bill 52, an Act to amend the Department of Railways and Canals Act.—Hon. Mr. Daniel in the Chair.

Hon. Mr. BELCOURT: If this is a money Bill, what is the use of considering it in committee? This is a new way of going into Supply.

Hon. Sir JAMES LOUGHEED: No, it is not a new way, because under the present statute we carry annually \$1,500,000 to the credit of the stores account for the Intercolonial, and \$100,000 to the credit of the Prince Edward Island railway; but, owing to our having taken over the National Transcontinental and the substantial increase in the price of railway materials, equipment and stores, it is necessary to have this additional amount carried to the credit of the stores account.

Hon. Mr. BELCOURT: It is merely a matter of bookkeeping.

Hon. Sir JAMES LOUGHEED: That is all it is.

Hon. Mr. BOSTOCK: How is this money accounted for? It is not voted every year.

Hon. Sir JAMES LOUGHEED: No. Under the Statute it went automatically to the credit of that account. The statute makes provision for it. It is accounted for in the same way as other revenues or outgoings of the Intercolonial.

The Bill was reported without amendment.

PRIVATE BILLS.

FIRST READINGS.

Bill 6, an Act respecting the Burrard Inlet Tunnel and Bridge Company.—Hon. Mr. Bostock.

Bill 7, an Act respecting the Canadian Indemnity Company.—Hon. Mr. McMeans.

Bill 23, an Act to incorporate Merchants Casualty Company.—Hon. Mr. McMeans. Bill 34, an Act respecting the Canadian Northern Ontario Railway Company.—

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

THE SENATE.

Wednesday, April 24, 1918.

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

Prayers and routine proceedings.

JUDGES ACT AMENDMENT BILL.

FIRST READING.

Bill C, an Act to amend the Judges Act. -Hon. W. B. Ross.

THE MOBILIZATION OF LABOUR.

DISCUSSION.

Hon. FREDERIC NICHOLLS rose in accordance with the following notice:

1. The interchange of agricultural workers. 2. The interchange of mechanics, ship carpenters and other skilled workers.

3. The methods agreed upon whereby Canadian employers may apply for workers required. 4. The method or methods of selection and

examination as to qualification. 5. Whether man-power registration will be

used for this purpose.

And will inquire if any agreement has been reached by the respective Governments of Canada and the United States regarding the same?

He said: Honourable gentlemen, the purpose of this inquiry is largely to elicit information as to what programme the GovSENATE

ernment has in mind, if any. Therefore I regret that the honourable member for Welland (Hon. Mr. Robertson) is not in the House at the present time. It is a fact that the United States and Canada entered into an agreement providing for the interchange of agricultural and skilled labour. That has been published in the official reports issued by the United States Government; but I have not heretofore seen any reference to it in any Canadian publications—newspapers or other records.

The Man-power Bill recently passed will largely increase the depletion of Canadian labour available for agricultural and industrial purposes; and, if we are going to continue what we may call the essential industries, those which are necessary for Canada's share in the prosecution of the war, it is incumbent upon us to see that we take advantage in some form of the mobilization of labour and endeavor to follow along the lines that have been set by the United States. In this regard we are in a much less favourable position than the United States. A very much greater percentage of our available man-power has already been recruited, either by voluntary enlistment or conscription, and we are again going to draw much more largely on our man-power. The percentage of men who have been withdrawn from industrial pursuits is very much larger than the percentage that has been withdrawn from similar pursuits in the United States. Notwithstanding this fact, and notwithstanding the advantage that the United States have over us at the present time in this regard, they have coordinated all their efforts.

Although, as a rule, when addressing this honourable House, I dislike to refer to voluminous notes or to quote from documents, I feel it incumbent upon me on this particular occasion to refer solely to official documents published by the United States. I am sure that this House, and I hope that in some way the country through the discussion in this House, will realize the great advantage that has accrued to the United States from preparedness in this direction. The United States have adopted a plan which, I regret to say, it not extant here. They publish a daily official bulletin, whether Congress is in session or not, which gives a brief synopsis of every order that is passed and every action that is taken by the Government of the day. Therefore one has only to undertake more or less research in order to ascertain and follow exactly the progress of events over there."

Hon. Mr. NICHOLLS.

As soon as they realized that they were in the war and that the labour situation would likely become of great importance, the United States organized what they called the United States Public Service Reserve, and the following statement is issued by the Department of Labour in co-operation with the Shipping Board and the Council of National Defence:

The Department of Labour will begin next week to enroll in the United States public service reserve, which is a division of the United States employment service, all men throughout the country who are willing and have the skill to work in shipyards.

Chairman Hurley, of the Shipping Board, and the Council of National Defence have joined with the Department of Labour in urging the State Councils of Defence to complete at once the organization of the reserve in every State. Enroliment agents are to be appointed in every county. The four-minute men begin on January 28 a fortnight's campaign to interest the country in the labour needs of the shipyards and to encourage enroliment in the reserve.

Employers of labour, even in so-called unessential industries, will be helped by the success of the Public Service Reserve, because a large registration will make it possible for the Department of Labour to make a fair distribution of all calls for men, and to minimize and equalize the drain on industry which results from unregulated competition for men between war industries and different branches of the Government. Labour is in entire sympathy with the purpose of the department in creating this reserve, because it will help prevent the great hardships which fail upon working men by having no certain way of knowing whether or where there may be a place for them in shipyards or in munition plants, and because of the absence of any compulsory features.

I have pointed out the first step taken was the organization of the United States Public Service Reserve. The next step was the formation of the National War Labour Board, and I want to point out to you how successfully they have gone from one stage to another until at last they have coordinated all their efforts. I quote from one of the reports of that board in regard to the mobilization of labour:

For the purpose of mobilizing the labour supply with a view to its rapid and effective distribution, a permanent list of the number of skilled and other workers available in different parts of the Nation shall be kept on file by the Department of Labour, the information to be constantly furnished:

1. By the trade unions.

2. By State employment bureaus and Federal agencies of like character.

3. By the managers and operators of industrial establishments throughout the country. These agencies should be given opportunity

to aid in the distribution of labour, as necessity demands. APRIL 24, 1918

I have gone into this matter pretty thoroughly. There is a wealth of information available in regard not only to shipbuilding, but also to food production, coal mining and every other one of what might be called the essential industries. I do not wish to occupy the time of this House by going into too much detail. I will therefore confine my remarks to the question of shipbuilding, with the understanding that the same methods applied to that industry are applicable to every other industry, essential.

The War Labour Board having arranged to mobilize the labour supply, it became necessary to take some action in regard to the adjustment of the wages that the labourers should receive. Otherwise the mere fact of their having mobilized a large and effective force of men willing to work in essential industries might have caused far greater confusion, because each particular plant or each particular place to which the men might be assigned would arrive at a different basis of remuneration. So the next step was the organization of a Labour Adjustment Board. In this connection I refer to the Shipbuilding Labour Adjustment Board. It arranged a schedule of wages, which was not uniform, but was so adjusted as to be equitable for every section of the country from the Atlantic to the Pacific; and, in issuing their reports as to the terms that would be accepted by the employers and the wages paid to employees, they included this paragraph :

In the present national emergency it is vitally important that every limitation upon output be removed. Every shipyard worker must appreciate that he is fighting for his country when he drives a rivet or calks a seam just as effectively as the soldier in the trenches when he wields his bayonet or fires a gun. And as the soldier is paid directly by the Government so the shipyard worker must realize that he now receives his compensation from the Government, all shipbuilding now being upon Government account. To bring it home to pieceworkers that the Government is behind them and that they must be behind the Government, we direct that the following notices be printed and posted conspicuously in every department of every ship yard where piecework is carried on.

The next step in coordination was the organization of the State Councils of National Defence. The State Councils of the Council of National Defence sent the following letter to all county and local defence councils:

The United States must have more steel ships now—ships to transport our men to Europe, ships to carry over ammunition, hospital supplies, and food. Without more labourers, more ships cannot be built. Two hundred and fifty thousand additional skilled workmen will be needed in the yards to carry out the shipbuilding programme of the United States.

The United States Shipping Board calls upon the State and local councils of defence to aid the United States Public Service Reserve in enrolling this reserve force of 250,000 shipyard volunteers. Your State must raise its quota of this reserve force and your county or community must furnish its share. Your State council will inform you as to what these quotas are.

The actual enrollment is to be performed by the agencies of the United States Public Service Reserve of the United States Department of Labour wherever such agencies are in operation, but the United States Shipping Board relies upon the State and local councils of defence to create such additional agencies as are necessary, where skilled workmen can enroll and can gain full information. This is not to be done, of course, where the United States Public Service Reserve has a complete organization. After the enrollment the travelling examiners of the United States Employment Service plan to tour the country and will get in personal touch with each man enrolled, thus assuring first-hand information as to his qualifications. These examiners will also give each man at the time of his call detailed information as to where to report, the conditions of employment, and what is required of him.

For the enrollment to be a success it must be supplemented by an active campaign through speakers and the press. The United States Shipping Board relies upon the State and local councils of defence, with the assistance of the Four-Minute Men and the Department of Labour, to carry out this campaign.

After these different boards had got to work, I am pleased to say that the success of the plan surpassed all expectations. Very shortly they had for the shipbuilding industry upwards of 200,000 volunteers ready to be called upon by the Employment Bureau of the United States Labour Department, to be drafted to any section of the country where they were required. The difficulties experienced in connection with the production of ships which were so vitally necessary to the success of the United States in carrying out their war aims, in transporting food and men, were overcome, and the work was expedited.

At a still later stage they did away with the private application for employment of personal labour, and assumed that responsibility, as I will briefly explain. It is very significant that so great a work has been accomplished in so short a time. I will read from the official bulletin of the Labour Department campaign, dated January 23, 1918, or only about nine months after the United States had entered into the war. It says:

The Department of Labour authorizes the following:

With the aid of the Council of National Defence, the Shipping Board, governors of States, organized labour and business, the Department of Labour has begun the "recruiting" of an

army of 250,000 men to fill all present and future needs of the shipbuilding yards of the United States.

Every man in the country with some skill in a mechanical trade used in shipbuilding and willing to accept employment in this branch of war industry will be enrolled and registered in the United States Public Service Reserve, a division of the United States Employment Service, and the war labour "reservoir" which the Labour Department is creating to meet the coming needs of every war industry.

Assumes Entire Charge.

With the institution of this coast-to-coast drive for shipbuilders, the independent efforts of the Shipping Board, Council of National Defence, and the individual shipyards cease, and the entire shipyarrd labour supplying question is turned over to the United States Employment Service of the Department of Labour. Men fitted for shipbuilding work, and yards in need of men will hereafter be brought together through the medium of the Federal Employment Service, which with the co-operation of State and municipal employment services now has more than 200 labour exchanges.

Beginning Monday morning a small army of 20,000 "Four-Minute Men" will explain for the next two weeks the importance of shipbuilding to the war programme, tell of the requirements of the yards and encourage enrollment in the Public Service Reserve. Every part of the United States will be covered in this educational campaign.

The next document I have states that over 200,000 men were enrolled, and the Pacific coast shipyards, which are having greater trouble than any other section engaged in the industry, were ordered to get all their labour through the Employment Service. The Department of Labour, under date of March 20, issued the following:

The Department of Labor authorizes the following:

All shipyards east of the Rocky Mountains have been notified by the United States Employment Service of the Department of Labor that the service is now prepared to fill all their labor requirements. Each yard is asked to hereafter obtain its workers exclusively through the United States Employment Service. The men will be furnished from the immediate applicants for shipyard employment at the various branch offices of the service and the co-operating State services, and from the 200,000 mechanics enrolled for shipbuilding by the United States Public Service Reserve, the skilled labor "recruiting" division of the employment service.

I am sorry that the honourable gentleman from Welland (Hon. Mr. Robertson) has only arrived, as my remarks are about finished. No doubt he will read what I have said, and will be able to make some statement as to what steps the Government intend to take, or have already taker. I would remind him that time is of the essence of the contract and that what may be very effective to-day will be of little effect to-morrow. The war is proceeding fast. The necessity for ships, food, munitions and

Hon. Mr. NICHOLLS.

other essentials is greater to-day than it was even a year ago; and who knows, if we are backward in well doing, but that by the time we are well organized and our labour and industrial organizations are coordinated we may be too late? Perhaps the registration which is to take place in June may bring about some appreciable measure of success in this direction; therefore I have taken this opportunity of drawing the attention of this honourable House to this matter. I shall be very glad indeed, as I am sure this House will be, to receive any information in regard to what measures are being taken by the Government along these lines.

Hon. GIDEON ROBERTSON: Honourable gentlemen, I deeply regret having been absent during the last half-hour, because I wanted particularly to be present to hear the remarks of the honourable gentleman who has just taken his seat. I was unavoidably detained by important work in connection with the Canada Registration Board. Some gentlemen from outside of the city who had to leave early this afternoon came in on the noon train, and I could not consistently decline to meet them. I make this explanation in the hope that you will realize, honourable gentlemen, that it was because of necessity in dealing with this important question that I was absent, and not because of any personal inclination.

It is extremely difficult for me to attempt to reply to the honourable gentleman from Toronto, not having heard all that he said; but I take it that his remarks generally had to do with the labour situation in Canada, and what arrangements have been made between our Government and the Government of the United States with reference to the interchange of workmen, and what our local situation is with reference to present and prospective supplies and demands for labour.

In answer to the honourable gentleman's first question, I may say: an arrangement is in effect between the United States Department of Labour and the Department of Immigration and Colonization for the interchange of agricultural workers."

In this connection I may state that I had the honour and pleasure of being a party to that agreement between the two Governments. I accompanied the gentlemen from the Department of Immigration and Colonization who reached the understanding. As a result of our visit to Washington, an agreement somewhat in the form of a treaty was reached between the two GovAPRIL 24, 1918

ernments, whereby we were to receive, and we have already received, several thousand farm labourers who have gone into the Canadian West. They will help on the land and will very materially increase the acreage of grain sown in the West this year.

The answer to question No. 2 is: "The same arrangement covers the exchange of skilled workers." There is a slight restriction in regard to that. Skilled labourers can only be exchanged between the two countries when each Government has been eatisfied that the workmen cannot be obtained in the country where they are required. If there are employers in the United States who desire to withdraw a large number of skilled labourers from this country, they cannot do so if the labour can be obtained in their own country, and they cannot do so even then without the consent of our Government, and vice versa. The answer to question No. 3 is: "The

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The answer to question No. 3 is: "The terms of the arrangement are set out in the attached copies of a reciprocal agreement made at Washington on January 25, 1918." The answer to question No. 4 is: "The prospective employer in the United States satisfies himself as to the qualifications of any labourer he wishes to import from Canada. and similarly, the Canadian employer satisfies himself as to the qualifications of any labourer to be imported from the United States. The United States Department of Labour on the one hand, and the Department of Immigration and Colonization on the other, decide on whether such labour should be allowed to leave one or other of the respective countries, as well as decide on whether such labour should be allowed to enter."

The answer to question No. 5 is: "It is impossible to say at this date how far the man power registration will be used to govern this exchange of labour but undoubtedly it will be of value in determining what class and amount of labour shall be allowed to leave Canada, and what class and amount of labour it will be found necessary to import."

As it may be interesting to honourable gentlemen, I will take this occasion of making a brief reference to the undertaking of the Government in connection with the inventory of the man-power of Canada. I think the Honourable Mr. McCurdy, who is a member of the Canada Registration Board, made an announcement or a public comment in the other House a day or two ago in regard to this same matter. If the House will bear with me, I will try to give a little information in regard to the work of the Board. As honourable gentlemen no doubt realise, it is no small undertaking to attempt to arrange an organisation for the registration of approximately 5,000,000 in one day. Nevertheless we are preparing an organisation for that purpose. The work is well under way, and I anticipate that some time in June-the date will be decided upon as far in advance as possible-we shall ask every resident of Canada over the age of sixteen years to appear at one of the places appointed and fill out a registration card, when he or she will receive in return a registration certificate signed by the Deputy Registrar, which will be the certificate of identification for the holder, and which will indicate to all inquirers that he or she has been duly registered.

I will not weary the House by going into the details of the reasons that prompted the Government to undertake this registration, further than to say that it is being done with the hearty co-operation and approval of almost all the interests involved. For months past various interests in Canada have been pointing out that there was a very serious scarcity of labour in this country; on the other hand, other interests, labour interests in particular, have held to the view that while there was a scarcity of labour in some places there was a surplus in others, and that if labour were equitably distributed throughout the country the supply would meet the demand. After a conference, which was held in January, between members of the Government and a large delegation of labour men, numbering some fifty-five, it was agreed that labour would cooperate with the Government in taking steps to ascertain as a business proposition whether or not there was a real shortage of labour in this country. The position taken by the labour men was that if there was a shortage it would have to be admitted, but if there was not they would assist and cooperate with the Government in directing the available labour into the channels where it could be most usefully employed. The brief investigations that we have been able to make thus far indicate that there are a great many men in this country who are engaged at their chosen occupation for only a portion of the year. We hope to be able to assist these men in obtaining employment in useful industries during other portions of the year, perhaps in localities somewhat distant from where they reside. By reason of such distance they were not able individually to find employment, though they might have done so through

systematic assistance such as that suggested.

The ultimate object of the registration system is to bring to the door of the employer of labour the workmen he requires, and to obtain for the workman who is out of employment the opportunity of employment, so that the utmost efficiency and the greatest production may result from the number of workmen available. Inasmuch as the labour men themselves, as well as the employers of labour, and I believe our people generally throughout the country, are all in hearty accord with this plan, and believe this is the proper thing to do, perhaps the only proper criticism that might be levelled at it is that the work ought to have been undertaken a little earlier. Every honourable gentleman, if he agrees with what I have said, can render useful assistance to the Board of Registration, which has been offered the cooperation of fraternal, labour, women's and other organizations, municipal associations and provincial governments. In some instances public school buildings have been placed at the disposal of the board for registration purposes. I trust that every honourable gentleman will impress upon the people within the district which he represents, as he meets them, the importance of all - doing what they can to make the registration plan a success. If every person in Canada over sixteen years of age will register, so that the record may be complete, we can make valuable use of it, and give very material assistance to workmen, to employers of labour, and to our citizens generally, and perform a service which will be to the future advantage of industry in this country. I desire to express the hope that everybody will feel that the purposes behind the taking of this registration are absolutely laudable and in the best interests of our people as a whole.

I presume the honourable member from Toronto (Hon. Mr. Nicholls) has made some reference to the situation in some of our large industries employing great numbers of men, such as the mining and shipbuilding industries.

Since the war broke out there have not been any industrial disputes causing a cessation ol railroad traffic. I may perhaps be pardoned for calling the attention of the House to this particular fact, that about 170,000 employees of all sorts on our Canadian railways -that is the estimate made by the general manager of one of our large roads, and not my own figures-have worked loyally hand in hand to keep the transportation

Hon. Mr. ROBERTSON.

business of this country going smoothly, regardless of the fact that in many instances the increased compensation granted by the railways has not altogether met their necessities. I desire to say further that it is very largely due to the fair consideration that our Canadian railways have given to the needs of their employees that friction has been avoided in the railway world since the war began.

In the mining industry there has been some difficulty; but at the present time, so far as my knowledge goes, there is very little fear of serious industrial strife during the present year. I think that the arrangement the Government has made in the western coal fields, in what is commonly known as District 18, has worked very well. I have had some personal experience during the past few months in dealing with the question of wages and working conditions for a number of thousands of miners in the province of Nova Scotia, and desire to pay my respectful admiration of the loyal position which they took. They made very serious personal sacrifices to meet the urgent request that was made to them to do nothing at this time that would tie up the coal mines or the transportation of necessary war supplies. On the other hand, their employers very materially improved their compensation and rates of pay, but not nearly to the extent that the men had hoped for, or in my opinion merited, under. the circumstances.

In the shipbuilding industry there have been prospects of difficulty, due to the continued abnormal increase in the cost of everything the workman has to purchase in order to live and maintain his family. The shipbuilding industry is peculiar, inasmuch as most of the work is done by contract, and when a shipbuilder takes a contract at a certain rate he bases it upon the accepted cost of labour and material; but those costs have been rising rapidly, and no doubt the shipbuilder has been encountering many difficulties. However, the Minister of Marine, who has jurisdiction in this matter, has taken such action that the prospect of trouble has been very largely removed, and within the past few weeks understandings have been arrived at with respect to conditions of employment and rates of pay for many men engaged in the shipbuilding industry in the Great Lakes area which I think will very largely eliminate the possibility, or at least the probability, of any industrial strife arising in that important field of industry during the present year.

Hon. Mr. BOSTOCK: Does that extend to the Pacific coast?

Hon. Mr. ROBERTSON: My information with respect to the Pacific coast situation is that a commission of inquiry was appointed by the Government a short time ago and is now investigating the particular question that has arisen there. The Minister of Labour has that matter in charge, and it is progressing satisfactorily, and I anticipate that a satisfactory solution will be reached.

As to the steel industry, during the past few years in the province of Nova Scotia a very important industry in the production of iron and steel has developed; thousands of men are employed, the number having increased to probably more than double since the war broke out. Some difficulty arose there not long ago with reference to the recognition of the rights of the employees to organize. Honourable gentlemen know that this has been a vexed question throughout this country, indeed over the whole of North America, for years past; but it is gradually becoming less and less serious, because not only our Government but that of the United States has for years recognized as a general principle the right of workmen to belong to any organization of their choice which governs the particular class of business in which they may be engaged. As long ago as 1907 our Industrial Disputes Investigation Act was passed, clearly implying such recognition on the part of the Dominion Government, which supplied, through the Act, the machinery and proper means for adjusting disputes when representatives of employees failed to reach an agreement with their employers. This question became somewhat acute in the steel works in the province of Nova Scotia, approaching the breaking point as between the employers and employees, and I think the men withdrew their services for twenty-four hours. However, the assurance by the Government that the men would get a square deal, and that they would immediately appoint a commission to make inquiry, which they did, induced the men to return to work, and the matter is now under investigation by the commission, and I anticipate that the whole trouble will be adjusted satisfactorily without any interruption of business.

Hon. Mr. McSWEENEY: Is that the Nova Scotia Steel Company, or the Dominion Steel Company, or both?

Hon. Mr. ROBERTSON: The same difficulty exists in both companies.

Hon. Mr. DANDURAND: But it bore especially as between the provincial organizations and the International.

Hon. Mr. ROBERTSON: No, no; the question of jurisdiction as between the organizations has nothing whatever to do with this question. My honourable friend. from De Lorimier has in mind, I think, the men engaged in coal mining. There was a dispute between the local organization of the coal miners and the International, but it is not so in the steel works.

Hon. Mr. McSWEENEY: That is the Nova Scotia Steel Company, is it not?

Hon. Mr. ROBERTSON: It was the steel works, not the coal mines, to which I had reference.

Hon. Mr. POWER: As a matter of fact, the International organization has absorbed the old Provincial Workmen's Association, so there is only one organization to deal with there now.

Hon. Mr. ROBERTSON: May I correct my honourable friend in that impression? What is known as the P.W.A., or the Provincial Workmen's Association, which existed among the miners in Nova Scotia some years ago, and the United Mine Workers' organization, which came into conflict there, I think in 1909, with disastrous results to all concerned, were amalgamated in 1917 as a result of the investigation conducted by a Royal Commission appointed by the Government. That Commission succeeded in getting the two conflicting organizations into what is known as the Amalgamated Mine Workers of Nova Scotia; but that organization is separate and distinct and in no way a part of the organiration to which my honourable friend refers.

Hon. Mr. POWER: It is a case of the Lady and the Tiger.

Hon. Mr. ROBERTSON: I hope that all honourable gentlemen in this House realize, as I do, that the cost of maintaining the average family of our Canadian workmen has increased almost one hundred per cent during the last four years.

Hon. Mr. CHOQUETTE: More than that.

Hon. Mr. ROBERTSON: While it is true that most of the employers of labour in this country have very materially increased the compensation of their employees, it must be remembered that such increase does not offset the increased cost of maintenance; hence the purchasing power of the average workman in Canada is less that it was four years ago. Yet, in spite of that situation, the workmen throughout this country, taking them as a whole, have absolutely stood by their work, when under normal conditions they would not have done so, because of their desire to assist the Government and the country in prosecuting its war efforts to the utmost, to make production of every sort as great as possible, and to help in every way in the efficient carrying on of the war. I trust that that attitude is appreciated.

Hon. Mr. DANDURAND: The honourable gentleman has spoken of this registration as a help towards improving labour conditions. Could he give us an idea of the working plan of the Government for the employment of people in our cities who are not in the labouring class, and yet who will be registered, from 16 up to 60? I refer to clerks, members of the liberal professions, and other civilians in cities, who are wondering what their duties will be and what will be expected of them.

Hon. Mr. ROBERTSON: May I reply to my honourable friend by making a little further explanation? I omitted to state that representatives of the labour organizations who had a conference with the Gevernment in January promised to endeavour to obtain as far as possible the voluntary offer of workmen throughout Canada, to meet the requirements. For instance, if a hundred men were required in the shipbuilding industry in some particular yard, the labour organizations concerned would undertake to obtain that labour. Furthermore, it is proposed that the needs of employers will be made known to every community through any organization with which it is possible to communicate; and I think honourable gentlemen are aware that legislation is pending which it is contemplated will encourage the formation and maintenance of labour bureaus by the provincial governments, and that financial assistance to that end is being offered by the Dominion Government. If the provincial governments throughout Canada will establish provincial labour bureaus, the information that will be gathered in this registration can be communicated to them, and if in any province there may be a surplus of labour of any sort it can be distributed to another province where it may be required. As an illustration that came to our notice a few days ago, I may point out that there are several thousand miners short in the province of Nova Scotia, yet Hon. Mr. ROBERTSON.

there are many miners in other provinces who, temporarily at least, are not being employed. If it can be arranged by some systematic effort that each provincial bureau can be kept in touch with what labour is available, or can report its requirements to some central body, we hope, by means of the information we collect, to be of much assistance to those provincial organizations, or such others as may be created by municipalities for similar purposes, or any others, no matter of what sort, that may inquire for information.

Hon. Mr. DANDURAND: The question I put to my honourable friend did not cover the labour world; it referred to the many thousands of people dwelling in cities who are not in the labouring classes, and yet who will be registered, and who are wondering what will be expected of them or what will be done with them. Throughout the whole Dominion city and town people as well as country people will be registered, and I simply put the question, which has occurred to me by examining the different forms which have reached me, what will be expected of the people who are not among the labouring element and who can dispose of some time?

Hon. Mr. ROBERTSON: I think the answer to my honourable friend's question is that in the questionnaire there is one specific question-I think it is No. 12-put to every person who registers: "Will your circumstances permit you to leave your present work and go elsewhere on national service?"-or words to that effect. Any resident of this country, no matter what his or her business or occupation may be. may volunteer for national service wherever it is required; and, if requests are made for labour elsewhere, we will know where that member of the army of volunteers is to be found. I think that that advantage, at least, comes to every person in the classes of which my honourable friend speaks.

Hon. Mr. BEIQUE: Will my honourable friend say whether registration has taken place in the United States such as that of which he speaks in this country?

Hon. Mr. ROBERTSON: In the United States a complete registration, much more detailed than is proposed to be taken here, has been carried out by certain States, but not as a Federal undertaking, I believe. The state of New York, for example, recently took a very comprehensive registration, even to the number of pigs, calves, cattle and horses, and the number of bushels of grain that each person had raised in the previous year. I do not think registration has yet been made a Federal undertaking in the United States.

Hon. Mr. DAVID: If I understand correctly what the honourable gentleman has stated, there will be only one day for the registration. How will it be carried out in regions only lately opened for settlement, where people would have to travel twenty or thirty miles to reach the place of registration? I suppose there will be a bureau which will be open only during the registration day.

Hon. Mr. ROBERTSON: It is not anticipated that any person will have to travel a great distance to register. The plan adopted is that there will be places of registration provided within the same districts as polling places were provided for at the last Dominion election. The area of the polling subdivision will be that of the registration subdivision. So I think it will be possible for nearly every person to reach the registration place on the appointed day. It is intended under the regulations to provide that the hours of registration shall be from 7 o'clock in the morning until 10 at night. That will give every person an opportunity to register at some time within those hours. If for any good reason a person is unable to deposit his registration card on the appointed day and receive his certificate-because he is confined to bed by illness, or absent from the country, or any such reason-it is permissible for him to register at the post office within thirty days after registration day; but a reasonable excuse must be offered for failing to register on registration day itself.

One further remark may be of interest. Any person may register at any registration place, regardless of whether that is his place of residence or not. Any honourable gentleman who may happen to be in Toronto on registration day can deposit his card in Toronto and receive his certificate just as if he were at his own place of residence.

Hon. Mr. DAVID: Will the father of a family be allowed to register for his wife, his daughters, and all the other members of his family?

Hon. Mr. ROBERTSON: It is not so expected.

Hon. Mr. CASGRAIN: They will all have to go personally?

Hon. Mr. DAVID: In the regions to which I refer they may have to travel long distances and bring all the members of S-19

their families, perhaps ten or twelve children. It is impracticable.

Hon. Mr. ROBERTSON: Persons under 16 years of age will not have to come.

Hon. Mr. BOSTOCK: My honourable friend (Hon. Mr. Robertson) referred to his visit to Washington and the arrangements that were made there. I understand that the Order in Council that was passed dealing with the situation in British Columbia, I think in the year 1913, has been renewed from time to time and is in force to-day. Was anything done about that in making the arrangements with Washington? The Order in Council, as I understand it, prevents either artisans or labourers from coming into British Columbia at all, in spite of the fact that there is a great scarcity of labour there.

Hon. Mr. ROBERTSON: The province of British Columbia was, I think, not even mentioned in connection with the matters that were under discussion. The purpose was to obtain labour for the farms in the prairie provinces, so as to increase as much as possible the production of grain this year. Last year about 9,000 men came from the United States and assisted in the harvests in the three prairie provinces. In return, several thousand men from Canada assisted in taking off the potato crop in the state of Maine, which is a very large crop, as honourable gentlemen know; and assisted during the winter months in lumbering operations in Maine, New Hampshire and Vermont. It is desirable from the standpoint of both countries that those arrangements should continue so far as possible and that the available help for our prairie farming operations should be increased, and the negotiations that are referred to had purely to do with the continuance and improvement of the arrangement previously in force with reference to the exchange of labour for these purposes.

Hon. Mr. CASGRAIN: Honourable gentlemen, the minister (Hon. Mr. Robertson) has been very good in giving us plenty of information, but it is very vague. He tells us about lumbermen going to work in the United States during the winter months; but we know that it has been very hard, almost impossible, for lumbermen to get workmen to go to the shanties, even when offered \$65 or \$70 a month and their board. So I do not think there were very many who went to work at lumbering in the United States.

289

REVISED EDITION

SENATE

Then, with regard to the proposed registration, it reminds us that we had a registration some time ago. What has become of that great organization? I think it was headed by Mr. R. B. Bennett, of Calgary. I remember that even our bishops got into a great deal of trouble because they said it only required persons to go and register their names and did not mean that there would be conscription. They went and registered their names and gave other particulars on the registration card. All that information must be tabulated and should be helpful now. Is it all lost? Has it gone into oblivion like Mr. Bennett, who has disappeared entirely from view? It seems very strange that we are going to have the same old cards again.

Another thing: is there going to be a penalty imposed on a person who does not register? Is he going to be fined? On that fateful day when everybody must trek, the scene will take us back to an earlier period of Christianity when St. Joseph and the Blessed Virgin had to go to Bethlehem to register. If a man is sick on that day, I suppose he must obtain a doctor's certificate so that he may not be penalized for being absent.

The honourable gentleman from De Lorimier (Hon. Mr. Dandurand) asked the minister a very plain question. He asked what was to be done respecting those persons who do not belong to the working classes—what they would be required to do; and the honourable gentleman has not received an answer to his inquiry, and we do not know what such persons are to be made to do—what kind of work will be given them. However, I am sure that the honourable gentleman from Welland did the best he could and gave us what information he had.

But there is another point on which he did not inform us, and on which we certainly should have some information. He spoke of the wages received by workmen since the beginning of the war, and stated that the 170,000 railway men have behaved very well; that they all remained at their work-they never went on strike. But he did not tell us what was the increase of wages they received-from one company, the Canadian Pacific railway company, for instance-or what inducement was given to them to behave so well. That point was left vague. The honourable gentleman did not tell us about that. Perhaps he will tell us now.

As to my honourable friend from Toronto (Hon. Mr. Nicholls), he also was very vague. Hon. Mr. CASGRAIN.

If I understood him rightly, he urged that we should imitate what has been done in the United States in shipbuilding, and he read some extracts on that subject. We all remember that the United States had a very big, very ambitious programme for 1918: they were to build 6,000,000 tons of shipping in the year 1918. They have been falling behind continually in the programme which they laid out, and if in the course of the present year the United States build 2,500,000 tons they will do well. According to our information, they have launched two ships-steel ships, I mean, Four months have passed and the United States have not come up to expectations at all. The honourable gentleman from Toronto spoke particularly with reference to shipbuilding, and there is no doubt that there must be shipbuilding in this country and all over the world, because, we are sorry to admit, the submarines are sinking more tonnage than is being built in the whole world. I think they are sinking about two tons for every ton that is being produced throughout the world, and if the present rate of losses continues long the situation will become very serious. There is no doubt that Canada must have shipbuilding and that the United States require a tremendous amount of tonnage in order to keep, not a very great number of men. say a million men on the other side. That requires all the available tonnage to-day. It requires five tons per year to keep one man on the other side, with food, ammunition, etc. That shows how many ships are required, and the United States have not enough ships. So I take issue with the honourable gentleman from Toronto as to the desirability of imitating the United States. I sincerely hope, and I believe, that we shall proportionately do better than the United States. The honourable gentleman from Toronto told us that the United States were going to have 200,000 men available for shipbuilding.

Hon. Mr. NICHOLLS: I said they would add that many.

Hon. Mr. CASGRAIN: But what will they do in shipbuilding? The honourable gentleman did not tell us that. How many tons of shipping can 200,000 men build in a year? What is the most they can build? If they build 2,500,000 tons that is all they can do. That is at the rate of 12 tons of shipping per man per year. That is very good progress, and it cannot be exceeded even if the plates, etc., and all the facilities are there. So the United States need many more than 200,000 men.

Hon. Mr. DENNIS: That is on the basis of an eight-hour day.

Hon. Mr. NICHOLLS: May I explain to the honourable gentleman that my remarks were to the effect that 200,000 volunteers were to be added to the normal number of shipbuilders already occupied, which amounts to several hundred thousand.

Hon. Mr. CASGRAIN: I see: there are several hundred thousand besides the 200,-000 mentioned. Although they have that many men employed, they will not build more than 2,500,000 of tonnage. That is admitted. Secretary McAdoo himself admits that they will not build more than that amount of tonnage. Therefore if they have several hundred thousand men employed they must be losing time, for they should produce one ton per man per month.

Hon. Mr. POPE: You ought to go down there and tell them that.

Hon. Mr. CASGRAIN: It would be a nice little trip, if the honourable gentleman would come with me.

Hon. Mr. POPE: We would want more success than you had when you went West.

Hon. Mr. CASGRAIN: We came back with an almost unanimous result.

I should like to pay a compliment to our present minister of Marine, the Hon. C. C. Ballantyne. He has been insistently, for many years, since away back in 1909, in favour of the building of ships in this country, and it is well known in the city of Montreal that he was largely instrumental in having the Canadian Vickers, a very large plant, established at Montreal for the purpose of building and repairing ships. That plant was established in Montreal at the time when we were to have the Laurier navy, which was to be built in Canada. For that purpose a plant was necessary, and the Hon. C. C. Ballantyne, who was then one of the Montreal Harbour Commissioners, proceeded to Europe and made arrangements with the Vickers Company. That company spent of their own money a sum approximating \$5,000,000 to develop their splendid shipyards covering 70 acres of land. And I may add that the 70 acres of land did not cost this country or the Harbour Commissioners anything; it was land redeemed from the harbour in making the excavation for the Connaught dock, a big floating dock where ships drawing 26 or 28 feet of water can be accommodated. This dock must sink to a depth of from 14 to 18 feet below the ship; so S-191

you will see to what considerable depth the basin had to be excavated. The 70 acres of land, right in front of Montreal. and affording a magnificent place for the build ing of ships, would have cost a very large sum of money if the work had not been done in a good, economical manner. Today we have the Canadian Vickers and are building ships, although men with magic lanterns went travelling up and down the country saying that ships could not be built in this country. It was stated that cotton could not be manufactured in Canada, that steel rails could not be manufactured here; but these things have come, and the shipping industry has come.

I think it was the Minister of Labour who spoke of such work being done by contractors. I think the Government could not find many live firms who would be willing to take contracts to build ships today on account of the uncertainty of the cost of labour and of the cost of material. Therefore I understand that all the shipbuilding that is being done in this country or that will be done until the end of the war is being done by the Government itself. The Government will get the ships built because only the Government can take the risk of having to pay extra amounts in wages or for material.

The honourable gentleman from Toronto (Hon. Mr. Nicholls) said that one of the first steps to be taken was to put up placards in all the shipyards saying: "Remember when you are driving your rivets you are working for your country; when you are making your seam, you are working for your country; you are doing just as much as if you were fighting at the front." That is all very well, but the wages have been pretty high. It is not everybody who is able and willing to go to work at shipbuilding. It is a trade by itself. Skilled shipbuilders are very scarce and command very high wages. I heard of some wages which are being paid to skilled workmen-I am almost ashamed to mention the rate, it is so high. However, I think it is a move in the right direction to encourage shipbuilding in this country, and if the honourable gentleman from Toronto and this Government can do anything to promote shipbuilding, it will be an immense advantage, because, after all, unless there are ships it is of no use to raise men. What is the use of having men if there are not ships to take them overseas? What is the use of making munitions if there are not ships to take them aeross? What is the use of increasing production if ships are not available? What is the

SENATE

use of providing anything necessary for the prosecution of the war unless we have chips to carry it overseas? We know that last winter, for nearly six weeks, there was a scarcity of food in the Allied countries, and it was due to the fact that through some mishaps there were not enough ships and not enough coal. Ships were held up in Boston, New York and other United States harbours, and, strange to say, the food scarcity to-day is due to that short stoppage of shipping for a few days. Therefore I will give my hearty cooperation and support to the Government in anything that will tend to promote shipbuilding. I understand that for that object the sum of \$70,-000,000 has been appropriated this year and contracts have lately been made in British Columbia. I think that is a move in the right direction. Of course, \$70,000,000 will not bring a very large tonnage. If it brings 350,000 to 400,000 tons, that is as much as we can expect, with the present high rates of wages and the high cost of materials; but it will bring something-a great deal more than Canada has now.

The honourable gentleman from Toronto always has some good measures to advocate, questions of live interest, and it is a pity that more honourable gentlemen do not follow his example. However, I would ask that he give us a little more detail in this matter, and tell us just how we in this country should proceed so as to produce the greatest possible tonnage.

Hon. JOHN MILNE: Honourable gentlemen, I would like to say a few words on this question. I represent a large manufacturing interest in Hamilton. I am very glad to hear the honourable minister (Hon. Mr. Robertson) say that there is plenty of labour to be had if we only knew where to, put our fingers on it. I did not know that before. My impression has been that there was a scarcity of labour, that the demand was greater than the supply. I know that in factories that I am connected with they have not been able to get anyone to learn the moulding trade. Young men go into munition factories, where they get higher wages, and where, in order to do the work, they do not have to learn a trade. I know that the Steel Company of Canada, with the exception of the heads of the departments, employs mostly foreign labour; and many people are dissatisfied because our poor boys are being enlisted or conscripted to go to the front, and these foreigners are reaping the benefit.

Hon. Mr. CASGRAIN.

We cannot get raw material for manufacturing purposes in Canada to-day; neither can we get it in England or in the United States, owing to an embargo which has been placed upon it. As far as I know, the Steel Company of Canada at Morrisburg is the only plant in Canada manufacturing sheet metal for shipbuilding Their supply is all taken up. purposes. The firms that I am connected with have been face to face with a most difficult proposition. They have had to lay off their men and take stock because of the shortage of coke, which is absolutely essential in the smelting of iron. As the honourable minister has said, the cost of materials has increased, and wages have gone up in the same ratio. The honourable minister is, I think, better posted with regard to the engineering end of this question than with regard to the labour end. I have been dealing with this question all my life. Today moulders get \$4.50 a day, and they do not do as much work as they used to do for \$2.50 a day; and they want \$6 a day commencing on the 1st of May. We have advertised for men but have not been able to get them. There is no supply of labour that I know of anywhere in Ontario. Owing to increased wages and shortage of material, the men who are not manufacturing ammunition are up against a pretty difficult problem. I do not think they are making any money, and I do not know when conditions will be better. The United States has come into the war only recently, and there is no doubt that they have a surplus of labour; but we have been in the war for two years and a half, and all the young men who are any good at all have been or are going to be drawn from Where are we going to the factories. get men? I think the Government ought to be able to answer that. Conditions are now such that an employer dare not say anything to his employee, especially if he is an expert. All he can do is to hang on as long as he is able. If he does not care what becomes of his business he may shut up his factory; but still he will have to pay taxes. In my shop we have a capacity for seventy-five moulders. How many do you think we have? We have from twentyfive to thirty-five. Apprentices cannot be had; no one will learn a trade; men go into the munition factories where they can make seven or eight or ten or twelve dollars a day. That is the condition existing where I come from-the demand for labour is greater than the supply.

APRIL 24, 1918

Several factories in the city that I come from have discontinued making munitions because the inspection was so rigid. They know that if a shell is out a hairsbreadth it will be discarded. The Steel Company had the best plant in Canada for forging shells. They were told that no more shells of the kind they were manufacturing were wanted, and as a consequence they were sold to the Americans. Now, the authorities want more of those shells and there are none. I do not want to take up the time of the House unduly, but I would like to impress upon honourable gentlemen the real condition of things as they are to-day.

Hon. P. A. CHOQUETTE: This debate has been a most interesting and enlightening one, and I think the honourable gentleman from Toronto (Hon. Mr. Nicholls) is to be congratulated upon having brought this matter to our attention. We nearly all agree with what has been said; but if we wish to accomplish the end in view, I think the Government ought to give us a little more information as to how this registration will be worked out. There have been registration cards of so many kinds that the people do not know exactly what this one means. There were national registration cards, food economy registration cards, and so on, and when we are asked, "What does this mean?" we are not in a position to answer.

Two questions have been put by the honourable gentleman from Mille Iles (Hon. Mr. David) which ought to be answered more plainly, so that the registration of man-power may be successfully carried out. The honourable gentleman asked if everyone would have to go to the polling booth to register, or whether the head of a family could not register for the whole family. The answer has been given that everyone from sixteen to sixty will have to go to the polling booth and register—it would be the same as an election.

If there are two hundred electors in an electoral subdivision it would be impossible for all the people in that district to register. Why? Because at an election only two hundred people have to to the polling booth to vote; whereas if every member of the family were called upon to register—a family averaging five or six members—it would mean that in one day from a thousand to twelve hundred people would have to go to that polling booth to register. This registration will take time. The registrar will have to make notes of the age and the occupation of

each person registering. How is it possible to do that in one day? I understand that the registration centres will be open from eight o'clock in the morning until ten o'clock at night. Even so, it would be impossible to register one thousand men and to answer all the questions which will be asked by them. Would it not be better to carry out the suggestion made by the honourable gentleman from Mille Iles and allow the head of the family to register? He could make an affidavit giving the required information about himself. his wife, his sons and his daughters, and that would end the whole matter. Under that method there would be only two hundred men going to the registration office instead of a thousand, and the registration would be more easily and more correctly done. In addition to that, you have to consider the members of the family. Very soon it will be seeding-time, and the farmer will have to hitch up his horse to drive his wife and his sons and daughters to one of these registration places. They will probably spend a whole day in making the journey; so it will be not only impracticable, but practically impossible, to carry out the registration in this way. I understand that the registration is to take place on a certain day. If one of the members of the family is sick, what then? If the head of the family registered for the whole family, he would be able to answer for the family, and if anyone were sick he could produce a certificate from the family doctor to that effect. If this is done, time and trouble will be saved, and the registration will be carried out just as well or better than if every member of the family had to register.

I understand that there will be as many as twelve questions asked of a person registering, because the honourable gentleman has said that the twelfth question would be answered in such and such a way. The greater the number of questions to be answered the longer it will take for the family to register. I think the honourable gentleman ought to consider this point and amend the cards so as to overcome this difficulty.

The honourable gentleman from De Lorimier (Hon. Mr. Dandurand) has asked a very proper question, and it seems to me that the honourable gentleman from Welland (Hon. Mr. Robertson) has evaded it. Though he is very clever and spoke very well, I understand that he cannot on the spur of the moment answer that question. I will ask him to take time to consider it, and come back with a complete answer.

We are asked very often, following the many registration cards that have been sent abroad: "What shall we do? Suppose we do not register, what will happen to us?" Professional men-doctors, lawyers and others-would receive a card and would have to go to the registrar-especially in Quebec, where we always obey the law. They might say: " Under certain circumstances I may transfer my business to another place." It seems to me that this will not be satisfactory either to the Government or to the man himself, and that the Government should be in a position to say publicly what they propose to do with the information they receive in order that everyone may be prepared to answer the questions put to him. That should be done so that a doctor or a lawyer or anyone else could answer the question: "Would you be prepared to leave your office and do certain work or go to such and such a place?" The average man cannot answer that question to-day. If he gets time to think it over he can answer it later on. The facts should be put squarely before the public, so that they may know what is expected of them. But if the honourable minister would come to this House to-morrow and say, as suggested by the honourable gentleman from Mille Iles, that it is feasible to have the head of the family answer for the family, it would save time, trouble, and expense, and I think the work of registration would be better and more easily done and would be more satisfactory to the Government and to the public. I think that these questions which have been put in a general way, and which embrace many other questions, should be answered in more detail. Then, when we go home we would be in a better position to help the Government by telling the people what is expected of them.

Hon. Mr. DAVID: I am not so much concerned about the application of the law to men, but I am anxious about it so far as it concerns women and girls. They are deserving of consideration. Is it the intention of the Government, after the registration has taken place, to take the daughters of, say, a farmer or a doctor in the country and bring them to the cities?

Hon. Mr. ROBERTSON: My answer to the honourable gentlemen who have spoken is that there is nothing whatever in the regulations with reference to registration that savours in any way of compulsion upon any person. It is purely a call for volunteers to offer their services where they

Hon. Mr CHOQUETTE.

are most required. There is nothing obligatory, nothing that will compel them to do so.

With reference to the suggestions made concerning the regulations themselves, I will to-morrow, with the consent of the leader of the Government, lay a copy of the regulations on the Table, so that honourable gentlemen will have an opportunity of becoming familiar with them if they so desire. If, after reading them, they find in them anything objectionable, I shall be glad to have it pointed out, because I think that they are absolutely fair and can be worked out very well.

Hcn. Mr. CHOQUETTE: We have not yet seen the cards or the regulations.

Hon. Mr. ROBERTSON: I will have them laid on the Table.

Hon. Mr. THOMPSON: There is a penalty attached in case of non-registration.

Hon. W. C. EDWARDS: Honourable gentlemen, to my mind the effort of the Government in this respect is most meritorious, and I hope it will be very fully responded to. There is no doubt that in the present crisis Canada should do all that it can towards furthering the object which we all desire so much, namely, the bringing of the present war to a close as quickly as possible.

It has been my opinion from the beginning that every man in Canada should labour in some way. If that principle had been put into operation in the first instance, there would have been a greater number of volunteers offering for service abroad than Canada could have maintained. In our cities there have been from the beginning, and I suppose there are today, a great many men who do not labour, who perform no service whatever. If there had been conscription of labour, every man would have been employed as a clerk, a labourer, a mechanic, or in some other manner, and I maintain that there would have been no necessity for military conscription. I think a very great mistake was made in that respect. It is now too late to suggest that this be done; but I hope that this effort on the part of the Government will be successful.

However, I am not sure that any organization can be brought into operation very soon which will take men from one portion of Canada where there is a surplus of labour and put them in another place where there is a shortage. I do not know of any portion of Canada where there is a surplus

APRIL 24, 1918

of labour to-day. I think that in every part of Canada there is a very great dearth of labour in every department of our undertakings. A suggestion was made in another place a few days ago that a very large number of men might be taken from one of the provinces of the Dominion to the province of British Columbia for lumbering operations. That would be all very well for the lumbering industry of British Columbia, but it would certainly be very detrimental to the lumberers of the eastern portion of Canada, because if there is any industry in which there is a dearth of labour to-day it is the lumber industry. I am a lumberman, and while it is not important to the Empire or to Canada whether I succeed in my undertakings, it is important to Canada and the Empire that we should have sufficient lumber as well as other commodities for the prosecution of this war. As everyone knows, the first requisite is food, and the next is clothing, but I am afraid there is going to be a shortage of both; and I am very sorry to say that very soon there will be such a shortage of lumber as will lead to the most serious difficulties. On the Ottawa river, and I think on the Georgian bay and the St. Lawrence river, only 50 per cent of an ordinary cut was taken out during the past winter. I appeal to the honourable senator from North Bay if I am correct.

Hon. Mr. GORDON: Yes.

Hon. Mr. EDWARDS: Before the year 1920 reaches us, if the war continues, the mills of the Ottawa river and the St. Lawrence will not operate, simply because they will not be able to get a supply of logs. I do not know whether lumber is the next essential to food and clothing, but certainly it is a very important requisite, and we shall reach the stage in not many months when the supply of lumber will be actually cut off.

A remark was made about the advance in the cost of living. That applies to the lumber trade as to every undertaking in Canada. I sympathize most sincerely with the statement that was made as to the suffering of the labouring men because of the advanced cost of living; but there is another class in Canada who are suffering to a far greater extent, with whom also 1 most heartily sympathize; I refer to clerks working for moderate salaries, which have not increased to correspond at all with the increasing prices will go none of us know; but I feel that there never was a time like

the present when there was more need of improving the condition of this class of people, and I hope the Government will be successful in its efforts in this direction.

Shipbuilding was spoken of as very desirable for this country, and as a Canadian I should like to see that enterprise succeed, as well as every other undertaking. In these abnormal times shipbuilding can perhaps be engaged in, and I hope it will be; but I fear that when normal times return shipbuilding in this country will be absolutely impossible.

Hon. Mr. McSWEENEY: Why?

Hon. Mr. EDWARDS: Because other countries have so much greater facilities than Canada. Our great trouble is that a sufficient number of Canadians do not study their country and its possibilities. My honourable friend the leader of the Government laughs. He thinks I am going to make another speech such as I did last session.

Hon. Sir JAMES LOUGHEED: God forbid!

Hon. Mr. EDWARDS: I am not going to do so, but I maintain absolutely to-day every remark I made then. Unfortunately, Canadians do not know the country in which they live. Our public men do not know it; if they did they would not run away with the many erroneous ideas which they entertain as to Canada's possibilities. While this country has certain possibilities, It has its limitations, and we should be judicious, and occupy ourselves in those productive industries which we can carry on to the best advantage in this country; and shipbuilding is not one of them.

Hon. Mr. RICHARDSON: I think we are all indebted to the senator from Toronto (Hon. Mr. Nicholls) for bringing out this discussion. We have had a very satisfactory solution of the labour question from the senator from Welland (Hon. Mr. Robertson). He has satisfied us that for the more important manufactures of this country we have sufficient labour-in the steel industries, the coal industries, and shipbuilding. I hold in my hand a telegram, and also a copy of the Manitoba Free Press, stating that conditions were never better on the farms than' they are today; that almost everywhere there is an ample supply of labour; that the farmers in the West are a month ahead with their seeding; and I may add that if weather conditions continue to be normal, we shall this SENATE

year harvest in our Northwest the largest crop of grain that has ever been harvested there. With all due regard to the pessimistic remarks of the honourable senator from Rideau (Hon. Mr. Edwards), I have travelled in the last six months from my home in Kingston to the Pacific coast, down through the western States-Oregon, Washington, California-and back again through the United States, and I saw no country equal to that in which we live and none that can produce with less cost. Go down to California, and what do you find? A few green fields, at a cost of millions of dollars for irrigation. In the Southwestern States there is hardly any cultivation without irrigation. Here States and there in the United there is arable land; in Ohio, Illinois, Nebraska, Wisconsin, Michigan and Kansas there is good land to be had; but with those exceptions there is very little. I am perfectly convinced that this country will raise a billion bushels of wheat in the future. In 1883 we shipped our first wheat to Europe; in 1915 we raised 350,000,000 bushels and we had 200,000,000 bushels shipped to Europe. If my advice given to the House last year had been taken, we would have raised more wheat this year than will be raised. I proposed that we should put traction engines on the prairie, and that we should canvas every farmer and find how much more land he could sow; but nothing was done. However, the farmers themselves obtained traction engines, which they were able to do because they have been getting a very large revenue from production, being paid \$2 for wheat and having fair crops. In Alberta last year the traction engine was going 24 hours a day, with three shifts of eight hours each, and the acreage in our Northwest this year will be increased by 10 per cent in the whole, and in some places by 20 per cent. I would not have gone into these figures but for the remarks of the honourable senator from Rideau about this country, to which I take exception, and I thought I would state my side of the question.

Hon. Mr. EDWARDS: Might I just add one word, not for the purpose of combatting my honourable friend, but to correct a statement which he made: I was at a large convention of lumbermen in New York a few days ago, and had an opportunity of discussing conditions in the West, East and South, and I discovered that in Canada we were paying very much higher wages than they were in any part of the United States. Hon. Mr. RICHARDSON.

Hon. Mr. DAVID: Will the honourable gentleman from Kingston (Hon. Mr. Richardson) answer this question: how does he explain the statement in newspapers that 90,000 people are needed from the eastern provinces of Canada to assist the farmers of the western provinces?

Hon. Mr. POPE: Does not the honourable gentleman know that a large number of people wanted to get out of our provinces last year, and went into the United States and worked in the woods in order to save their necks from conscription?

Hon. Mr. DOMVILLE: This debate tends to create the impression that we cannot build ships in New Brunswick because we cannot get labour. Now, all we want is the judicious help of the Government, which my honourable friend has said will be given. We have skilled shipbuilders in New Brunswick, and we can increase the number, and can train others with very little difficulty; but the people want to understand in what position they will be placed by the fostering hand of the Government so that they may be able to get capital to carry on this work; that is all that is holding them back. If we could get a friendly expression of this House and of the Government that they are going to look ahead and see how they can develop Canada, then our part will be done. Years ago New Brunswick was the largest place for shipbuilding in the world. The industry fell off then because there was no place to develop the iron and steel for girders; but that industry has now been developed in Nova Scotia so, that in various places in the Maritime Provinces we can assemble and put together what the steel plants create. I was very much pleased with the remarks of the Minister when he said we want to look out for the future and not sit down and say we have got nothing. That is the kind of impression we need to send broadcast over this country: we must give the people hope. I would like the Minister to give us some little outline of what further aid is to be given to this industry, and we will take care of our end of it, for we can build ships with any people in the world. Nova Scotia can produce the iron and steel, and we can have our rolling mill bend it, and can put it together. Where I come from everybody is willing to lend a hand, barring a few politicians who are struggling for place-more heads than helmets; but we must not listen to them at all, but rather to the practical men who wish to go to work and construct. I wish that in some way the Government would

put this whole shipbuilding business in such a position that we could get capital to carry out the work, and we will do our part.

Hon. Mr. DAVID: I cannot understand why the honourable member for Stanstead was so rough in the answer that he made to a question which I did not put to him, but which I put to the honourable gentleman from Kingston. I wanted to be well informed, and I thought the honourable gentleman from Kingston was able to give an answer which the honourable gentleman from Stanstead was not able to give.

Hon. Mr. POPE: Excuse me. If you are calling me the honourable gentleman from Stanstead, that is not my place, to begin with. I admire Stanstead very much, and no doubt you do; but as for answering you, I did not realize that you were here. So I offer you an apology if you think I did answer you.

The discussion was concluded.

KHAKI LEAGUE BILL.

REFUND OF FEE.

Hon. Mr. CASGRAIN moved':

That the fee paid upon Bill H. "An Act to incorporate The Khaki League," of last Session, but not proceeded with, be refunded to the Petitioners, less the cost of translation and printing.

The motion was agreed to.

PRIVATE BILLS.

FIRST READINGS.

Bill 10, an Act to enable the Western Power Company of Canada, Limited, to own and operate the Railway of the Western Canada Power Company Limited.—Hon. Mr. Bostock.

Bill E, an Act respecting the Fire Insurance Company of Canada.—Hon. Mr. Dandurand.

SALARIES AND INDEPENDENCE OF PARLIAMENT BILL.

FIRST READING.

Bill 13, an Act to amend the Salaries Act and the Provisions for preserving the Independence of Parliament.—Hon. Sir James Lougheed.

GOLD AND SILVER MARKING BILL.

FIRST READING.

Bill 50, an Act to amend The Gold and Silver Marking Act, 1913.—Hon. Sir James Lougheed.

MEAT AND CANNED GOODS BILL. FIRST READING.

Bill 55, an Act to amend the Meat and Canned Foods Act.—Hon. Sir James Lougheed.

GERMAN TRADE IDENTIFICATION BILL.

FIRST READING.

Bill D, an Act for the identification of Traders in German Goods.—Hon. Mr. Lynch-Staunton.

FRENCH CANADIAN CASUALTIES.

INQUIRY.

On the Orders of the Day:

Hon. P. A. CHOQUETTE: I read in the Montreal Gazette yesterday morning that over 40 Montreal men were reported among the casualties in the last battle. In the list of 42 names, of soldiers belonging to Montreal alone, I read the names of 23 of French Canadian origin. Can the honourable leader of the Government tell me in what battalion or regiment those 42 men were? I ask for this reason. I cannot understand how there could be so many French Canadians in the casualty list, because, as we know, there is only one French Canadian battalion, the heroic Twenty-second of Courcelette fame. The people of Quebec are very anxious to know if the Twenty-second was engaged in the battle. We have read that Canadians generally were in the fight, but not a word about this battalion. As so many French Canadians have been killed or wounded 23 out of 42 from Montreal alone, and doubtless many others in the lists for other localities-it is important for those of us who are interested to know in what battle these casualties occurred. There must be many French Canadians at the front, in other battalions than the Twenty-second because. I repeat, in a list of 42 casualties there were 23 French names, and, as we know, there are many persons of French origin who have English names, like the honourable gentleman from Sorel (Hon. Mr. Wilson), who, though he has not a French name, is really French. I trust that my honourable friend the leader of the Government can give us some information on this point to-morrow, in order to relieve the feelings of all who are interested in the (Twenty-second Battalion, which, it is understood was not in the fight.

Hon. Sir JAMES LOUGHEED: I regret that I cannot give my honourable friend from Granville any information at the present time, but I will certainly make inquiry through the Militia Department with a view to getting the information for him, if at all possible.

Hon. Mr. CHOQUETTE: Thank you very much.

VISIT OF MR. SAMUEL GOMPERS.

TO ADDRESS MEMBERS OF SENATE AND HOUSE OF COMMONS.

Hon. Sir JAMES LOUGHEED: I have a letter from the Prime Minister which I desire to read to the House:

Ottawa, Ont., April 23, 1918. Dear Sir James Lougheed,

I am enclosing herewith copy of a letter which I have addressed to the Speaker of the House of Commons with regard to the approaching visit of Mr. Samuel Gompers, President of the American Federation of Labour.

Yours faithfully,

(Sgd.) R. L. Borden. Hon. Sir James Lougheed,

The Senate, Ottawa.

The letter enclosed reads as follows:

Ottawa, Ont., April 23, 1918. Dear Mr. Speaker.

I have arranged with Sir Wilfrid Laurier that at half-past five on Friday next six o'clock should be called, for the purpose of giving an opportunity to Mr. Samuel Gompers, President of the American Federation of Labour, to address the members of the Senate and of the House of Commons in the Commons Chamber.

As you doubtless know, Mr. Gompers has done and he is still doing a wonderful work in the United States in directing the energies of organized labour in harmony with and in support of the war efforts of that country. This service has been repeatedly and publicly acknowledged by the President of the United States. Under the circumstances it is fitting that Parliament should give distinctive recognition of Mr. Gomper's high purpose and of his patriotic services in the cause of the Allied nations.

Yours faithfully,

(Sgd.) R. L. Borden.

Hon. E. N. Rhodes, M.P., Speaker of the House of Commons, Ottawa.

It is hoped that on Friday next, at halfpast five, the members of the Senate will attend in the Commons.

COST OF LIVING AND RESIGNATION OF MR. O'CONNOR.

INQUIRY.

Hon. FREDERICK L. SCHAFFNER: I desire to call attention to a despatch from Winnipeg appearing in this morning's Citizen, with reference to the price of meat, and to ask a question of the Government, if it is in order:

Hon. Sir JAMES' LOUGHEED.

Winnipeg, April 23.—Beef went up, wholesale, from two to three cents a pound recently and fresh and cured pork advanced one and a half cents. Sirloin steak is now listed at thirty-five cents, while porterhouse is selling from thirty-eight to forty cents a pound. A number of local butchers interviewed on the matter were of the opinion that the packers were unduly advancing the price of undressed beef, which are not in keeping with live weight prices.

Is it the intention of the Government to replace Mr. O'Connor, if possible, in the work in which he was engaged? If not, is it the intention to find a suitable man, if one can be found? In my opinion, we cannot find in the Dominion of Canada a man who will do the work to the satisfaction of the people of this country as well as Mr. O'Connor has done. This is a matter which should be taken up and investigated by some person, and I ask the Government-and I hope I get an answer-if it is the intention to request Mr. O'Connor to withdraw his resignation and resume his work, which has been so satisfactory and so much in the interest of the people of this Dominion?

Hon. Sir JAMES LOUGHEED: I cannot now answer my honourable friend from Winnipeg except to say that Mr. O'Connor of his own motion resigned from the position which he occupied, and I know of no way of forcing Mr. O'Connor to remain in that or a similar position. However, I shall be very glad to inquire of the Minister of Labour and inform my honourable friend as to the minister's attitude with regard to again approaching Mr. O'Connor or securing the services of someone else.

Hon. Mr. CASGRAIN: Did not Mr. O'Connor resign to become General Returning Officer?

Hon. Sir JAMES LOUGHEED: He has finished his work as General Returning Officer.

Hon. Mr. WATSON: I think that if the Minister of Labour had allowed Mr. O'Connor to pursue his duties without interference, Mr. O'Connor would not have resigned.

Hon. Mr. BELCOURT: Perhaps the Minister of Labour himself might resign.

Hon. Mr. DANDURAND: Is not Mr. O'Connor still in the employ of the Government?

Hon. Sir JAMES LOUGHEED: He is in the employ of the Department of Justice, I believe. If the question is one between Mr. O'Connor and the Minister of Labour, Mr. O'Connor must make way for the Minister of Labour, I fancy.

Hon. Mr. ROBERTSON: With reference to the remarks of my honourable friend from Portage la Prairie (Hon. Mr. Watson), I can state truthfully, having some definite knowledge of what occurred, that the Minister of Labour did not interfere with the business of Mr. O'Connor.

Hon. Mr. WATSON: We know from the public press that Mr. O'Connor stated that the minister did interfere, and that is one reason which Mr. O'Connor gives—that he was not permitted to manage his own staff.

Hon. Mr. ROBERTSON: The staff was all attached to the Department of Labour, and, unless the minister of a department has supreme and final jurisdiction in controlling the affairs of his department, the business cannot be carried on. Any honourable gentleman must be aware of that. If a subordinate officer in any department will not be subservient to, or have respect for, the wishes or decisions of the head of the department, and they come into conflict, and if the subordinate officer resigns, as occurred in this case, it appears to me that honourable gentlemen ought not to attempt to place the responsibility where it does not belong. The resignation was a purely voluntary action.

Hon. Mr. WATSON: The public are very much concerned and interested in this matter, and some satisfactory explanation should be given why Mr. O'Connor withdrew. He has the confidence of the people of Canada from the Atlantic to the Pacific.

Hon. Mr. CLORAN: I would call the honourable minister's (Hon. Mr. Robertson's) attention to this fact, that Mr. Crothers has just given an example of the contrary of what he has been preaching. The honourable gentleman (Hon. Mr. Robertson) wants the minister to have supreme jurisdiction and control over his employees. Then why does the Minister of Labour interfere with Police Chief Ross, of the city of Ottawa? Chief Ross is the head of his department; he is responsible for the safety of the people of Ottawa. What business has Mr. Crothers to go to Mr. Ross and order him to do what he does not want to do? The people of Ottawa would like to know that, and the people of the Dominion would like to know it. Mr. O'Connor was not taken out by the neck, but he was made to feel that he was no longer wanted there, and that was sufficient. He says so himself,

in his correspondence. Anybody who wants to read between the lines will know that. Anyhow, the point I raise is this, that Mr. Crothers has interfered in a matter here in the city of Ottawa, which he had no right to interfere in, according to the doctrine laid down by the honourable gentleman representing the labour interests in the Cabinet.

Hon. Mr. POWER: With respect to the case of Mr. O'Connor-I know I am out of order, but perhaps you will pardon me for a moment-I think that Mr. O'Connor was a very good public servant. He discharged his duties admirably. He collected a good deal of valuable information, and put before the people of this country the exact situation with respect to food supply. But I cannot say that I feel that the withdrawal of Mr. O'Connor from the position that he occupied is a very serious loss to the country, because, although Mr. O'Connor made these investigations and made these admirable reports, the Government never took any action whatever on any of his reports. What is the use of keeping a valuable officer hard at work if you do not make some use of the product of his work?

Hon. Mr. CLORAN: They save the profiteers and let the poor people go.

DEPARTMENT OF BAILWAYS AND CANALS ACT AMENDMENT BILL.

THIRD READING.

Bill 52, an Act to amend the Department of Railways and Canals Act.—Hon. Sir James Lougheed.

DOMINION LANDS ACT AMENDMENT BILL.

AMENDMENTS CONCURRED IN.

On motion of Hon. Sir James Lougheed, the amendments made in Committee of the Whole to Bill 5, an Act to amend the Dominion Lands Act, were concurred in.

DEPARTMENT OF SOLDIERS' CIVIL RE-ESTABLISHMENT BILL.

CONSIDERED IN COMMITTEE AND RE-PORTED.

On motion of Hon. Mr. Robertson, the Senate went into committee on Bill 12, an Act respecting the Department of Soldiers' Civil Re-establishment. Hon. Mr. Daniel in the Chair.

Section 1 was agreed to.

On section 2-department constituted:

Hon. Mr. BOSTOCK: I would like to ask the honourable minister in charge of this Bill if he has any figures as to the number of employees that will be necessary by reason of the establishment of this department.

Hon. Mr. ROBERTSON: It is impossible to give any accurate estimate. At the present time it would be purely a guess, because of the fact that no one can foresee what the future has in store. The answer to the question depends very much on how long the war continues, and how many of our gallant boys who eventually come home will be disabled and maimed and will have to come under the care, supervision and direction of this department.

Hon. Mr. BOSTOCK: I understand that this department is really taking over the work done by the Military Hospitals Commission. I suppose that a large number of the staff of the Military Hospitals Commission will now be transferred to this department. My honourable friend (Hon. Sir James Lougheed) the other day stated, I think, that as soon as the men were discharged from military service they would come under this department, but that as long as they were under military discipline they would be under the Militia Department. Therefore I presume that the whole organization of the Military Hospitals Commission is going to be divided, part going to the Militia Department and the rest to the Department of Civil Re-establishment. The minister in charge of the department will have a deputy and a secretary, and I suppose there will be a number of officials in addition to the present officials of the Military Hospitals Commission, or will they be transferred?

Hon. Sir JAMES LOUGHEED: The Military Hospitals Commission has ceased to exist. It has been superseded by the Invalided Soldiers' Commission. The great majority of the homes administered by the Military Hospitals Commission-about fifty institutions in all-have been handed over to the Department of Militia. There yet remain under the administration of the new department the permanent or semipermanent homes which I referred to, I think the day before yesterday. Those are the homes or institutions in which men who require a prolonged course of treatment are dealt with-in particular, the insane, the tubercular, the epileptic, the paralytic, and that class of disabled returned soldiers.

Hon. Mr. ROBERTSON.

As I then stated, there are now about 4,000 returned men taking advantage of vocational training, and about 3,000 in those homes which are at present under the administration of the Department of Soldiers' Civil Re-establishment. That number will increase, not only as the war proceeds, but as our forces are returned to Canada. At the present time there are, in the hospitals of Great Britain and France, I think over 20,000 men who have suffered from casualties of different kinds. A fairly large proportion of these men will necessarily be cared for in the homes coming under this department. There will be a corresponding increase in vocational training. That, of course, will be governed by the number of disabled men returning to Canada.

Upon demobilization taking place, the cost of this department will be very largely governed by the question of employment. If employment for our demobilized men shall be easily secured, the cost will be very much less; but if we fall upon times when the Government will have to make very special efforts to secure or to provide employment for these men, the cost of the department will be increased correspondingly. The department will take over the work of the old Hospitals Commission, with the exception of that portion of it which has passed to the Department of Militia. The Department of Pensions, which heretofore reported to the Government through the Department of Finance, will now be attached to this department, and will do its business with the Government through this department.

Hon. Mr. BOSTOCK: I do not wish to give my honourable friend any unnecessary trouble about this matter; but when we are passing a Bill of this kind, for the purpose of establishing a new department, I think we should have some idea of what the staff of the department is going to be. As I understand it, from what my honourable friend has said, the new department is going to take over the work of the Invalided Soldiers' Commission, part of that of the Military Hospitals Commission, and part of that of the Department of Pensions. Could not my honourable friend bring down a return that would show the condition in regard to this?

Hon. Sir JAMES LOUGHEED: No. The honourable gentleman might as well ask me to say what the cost of the war would be to Canada in the future.

Hon. Mr. BOSTOCK: I mean at the present time.

Hon. Sir JAMES LOUGHEED: This Department at the present time is not organized in any of its branches to cope with the different problems which it will be called upon to meet. In the estimates for the present year there is an approximate amount for the requirements of the immediate future. I forget exactly what that amount is. There is a well-known establishment for all departmental work which will apply to this Department as well as to any other; but it is impossible to say at present what the cost of the Department will be.

Hon. Mr. BEIQUE: This Department, like others, will need to have supplies voted. I quite understand that it is difficult to ascertain at the present juncture what its expenses will be. I think the establishment of this Department is a good move; there is a very important work to be done by it. I do not see how the business involved in taking care of returned soldiers and giving them the proper assistance and direction could be accomplished without the creation of a Department of this kind.

Section 2 was agreed to.

Sections 3 and 4 were agreed to.

On section 5-duties:

Hon. Mr. BOSTOCK: This clause is very wide. I do not know whether the minister will have to deal with all the men that he might have to deal with under the wording of this section, which says:

The minister shall have the management and control of all matters relating to the re-establishment in civil life and activities of all persons who have served in the naval or military forces of His Majesty or any of His Majesty's Allies during the present war.

Is it necessary to have such very wide powers?

Hon. Sir JAMES LOUGHEED: That relates to the care of men returning to Canada.

Hon. Mr. BOSTOCK: The section does not confine the minister to that?

Hon. Sir JAMES LOUGHEED: Certain things have to be taken as implied.

Hon. W. B. ROSS: The jurisdiction of Canada is involved in that.

Hon. Sir JAMES LOUGHEED: We are not going over to Europe to look after the forces there.

Hon. Mr. BOSTOCK: We have a Minister of Militia in England at the present time.

Section 5 was agreed to.

Section 6 was agreed to.

, On section 7-previous action confirmed:

Hon. Mr. BOSTOCK: That reads almost as if the department had been established.

Hon. Sir JAMES LOUGHEED: This department was created by an Order in Council when the division of duties took place between the Militia Department and the Military Hospitals Commission. For the preservation of the organization it was necessary that sanction should be obtained to proceed under the authority of either a department or a new organization.

Section 7 was agreed to.

The Bill was reported without amendment.

PUBLIC WORKS ACT AMENDMENT BILL.

CONSIDERED IN COMMITTEE.

On motion of Hon. Mr. Robertson, the Senate went into committee on Bill 40, an Act to amend the Public Works Act. Hon. Mr. Foster in the Chair.

Hon. Mr. BEIQUE: I would ask whether this Bill should not provide for compensation in case of invasion of rights or property from the carrying on of public works, and would suggest the following clause:

If in the carrying out of any such works the rights or property of any province or person are invaded, due compensation shall be made and paid, and the amount thereof shall be determined as provided in chapter 143 of the Revised Statutes of Canada, 1906.

It would be by the Exchequer Court, as in cases of expropriation. The carrying out of this Bill may involve an invasion of private rights and private property.

Hon. Sir JAMES LOUGHEED: Has my honourable friend looked into the Public Works Act to ascertain whether provision has not already been made for payment of compensation? It seems to me that there must be a provision in the machinery we have for entering on property.

Hon. Mr. BEIQUE: No, there is not.

Hon. Sir JAMES LOUGHEED: It seems to me that compensation should be paid if damages are suffered by the owner of any private property, and there must be some general provision for that.

Hon. Mr. BEIQUE: I do not think there is.

Hon. Mr. GORDON: I am very glad that this amendment has been suggested, because the department has always acted as having this power already.

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. BEIQUE: Whenever the Government requires to take any property under the Act respecting expropriation of land, the machinery for compensation is provided in chapter 143, and there is nothing to cover a case of that kind in the Public Works Act.

Hon. W. B. ROSS: Would not the bed of the river be land?

Hon. Mr. BEIQUE: No. The Privy Council decided that the province owns the bed of the river, but the Federal Parliament has the right to use the bed of the river for the purpose of improving navigation: so that such a case would not call for compensation, as it would be the exercise of the Federal right. But there may and will be cases where the Government under this Act may affect private property, or possibly even property belonging to a province. If in carrying out their works they invade any private or provincial right they should pay for it.

Hon. Sir JAMES LOUGHEED: If my honourable friend will hand in that amendment as a notice, I shall ask that the committee rise, and we will give every consideration to it.

Progress was reported.

CRIMINAL CODE AMENDMENT BILL-**REVISION OF PUNISHMENTS.**

CONSIDERED IN COMMITTEE AND REPORTED.

On motion of Hon. Mr. McMeans, the Senate went into committee on Bill B, an Act to amend the Criminal Code so as to provide for the revision of excessive or inadequate punishments. Hon. Mr. Pope in the Chair.

On section 1-revision of sentences for indictable offences:

Hon. Mr. McMEANS: I beg to move an amendment to this clause. As it stands, it provides that before a sentence can be revised by the Court of Appeal the consent of the Attorney General of the province in which the crime was committed must be obtained, and he must forward a recommendation to the Minister of Justice, who may direct that application may be made to the Court of Appeal for that province for such revision. I think that it would be easier to have the Attorney General of a province, who really has control of the administration of criminal law, direct the application to be made to the Court of tenced to six months in jail for an offence Hon. Mr. GORDON.

Appeal. I would therefore move that the clause be changed to read as follows:

When an offender has been convicted of an indictable offence other than one punishable with death, the Attorney General of the province in which the conviction was had may direct that application may be made to the Court of Appeal for the province for the revision of the sentence passed.

Hon. Mr. CHOQUETTE: I think it is only fair that the attorneys general of the provinces should have the right that the amendment proposes, but I would go futher. From my experience in Quebec I think we ought to give more authority to the Attorney General, and relieve the Minister of Justice of details which can be better settled by the officials of each province than by the Minister of Justice himself. Therefore I would suggest still further to amend this clause by saying that the Attorney General, upon the application of the party so condemned, will have the same authority in regard to remission or mitigation of his sentence as the Minister of Justice, or that it can be done on his recommendation. The Minister of Justice may still take an appeal from the sentence. Not only that, but I do not see why the Attorney General of a province, who knows by his officers all about the trial, should not be in a better position than the Minister of Justice to remit or mitigate or reduce a sentence.

Hon. Mr. McMEANS: My honourable friend misinterprets my amendment. The idea of this Bill is simply this, that in case of a miscarriage of justice in criminal matters, an application can be made to the Court of Appeal of the province in which the crime was committed. I think it would be going too far to say that when a sentence is passed every man should have a right to go to a Court of Appeal. That would be a new order of things, and, perhaps, might not work out. This Bill provides that the Attorney General of the province may go to the Court of Appeal: that is, that any man sentenced, so long as the Attorney General consents, may go to the Court of Appeal, and that court, on the facts laid before them, may either increase or diminish the sentence; there is just as much to be said in favour of the one as of the other.

The honourable gentleman may not have been in the House the other day when I introduced this Bill and called attention to the fact that quite recently a man was senAPRIL 24, 1918

against a little girl, and there was quite an uproar in the province about it. Within two or three months another man was convicted on a similar charge, and I am informed and believe that the circumstances surrounding his case were in his favour rather than in the other, yet he was sentenced to penitentiary for seven years. Probably that was a just punishment, but if so what about the man who got only six months? This Bill provides that in such a case as that, if the Attorney General is not satisfied, his officers can make a report to him, and if he finds there has been a great miscarriage of justice, he simply issues his flat on behalf of the prisoner, and the four or five judges who constitute the Court of Appeal, after reviewing the circumstances, can correct that error. I would not go any further than that at present. I do not see how my honourable friend could think for a moment of introducing an amendment giving the Attorney General of a province power to remit or reduce a sentence on his own initiative. I would certainly oppose such an amending clause. I do not think it would be fair to the Attorney General, as there is always a door open for the play of politics in a matter of that kind. In this case it goes before the judges of the Court of Appeal, and is not open to the play of politics, or favouritism, or anything of that kind.

Hon. Mr. CHOQUETTE: I quite agree with the amendment of the honourable gentleman and support it, but I go further. I would add to the authority the fiat of the Attorney General of each province, and give him the same right as the Minister of Justice to give a ticket of leave to a prisoner.

Hon. Mr. McMEANS: I do not think that would be constitutional.

Hon. Mr. CHOQUETTE: Yes, I think it would. I could cite hundreds of cases in which the Minister of Justice has been bothered with small matters, such as the reporting on sentences, giving tickets of leave, and pardoning. For example, some people are brought before me, and I condemn them to jail or penitentiary; and the Minister of Justice never remits a sentence, never gives a ticket of leave, nor does anything with any of those prisoners without asking me for a report. Very often I report in favour of the prisoner, and about the time his sentence has expired by his good conduct or by the good report of the jailer, I recommend that, as he has served fifteen months out of twenty, or twelve out

of fifteen, he be released on the good report he has received. The report is generally accepted by the Minister of Justice, but it takes months to get his answer. I know a case where the prisoner's time had expired before the answer arrived. Why? Because the Minister of Justice has to deal with all the cases in the whole Dominion, and we know the time it takes to get reports from British Columbia or Prince Edward Island. If a man has been condemned for fifteen months and has served twelve months, his family or his attorney may petition the Minister of Justice to release him; but nothing is done until a report is received from the judge who passed sentence; and, though the judge may report in his favour, it would take two or three months for the order to be made releasing the prisoner. Why not in such cases give the Attorney General of the province the same right as the Minister of Justice has, and let the report of the magistrate or judge be sent to the Attorney General instead of to Ottawa? Then let the Attorney General release the prisoner if the report is favourable, or else report to the Minister of Justice or to the Court of Appeal if there is anything wrong with the sentence. In that way we could expedite matters, the Minister of Justice would be relieved of a lot of work, and the prisoner in whose favour the report is made would not have to wait for months for action. It would be a good thing in the interests of justice and of all poor people who are condemned. Though the sentence is generally just, there must be error sometimes; but, as the Minister of Justice does not act except after a report from the province, why not provide in this Bill to give the Attorney General the right to decide the case at once, or, if you wish, put a limitation that the amendment would not apply in the case of sentence to death, or to penitentiary for life, or for a stated number of years.

Hon. W. B. ROSS: The honourable gentleman has said that he accepts the principle of this Bill as stated by the honourable gentleman from Winnipeg.

Hon. Mr. CHOQUETTE: Yes.

Hon. W. B. ROSS: Then he wants to go further and put in something else. I point out that it is not competent, when he accepts the principle of the Bill, to propose an amendment which is distinct from it. It is not an amendment to that.

Hon. Mr. CHOQUETTE: Just add to it the amendment.

Hon. W. B. ROSS: That is not an amendment; it is new legislation. In the Imperial House of Commons two years ago there was a Franchise Bill giving the vote to certain men; then there was an amendment extending that vote to women; but the Speaker of that House ruled that the latter was new legislation, and not an amendment.

Hon. Mr. CHOQUETTE: I admit that my honourable friend is right if he takes a point of order as to that.

Hon. W. B. ROSS: Well, I do.

Hon. Mr. CHOQUETTE: I just suggest that, or I will move an amendment on the third reading.

Hon. W. B. ROSS: If my honourable friend wants to get in that further legislation, he should bring in a Bill of his own, and then we shall know exactly what it is; but the present Bill deals with one specific subject, and it is not an amendment to this to bring in legislation on something else. It is not the right form of legislation, and though a good deal of it has been dome here, I think we ought to take notice of it now, and prevent any one from bringing in a new Bill under the guise of an amendment to a Bill, that is altogether distinct in its nature.

The amendment of Hon. Mr. McMeans was agreed to.

The Bill was reported with an amendment.

The Senate adjourned until 3 p.m. tomorrow.

THE SENATE.

Thursday, April 25, 1918.

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

Prayers and routine proceedings.

FRASER COMPANIES, LIMITED, BILL.

Hon. Mr. BEIQUE presented the report of the Committee on Miscellaneous Private Bills, on Bill 9, an Act respecting the Fraser Lumber Company, Limited, and Fraser Companies, Limited.

He said: I desire to call the attention of this honourable House to this Bill, which is reported with an amendment striking out the last portion of clause 1. After the Hon. W. B. ROSS.

committee rose, I thought it my duty to refer to the original charter of the Fraser Lumber Company, Limited, which is reenacted by this Bill as part of the charter of the Fraser Companies, Limited. I find in the original charter the following clause:

The company may hold between the said piers and booms, if situated, erected and maintained as aforesaid, all logs, pulp wood and other humber coming down the Toblque River which are destined and intended for use and manufacture at the mills of the Company; and may also, by aid of such piers and booms, separate and sort out all the logs, pulp wood and other humber coming down the said river; and may charge a toll of ten cent per thousand superficial feet for sorting out, whenever requested so to do by the owner thereof, the lumber coming down the said river belonging to persons or companies other than the Company.

I see no objection to that forming part of the powers of the Fraser Companies, Limited; but I see in that clause the reason why a portion of the clause which was struck out by the committee had been re-enacted, and, although I am not in accord with the wording of the portion of the clause struck out by the committee, I would suggest that some honourable gentleman in this House should give notice of an amendment. I think that the portion which was struck out should be replaced by these words:

That the report of the Standing Committee on Miscellaneous Private Bills on Bill, No. 9, initialed "An Act respecting Fraser Lumber Company, Limited, and Fraser Companies, Limited," be not now adopted, but that it be amended by adding to clause one as amended by the Committee the following: "Subject to the obligation on the part of the Fraser Companies, Limited, of paying, eatisfying, discharging, performing and fulfilling all the debts, liabilities, contracts and engagements of Fraser Lumber Company, Limited, and assuming all its duties and obligations with respect to the business, rights and property so acquired," and that thus amended the report be adopted.

The objection to the wording as it was contained in the Bill is that it seems to limit the obligation of paying the liabilities of the former company to such obligations as were contracted with respect to the business, rights and property so acquired. There may be other obligations than those, and I think the wording which I have suggested should be adopted in order that it may conform entirely with the wording of the agreement under which one company purchased all the assets of the other company, and in order that it may conform with that part of the clause under which the new company should assume all duties connected with its business such as I have referred to in the other charter.

APRIL 25, 1918

Hon. Mr. BOSTOCK: I would like to give notice that when this report is considered to-morrow, I will move the amendment referred to by the honourable gentleman from De Salaberry (Hon. Mr. Beique).

It was ordered that the report be taken into consideration to-morrow.

IMPORTS OF PETROLEUM OILS AND SPIRITS.

MOTION FOR RETURN.

Hon. JAMES DOMVILLE moved:

That an Order of the Senate do issue for a return giving a statement of imports of petroleum oils and spirits (gallons, value and duty) during each of the following fiscal years ending March 31: 1909-10-11-12-13-14-15-16-17, and for each month of the unexpired year ending March 31, 1918.

He said: Honourable gentlemen, I desire to lay before the members of this Chamber certain information that should be read by everybody the world over who is able to read. It is so very important that I have committed a great deal of it to copious notes, which, with the consent of my honourable friends, I will read to them in order that it may appear on Hansard as it is here. It is too serious a subject to risk any mistakes which I might make in delivering it orally, or which might be made in taking it down.

I desire to call the attention of this honourable House to a question the importance of which, in my opinion, comes next to the successful termination of the present war and to the much-to-be-desired increase in the production of agricultural products in Canada. I refer to the opening up of the deposits of oil-carrying shales of the Maritime Provinces of Canada and to the recovery therefrom of their contents of oil and nitrogen.

For the last ten years I have, in season and out of season, advocated that the Government should take active measures to secure the opening up and the commercial utilization of these deposits. The arguments advanced by me'during those ten years stand good to-day, and can be supplemented by others that are as strong or stronger. History has proven the correctness of my statements and the soudness of my deductions.

The British Government over four years ago recognized the importance of securing to the Empire an adequate supply of crude oil, and, to secure only a partial supply, adventured the investment of many millions of dollars in a foreign country, viz; Persia. It is not unreasonable to ask that the S-20 Government of Canada arrange to take, without further delay, such measures as will secure to Canada an adequate supply of crude oil within her own borders, and especially if by so doing it is possible and I am of the opinion that it is possible to put a stop to and prevent any further advance being made in the sale price, in Canada, of crude oils, fuel oil and gasolene.

For the eleven months of the current year the importations into Canada of crude oil, fuel and gas oils, are said to have exceeded a total of \$14,000,000, and it is claimed that for the 12 months ending March 31st last the total importations will be nearly \$16,000,000 Moreover, had Canadian crude oil and fuel oil been obtainable, it would have been possible and advantageous to every one concerned, to have substituted fuel oil for the coal consumed by the shipping and dredges using Cana-This substitution would dian waters. have reduced the total of the coal consumed in Canada during the year by over 1,000,000 tons, and would have increased the value of crude oils, gas and fuel oils used in Canada, which if imported would have increased the total to over \$22,000,000. All of the money might have been and in the future should be, retained in Canada. It will be retained if the Government will give heed to those who have made this question a special study.

The substitution of fuel oil in place of coal as fuel for the ships, ets., using Canadian waters would have had no less than four important advantages. The ships using fuel oil could have carried more cargo. These increased cargoes could have been carried to Europe in less time. These increased cargoes, carried in less time, would require a smaller staff of men to fire the boilers. Lastly, the coal saved would have been available for consumption in the mills and workshops of Canada .during the late scarcity of fuel. These statements are not made without authority. Their correctness can be verified.

The deposits of oil-bearing shales of the Maritime Provinces of Canada are ideally placed to supply the requirements of Eastern Canada, of the great lakes and of the steamers navigating the north Atlantic. The quality of the fuel oil produced from these shales is of the best. Its comparative freedom from sulphur and its comparatively light gravity makes it suitable for consumption on submarines. Its sulphur content is lower than that of the Scotch oils. Without having to construct pipe lines of great length, it is possible to load tank steamers with the oil at several ports. For

305

REVISED EDITION

60 years crude oil has been obtained in Scotland by the retorting of the shales of that country. The Scotch shales contain only about one-half the crude oil and less than half the nitrogen present in the shales of the Maritime Provinces. Of late years this trade in Scotland has been very profitable, and the conditions of the world's supply and the consumption of oil warrants the conclusion that trade conditions will remain favourable.

In the year 1914 the world's total production of crude oil was 400,483,489 barrels, each of 35 imperial gallons. In that year the production of the United States was 265,769,569 barrels; in the year 1915 it was 281,104,104 barrels; and in 1916, it was 324,375,503 barrels. There is no doubt that the total production of the United States in 1917 exceeded 350,000,000 barrels. The large increase in the production of the United States will have made up for the reduction of the output in Roumania and Russia caused by the present war. The present total production of the world may safely be taken as exceeding 400,000,000 barrels. During the last four years the large stocks of crude oils previously held in the United States have been gradually depleted, and it is expected that by the end of 1918 these stocks will be eliminated. It is therefore probable that the present consumption of the world is around 500,000,000 barrels per year.

The increase of production in the United States has been from oil secured from new oil fields. The production from the old oil fields is reduced year by year. It is not possible that many discoveries of new oil fields located in the States will occur, or should they occur the location of these new fields is likely to be in regions inconveniently placed for transportation. In the United States attention has lately been called to the large deposits of oil-bearing shales situated in Colorado, Utah, Arizona and Montana. These deposits are to be developed, but as it requires very considerable capital to develop and work a deposit of oil-bearing shale, it is admitted that no more crude oil can be expected from the new source of supply than will make up for the certain decrease from the oil fields.

The reasons why the oil-shale deposits of the Maritime Provinces have not been developed are not difficult to discover. These reasons are: the industry to be successful has to be undertaken in works of very considerable magnitude; the cost of constructing such works calls for a very

Hon. Mr. DOMVILLE.

considerable capital; the material and machinery required for such works is not manufactured in Canada; the machinery required is in nearly all cases special, and moreover has to be adapted to the quality of the shale it is intended to operate. The quality of shale varies within wide limits. Each of these shales requires its own peculiar treatment.

Certain antagonistic interests in England, Scotland and the United States have not hesitated to prevent the opening up and operating of these deposits. Not only have false reports been freely spread, but great pressure has at times been brought to bear upon financial houses to prevent them from providing the necessary capital. These statements can be proven. Again, for some years there was no one in Canada who was qualified to take hold of the construction and operation of such works, nor was it possible to find in Scotland any one who being competent, understood Canadian conditions. This trouble now has ceased to exist. Mr. Louis Simpson, industrial engineer of this city, has given seven years in Europe and Canada to the study of this problem. The information he has thus acquired, combined with knowledge he has already acquired in the construction and management of industries that call for very expert technical knowledge has removed this difficulty. Mr. Simpson designed and constructed the first hydro-electric power house operated in Canada, and is a member of the American Electrochemical Society.

I desire to state:

That in my opinion the manifest public interest of the Dominion of Canada should cease to be lost sight of, and this so important but so long neglected Canadian asset should without further delay be treated in a statesmanlike manner, irrespective of narrow-minded prejudice or of a fear to undertake what may be a new departure.

That the interests of Canada demand that the \$22,000,000 before mentioned shall cease to be sent out of Canada year by year.

That the interests of Canadian agriculturists and of the general public demand that a limit be placed upon the price at which gasolene is sold.

That the interests of Canadian manufacturers and of the general public demand that the production of fuel oil in Canada shall be increased and that a limit be placed upon the price at which fuel and gas oils are sold.

That the interests of Canadian shipping demand that arrangements be made to pro-

vide a constant supply of high grade fuel oil at reasonable prices.

That the interests of the returned soldiers demand that the development of these natural resources of Canada, in the development and utilization of which many returned soldiers can be provided with profitable employment, under ideal local conditions, be forthwith undertaken.

I feel that the reasons herein given are more that sufficient to justify the Government considering the question with a view ot taking immediate action.

Now, I am going to give you some statistics which will support the argument I am making and should go with it, because Washington is now sending investigators to Nova Scotia and New Brunswick to inquire into the matter, and they should be fortified with such facts from here as will show that the subject is thoroughly understood and that we do not depend upon the ipse dixit of anybody to know what is required.

In 1917, according to the statistics furnished by the Division of Mineral Resources and Statistics of the Department of Mines, under the direction of J. McLeish, the imports of petroleum and petroleum products were valued at \$21,455,326. The statement furnished me shows how much of this total value is made up of illuminating oils, how much of petroleum and gas oils, how much of gasolene, parifin wex, etc. Figures are given for all these products obtained from petroleum before it goes into the hands of the refiner, whose work is another branch of the business.

I have also a report which I received yesterday from the Commissioner of Customs, who has very kindly supplied me with data for 10 years respecting the quantities imported.

The total quantity of oil, coal and kerosene, distilled, purified or refined, imported for consumption for the ten fiscal years ended March 31st, 1909 to 1918, was 114.774,487 gallons, valued at (\$7,565,055. In the same ten years the total quantities of other oils imported for consumption were: illuminating oils, 1,258,416 gallons, valued at \$547,573; other products of petroleum, 60,514,243 gallons, valued at \$7,811,-057; crude petroleum, 1,167,480 gallons, valued at \$90,630; lubricating oils, 39,969,676, gallons, valued at \$5,426,824; and gasolene, 209,217,646 gallons, valued at \$27,462,305. You are all familiar with gasolene, and it is not necessary for me to explain that it is an urgent need all the year round.

The total imports of petroleum products of all sorts in the last ten years amounted to 1,944,859,930 gallons at a declared value of \$100,631,665. In the last 12 months the total imported was 387,982,714 gallons, and declared value \$24,889,433.

These enormous sums of money were sent out of Canada to purchase oil that could be produced in our own country, both in Nova Scotia and in New Brunswick. It would seem, therefore, that I am justified in bringing this matter before the House in the way I am doing.

I will not trouble you with all the details, but I want to place on record a few statistics. Those enormous sums of money were sent out of the country because we had not risen sufficiently high in our ideas of investigation to show what could be done in this country. I was very glad to hear my friend on the other side of the House (Hon. Sir James Lougheed) say that the Government were considering what could be done in the future. We have to make up for all that vast expenditure we are now putting out and for our war losses, and we must assist as far as possible new industries in this country in order that the returned soldiers may be provided with suitable occupation. Therefore if you consider these figures you will realize that an immense saving of money could be effected. Imports of bituminous coal, anthracite coal and petroleum and petroleum products into Canada

during the twelve months ending December 31, 1916 and 1917 The following record of imports has been compiled from the unrevised monthly reports of Trade and Navigation, published by the Department of Customs.

Imports of Coal.

	1916.		1917.			
	Tons.	Value.	Aver.	Tons.	Value.	Aver.
Bituminous, round and run of mine Bituminous slack Anthracite, coal and dust	9,504,552 3,505,236 4,570,815	12,368,679 3,704,624 22,216,363	1 · 30 1 · 06 4 · 86	12,407,486 3,129,776 5,320,198	33,712,894 8,739,877 28,109,586	2·72 2·79 5·28
	17,580,603	38,289,666	2.18	20,857,460	70, 562, 357	3.38

S-201

308

SENATE

	1916.		1917.	
	Quantity.	Value.	Quantity.	Value.
-	Gals.	\$	Gals.	\$
Crude oil for refining Petroleum and gas oils Illuminating oils Lubricating oils Gasolene Other oils, products of Petroleum	253,093,270 8,080,107 5,466,076 18,321,891 7,464,777	8,459,882 542,893 973,253 3,624,931 1,003,577	$183,105,102\\142,455,582\\13,457,096\\5,315,811\\\cdot 15,369,172\\18,521,983$	8,411,730 4,521,854 1,093,560 1,209,930 3,293,760 2,708,515
Total oils	292, 426, 121	14,604,476	378, 224, 746	21,239,347
Paraffin waxlbs.	1,061,112 220,264	70,308 30,539	1,620,634 513,339	140,722 75,257
		14,705,323		21,455,32

Imports of Petroleum and Petroleum Products.

Divison of Mineral Resources and Statistics, Department of Mines.

J. McLeish.

Statement showing the quantity and value of the undermentioned oils imported for consumption in Canada during the fiscal years 1909 to 1917, inclusive, and by months for the fiscal year ended March 31, 1918; showing also the duty and war tax collected thereon.

		Gallons.	Value.
			\$
, coat and actionary distance, primer of the	1909	$\begin{array}{c} \textbf{10, 610, 882} \\ \textbf{8, 652, 285} \\ \textbf{9, 227, 364} \\ \textbf{13, 264, 946} \\ \textbf{16, 545, 672} \\ \textbf{19, 280, 479} \\ \textbf{9, 587, 159} \\ \textbf{6, 421, 825} \\ \textbf{9, 325, 384} \end{array}$	$785,418\\622,177\\544,381\\660,289\\1,110,690\\1,351,098\\653,401\\346,125\\553,714$
Total		102,915,996	6,627,293
	1918—April May June July Aug Sept Oct Nov Dec Jan Feb Mar	$1,315,016\\1,548,460\\1,189,724\\1,115,949\\819,044\\754,462\\1,017,744\\1,506,260\\785,914\\466,639\\906,324\\432,965$	$\begin{array}{c} 98,014\\ 110,296\\ 88,224\\ 84,752\\ 60,188\\ 61,840\\ 85,462\\ 124,981\\ 67,056\\ 39,263\\ 79,626\\ 38,040\end{array}$
Total for 1918		11,858,491	937,762
Total for 10 years		114,774,487	7,565,055

Hon. Mr. DOMVILLE.

	<u> </u>	Gallons.	Values.
			\$
Illuminating oils, composed wholly or in part of the pro-1 ducts of petroleum, coal, shale or lignite, costing more 1 than 30 cents per gallon	909 910 911 912	$\begin{array}{r} 3,597 \\ 10,385 \\ 51,226 \\ 189,458 \end{array}$	1,818 3,928 22,323 72,834
	913 914 915 916	$\begin{array}{c} 214,513\\ 168,290\\ 124,601\\ 154,187\end{array}$	83,812 66,724 50,503 64,219
Total		180,476	83,008 449,169
	-		
•	1918—April May June July Aug Sept Oct Nov	$\begin{array}{r} 41,899\\ 21,555\\ 11,366\\ 10,136\\ 1,772\\ 7,021\\ 19,760\\ 13,645\end{array}$	24,447 12,640 7,128 5,741 1,536 4,046 12,533 8,109
	Dec Jan Feb Mar	6,657 13,872 13,514 486	3,651 9,191 9,115 267
Total		161,683	98,404
Total for 10 years		1,258,416	547,573
- Calculater, producer es, anopr	1909	$1,473,146\\2,186,031\\2,604,641\\3,428,234\\4,114,122\\5,166,274\\5,768,037\\6,299,785\\7,822,048$	$154,834\\211,787\\278,478\\343,200\\437,254\\625,367\\696,592\\605,053\\1,141,581$
Total		38,862,318	4,394,146
1	1918—April June July Aug Sept Oct Dec Jan Feb Mar	$\begin{array}{r} 430,463\\ 1,573,490\\ 2,023,970\\ 1,888,529\\ 3,569,288\\ 1,523,194\\ 2,840,725\\ 1,049,108\\ 935,219\\ 695,035\\ 1,938,746\\ 2,938,746\end{array}$	$\begin{array}{c} 68,376\\223,013\\284,439\\313,185\\-444,225\\260,735\\383,654\\184,797\\156,609\\132,591\\324,076\\244,076\\326,076\\324,076\\324,076$
	M131	3,184,118	641,211
Total for 1918	•••••		3,416,911
Total for 10 years		60, 514, 243	- 7,811,057

Statement showing the quantity and value of the undermentioned oils imported for consumption in Canada during the fiscal years 1909 to 1917, inclusive, and by months for the fiscal year ended March 31, 1918; showing also the duty and war tax collected thereon—Continued.

SENATE

Statement showing the quantity and value of the undermentioned oils imported for consumption in Canada during the fiscal years 1909 to 1917, inclusive, and by months for the fiscal year ended March 31, 1918; showing also the duty and war tax collected thereon—*Continued*.

<u>—</u>		Gallons.	Value.
			\$
Crude petroleum, gas oils other than naphtha, benzine and gasolene lighter than .8235 but less than .775 speci-	1909	3,515 3,281	420 221
fic gravity at 60 degrees temperature.	1911	10.241	328
	1912	7,219 16,030	800 1,199
	1913 1914	45,853	4,903
	1915	64,057	5,418
	1916	29,918	2,270
-	1917	120,459	. 8,125
Total		300,578	23,684
	1918—April	29,581	4,000
	May	40	9
	June	46,601	3,€92
	July	24,124 676,644	1,931 48,665
	Aug Sept	23, 417	1,696
	Oct	38,048	3,793
	Nov Dec	272	29
	Jan	12,342	1,142
	Feb	7,004	965
	Mar	8,823	1,024
Total for 1918	•••••	866,902	66,946
Total for 10 years		1,167,480	90,630
Lubricating oils composed wholly or in part of the pro-	1909	2,319,710	311,547
ducts of petroleum and costing less than 25 cts.	1910	2,802,579	387,223
gallon	1911 1912	3,537,585 4,390,744	463,863 524,668
	1913	6,282,819	825,792
	1914	5,156,734	712,808
	1915	4,369,293	572,375
그는 일상에 가지도 말라고 한 같은 것이 같아. 정말 수 있	1916 1917	3,757,762 4,515,200	510,982 636,440
Total		37,132,426	4,945,698
10641			
	1918—April	376, 529	59,499
	May	429,019	71.553
	June	277,577	47,242 46,773
	July	267,384 211,270	40,173
	Aug Sept	271,878	45,662
	Oct	231,648	39,179
	Nov	242,959	43,756
	Dec	169,002	27,677
	Jan Feb	104,337 92,191	17,509 16,677
	Mar	163,456	29,876
Total for 1918		2,837,250	481,126
		39,969,676	5,426,824
Total for 10 years		00,000,010	

Hon. Mr. DOMVILLE.

APRIL 25, 1918

<u> </u>	-	Gallons.	Value.
			s
Gasolene under, '725 specific gravity at 60 deg. temp	1909 1910 1911 1912 1913 1914 1915	5,204,125 8,650,711 16,629,758 23,270,798 43,275,067 27,469,397 26,504,649	467,088 817,146 1,683,385 1,961,015 5,846,364 4,466,986 2,828,383
	1916 1917	28,078,205 16,477,648	3,081,244 3,320,498
Total.		195, 560, 358	24, 472, 509
	A pril May June July Aug Sept Oct Nov Jec Jan Feb Mar	$1,769,042\\1,031,244\\2,828,254\\2,071,290\\2,255,105\\1,000,803\\875,626\\619,700\\479,218\\384,038\\112,908\\230,060$	403,768 235,970 598,100 397,307 486,272 236,907 198,494 142,287 120,015 82,394 30,141 58,141
Total for 1918		13,657,288	2,989,796
Total for 10 years		209,217,646	27,462,305
Petroleum crude, fuel and gas oils (*8235 specific gravity or heavier) at 60 deg temp. Total	1909 1910 1911 1912 1913 1914 1915 1916 1917	31,594,212 36,947,670 54,310,597 72,231,006 143,338,070 177,879,385 196,203,287 200,765,174 267,739,406 1,181,008,807	1,321,988 1,188,850 1,626,141 2,270,374 4,531,281 5,994,318 5,230,497 4,386,245 9,280,039 355,829,733
10tat		1,101,000,007	30,649,133
	1918—April June July Aug Sept Oct Nov Dec Jan Feb Mar	$\begin{array}{c} 16,022,924\\ 30,032,724\\ 32,923,193\\ 25,317,016\\ 34,129,387\\ 31,734,236\\ 32,554,240\\ 31,024,833\\ 24,252,170\\ 25,424,333\\ 24,346,698\\ 29,187,421\\ \end{array}$	$\begin{array}{c} 834,141\\ 1,248,106\\ 1,401,413\\ 1,165,808\\ 1,543,753\\ 1,441,383\\ 1,589,737\\ 1,418,106\\ 1,225,531\\ 1,245,964\\ 1,263,261\\ 1,521,285\end{array}$
Total for 1918		336,949,175	15,898,488
Total for 10 years		1,517,957,982	51,728,221

Statement showing the quantity and value of the undermentioned oils imported for consumption in Canada during the fiscal years 1909 to 1917, inclusive, and by months for the fiscal year ended March 31, 1918; showing also the duty and war tax collected thereon—Concluded.

Summary.

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 During the last 10 years the total quantity imported was 1,944,859,930 gallons at a declared value of.
 \$100,631,665

 During the last 12 months the total quantity imported was 387,982,714 gallons at a declared value of.
 \$24,889,433

 Department of Customs, Ottawa, April 24, 1918.
 24,889,433

I do not wish to weary the House with any lengthy debate on this question. My endeavour is to bring the facts so forcibly before the country that they cannot be gainsaid by scientists or stock operators, but must be accepted as representing accurately what Canada can do and what this country has to offer to the capitalists of the world to induce people to come in and develop these industries as we are unable to do because of the immense amount of money required.

Hon. Mr. GIRROIR: I think this is one of the most important questions that has come before the Senate this session, and I have much pleasure in seconding the motion. We all realize that the supply of oil in the Pennsylvania oil fields and in other parts of the United States is growing less, while the demand for oil is growing greater. On account of the numerous inventions which use oil as motive power. the time is not far distant when the different governments will have to look beyond the present oil wells for their supplies of oil. I had intended to make some remarks upon this subject, because in the province of Nova Scotia, from which I come, there are very extensive deposits of oil shales to be found in the counties of Hants, Pictou and Antigonish. I think the honourable member for Rothesay (Hon. Mr. Domville) is to be congratulated on the study which he has given to this subject, and on the way in which he has brought it to the attention of this House. As I wish to make some further remarks on this subject, and am not prepared to go on to-day, I would move the adjournment of the debate.

The motion for the adjournment of the debate was agreed to.

FRENCH CANADIAN CASUALTIES.

Hon. Sir JAMES LOUGHEED: I promised my honourable friend from Granville (Hon., Mr. Choquette) to secure the information for which he asked yesterday touching certain casualty lists which appeared in the press, particularly the Montreal Gazette. I have to say that the casualty lists are issued in a form drawn to meet the requirements of the General Officers Commanding in Chief the Allied armies in the field. It is not permissible in casualty lists or in any reports to reveal either the battalions or batteries in which casualties occur or the theatres of war in which they are sustained; it having been found that the identification of casualties with particular areas or with particular

Hon. Mr. DOMVILLE.

battalions of infantry, batteries of artillery, etc., furnish useful information to the enemy.

MILITARY AND NAVAL DEFENCE BILL. FIRST READING.

Bill 38, an Act granting to His Majesty aid for Military and Naval Defence.—Hon. Sir James Lougheed.

ORGANIZATION OF EMPLOYMENT OFFICES BILL.

FIRST READING.

Bill 57, an Act to aid and encourage the organization and coordination of employment offices.—Hon. Sir James Lougheed.

INDIAN ACT AMENDMENT BILL.

FIRST READING.

Bill 64, an Act to amend the Indian Act. -Hon. Sir James Lougheed.

DOMINION LANDS ACT AMENDMENT BILL.

THIRD READING.

Hon. Sir JAMES LOUGHEED moved the third reading of Bill 5, an Act to amend the Dominion Lands Act.

Hon. Mr. McMEANS: On behalf of the honourable member from Selkirk (Hon. Mr. Bradbury), I beg leave to move that the Bill be not now read a third time, but be amended as follows:

Add the following to clause 6 as subsection 4 of section 25:

"(4) It shall be prima facie evidence that a person is not entitled to obtain letters patent for a homestead, if having been originally a subject of, or resident in, any of the states now at war with His Majesty and having become by naturalization a subject of His Majesty, that person has, at any time since the first day of May, nineteen hundred and fourteen, been in any such state or left Canada to go to any such state; and the burden of proof to the contrary shall be upon any such person." Page 4, line 4.—For "is" substitute "subration are."

sections are."

Hon. Mr. POWER: With the amendment as a whole I have no quarrel, but I would draw the attention of the House to the fact that it contains an unusual and what I consider an unreasonable addition in the words of the last line: "and the burden of proof to the contrary shall be upon any such person." That is not only contrary to all our traditions of British law and British sense of fair play, but it is practically making the position of the claimant an impossible one. While I do not object to the substance of the provision, I think those words should be stricken out and I hope the honourable gentleman will agree to that being done.

Hon. Mr. McMEANS: While I am only moving this amendment on behalf of the honourable gentleman from Selkirk, I cannot agree with the suggestion made by the honourable gentleman from Halifax. I think it must be apparent to every member of this House that if a man residing in Canada goes to Germany immediately prior to the war, and then comes back to Canada, it would be almost an impossibility for the Dominion land agent or any one else to prove that he had been there; that is a fact within his own knowledge, and I fancy that is the reason why the words in question are put in. I think the burden of proof should properly be upon the claimant, because he is the only one who has that knowledge, and if he is able to negative the charge that he went to fight against the Allies, it would be a very simple matter for him to prove his statement. While every man is in law supposed to be innocent until proven guilty, this is a different matter, for this man went to Germany or Austria immediately before the war, and is probably fighting on the side of the Central Powers. After the war he comes back, and this clause merely says: "You shall prove to our satisfaction that you have not been fighting against the Allies in the war."

Hon. Mr. CHOQUETTE: What kind of proof would you require?

Hon. Mr. McMEANS: That would be for the authorities of the Administration to decide. I suppose it would be sufficient if heput in an affidavit, and left himself subject to a charge of perjury.

Hon. Mr. BELCOURT: If the honourable gentleman will read carefully the section, he will see that the last line does not add or change anything. The clause would be complete without those words, and if the amendment rested at the words, "left Canada to go to any such state," the effect would be quite as large and no larger than it would be by the addition of the words objected to. If there is prima facie evidence that is all the evidence that is required.

Hon. Sir JAMES LOUGHEED: If the claimant appears to be a German, an Austrian, or a Turk, it is not a hardship on him that he should make affidavit that he had not returned to his own country within that particular period. An affidavit to that effect would be sufficient to meet the requirements of the amendment, and it is a matter within his knowledge and not that of the Government officials.

Hon. Mr. BELCOURT: When you say that it shall be prima facie evidence, that puts the onus of proof on him at once.

Hon. Mr. POWER: I think the honourable gentleman from Ottawa (Hon. Mr. Belcourt) has me where the hair is rather short.

The amendment was agreed to.

Hon. W. B. ROSS: I move that the third reading of the Bill be not now had, but that section 25 be stricken out.

Hon. Sir JAMES LOUGHEED: The Department of the Interior has been advised by the Department of Justice that this section is unnecessary, as other means are available for the cancellation of any patents that may be improvidently issued. This only multiplies the methods of cancellation.

The amendment of Hon. W. B. Ross was agreed to, the main motion was agreed to, and the Bill was read the third time and passed.

DEPARTMENT OF SOLDIERS' CIVIL RE-ESTABLISHMENT BLLL.

THIRD READING.

Bill 12, an Act respecting the Department of Soldiers' Civil Re-establishment.—Hon. Mr. Robertson.

RAILWAY ACT CONSOLIDATION BILL. AMENDMENTS CONCURRED IN-THIRD READING.

On motion of Hon. Sir James Lougheed, the amendments made in Committee of the Whole to Bill A, an Act to consolidate and amend the Railway Act, were concurred in.

Hon. Sir JAMES LOUGHEED moved the third reading of the Bill. He said: Honourable gentlemen, I should like to have this Bill read the third time to-day, as it is somewhat important to have it placed in the hands of the printers to-morrow, so that the House of Commons may have it on Monday. I therefore, with the leave of the House, move the third reading. I notice that the honourable gentleman from Granville (Hon. Mr. Choquette) has a notice of an amendment on the Order Paper; but probably he will not be unwilling to go on with it now.

Hon. Mr. CHOQUETTE: Honourable gentlemen, if the suggestion which was

made by the honourable gentleman from DeLorimier (Hon. Mr. Dandurand) had been accepted, it would not have been necessary for me to move this amendment. The Bill as it came from the House of Commons last year contained a provision for the use of both the official languages of Canada, and the question was voted on in the Railway Committee of the Senate last session. Therefore I was very much surprised to find that it has since been struck out.

In reading over the report of the Debates which took place on Monday, I notice that the following words were pronounced by the leader of the Government:

It would be fortunate if we could speak both languages, but in the interests of harmony and good will and that national sentiment that ought to prevail throughout the whole of Canada, I say that discussions of this kind are certainly subversive of the promotion of the good feeling which we should all entertain.

I am really sorry to read these words, especially coming from such a source; because it would be very unfortunate if in this House or elsewhere we could not discuss public questions without being accused of promoting racial divisions. This is not a question of nationality; it is a question affecting the travelling public. When we endeavour to have both of the official languages used in public department we are accused of promoting racial or national discord. I protest against such an accusation. We have been told by some people in some parts of this country that we must have only one language, one flag, one Empire. I do not see why such feelings are entertained in any part of this Dominion. We in Quebec are willing to have only one flag and one Empire, but we are not willing and will not have only one language in this country, because it is not in the interest of the country nor in the interest of the Empire. I am not going to advocate one language or another in this House, but I will advocate the principle that this country having two official languages, both ought to be known by everybody occupying a government position; and I will go . so far as to say that if anyone will move an amendment to the effect that no man can be elected to the House of Commons or be appointed to the Senate unless he knows both official languages, I will vote for it. That is about the only way to have unity; that is the only way for us to know each other, and it would be in the best interests of the country and the Empire. If anyone would be hurt by that, so much the worse for him. Again I hear the expres-

Hon. Mr. CHOQUETTE.

sion used by the seconder of the Address in this House (Hon. Mr. Michener), when he stated that he was handicapped because he could not understand both official languages, and in order that his sons should not be so handicapped he would have them learn both official languages. I do not use the word "French;" I use the words "both official languages" with intention. So if an honourable member of this House, who before coming here occupied a high position in his own province, is bound to declare that he was handicapped in that way, and does not want his sons to be so handicapped, I conclude that it is in the interest of the country and of every individual in this House to know both languages. I protest against the imputation that anything said on this point is raising national or racial issues. I bring up the question because I believe that both official languages ought to be recognized publicly in all provinces of Canada, and ought to be used on railways throughout the Dominion, but especially in the province of Quebec. This was the sentiment that existed when the Bill was passed by the House of Commons last year, and when we all voted for it in the Railway Committee of the Senate.

Now, I am sorry to have to contradict the honourable leader of this House; but on Monday night, speaking about this new Bill, he made a statement which was far from accurate. I know him well to believe that he did not t00 speak in good faith, but those of us who were here on Monday evening were deceived by his declaration. In answer to a question of the honourable gentleman from De Lanaudière (Hon. Mr. Casgrain) as to why this clause was in the Bill last year, the honourable leader answered that it had not been proposed by the Government, but by a private member. I know the honourable gentleman too. well to say, I repeat, that he was not speaking in good faith; but his statement was very misleading. It was the Hon. Mr. Cochrane who was in charge of this Bill, and who moved this very clause, and everyone in the other House voted for it. When the Bill reached this House we accepted it, and all voted for it in the Railway Committee. The honourable leader of the Government in this House led us to understand that this Bill was introduced by a French member of the House of Commons. It was introduced by the Minister of Railways-and he is still a minister; and he did it in the name of the Government, and the honourable leader of this House accepted it. Unfortunately, the session closed before the Bill could pass, and we had to take it up again this year; but this clause was left out.

Hon. Sir JAMES LOUGHEED: Will my honourable friend from Granville permit me to refer him to page 3512 of the Commons Hansard, from which he will find that Mr. Boulay moved what was practically the same as this amendment, and apparently it was adopted by the Commons. He said:

I move that this subsection be amended by adding thereto the following words:

"And all employees coming in contact with the travelling public shall understand both official languages of the country."

I was under the impression that Mr. Boulay had moved this subsection, and it would appear that such was the case. Apparently, to make doubly sure, the Minister of Railways moved it again.

Hon. Mr. CHOQUETTE: Mr. Boulay, the member for Rimouski, a friend of the Government, suggested the clause to the Government, and the Government was so impressed with the suggestion that the minister took upon himself the responsibility of moving it. When my honourable friend said that it was proposed by a private member he was not making an accurate statement. Every member of the House may make suggestions to the Government. If I were to propose something to the leader of the Government in this House, and if he were impressed with my proposition as one that was just and fair, and were to take it and move it himself, the Government would be responsible for it, and those who voted against it would be voting against the Government.

In bringing this matter before this House, I do not think that I can be accused of doing anything that is unjust or unfair, or raising racial issues, because I simply follow the lead of the Minister of Railways.

In his speech the other day, the honourable gentleman from Welland (Hon. Mr. Robertson) mentioned a resolution that was passed by representatives of certain railway organizations, in which the following appeared:

The proposed legislation might result in a grave injustice to many experienced employees in the province of Quebec who are not conversant with the English language, but who are permitted to converse in their native language in the course of their employment, and to even pass their oral examinations to the positions of conductors or engineers in such language.

If that was signed by members of the organization in Quebec, they certainly had

not a knowledge of the actual conditions, because I know that there is not a man in Quebec who will accede to it. All the men employed by the railways in Quebec are conversant with both languages. I dare say they would not be able to retain their positions if they could not speak English.

Further, in order to impress the French members of this House, the honourable gentleman from Welland said:

I explained to the House on Friday last that there were French Canadian men residing in British Columbia and working on railways who stated that they object to this clause being enacted because it would militate against them, and probably a movement would be put on foot that would make it impossible for them to work upon a railway in the West because they could not speak English.

I defy the honourable gentleman to name one man, one conductor, one brakeman, one station agent, in British Columbia who cannot speak English. In order to be fair to the people of British Columbia, as I wish to be fair to the people of my own province, I am willing to have the legislation amended so as to compel all the French conductors on British Columbia railways to learn English or to resign their positions. The English public in British Columbia have just as much right to have the conductors there speak their language as the people of Quebec have to have the conductors in that province understand and speak theirs. I am willing to vote for an amendment to compel every railway employee in every province of this Dominion to speak both languages, and if my people cannot understand English so much the worse for them. I wish to show that this is not a question of French or English; it is a question of both official languages being learned and spoken by everyone, especially by those who are in the employ of the public. I do not wish my people to be handicapped as my honourable friend from the West (Hon. Mr. Michener) has been. I am convinced that that is the only right thing to do, and that it will accomplish more good, not only for the provinces, but for the country and the Empire at large.

Now, honourable gentlemen, I will not detain you any longer on this question. I think I have said enough to show that my proposition, though a little different from the one of the honourable gentleman from De Lorimier (Hon. Mr. Dandurand), is a just and fair one; but I am willing to withdraw it and to substitute the one of that honourable gentleman, as his proposal was adopted by the Government last year. I am willing

to do that in order that there may be no division, and that we may be unanimous, as we were last year, and that all the travelling public may receive an answer when they ask a question. If the honourable leader of the Government is willing to accept that, I will withdraw my motion and the matter will be settled at once. That is a fair proposition. I am only asking the honourable leader of the Government to do what was done by the Hon. Mr. Cochrane last year on behalf of the Government. If he will do so I will take my seat and be satisfied. Will the honourable gentleman accept that?

Hon. Sir JAMES LOUGHEED: Oh, no; I do not think I shall.

Hon. Mr. CHOQUETTE: Then, honourable gentlemen, another point comes to my mind: why has the Bill been changed since last year? Has the honourable gentleman an answer to that? If the honourable gentleman has any reason to give me my mind is open to it.

Hon. Mr. LYNCH-STAUNTON: We have a liberal Government now.

Hon. Mr. CHOQUETTE: If the honourable leader of the Government is willing to give a good reason to explain why a clause so just, so fair, and one approved by this House, has been taken out of the Railway Act, I am prepared to listen to him. If not, then I will let the public judge.

Now, honourable gentlemen, it is of no use for me to discuss this question longer; so, with the leave of the House, I withdraw my motion and move instead the following. There is no need for me to give notice of this motion, because this is a public Bill. I gave notice yesterday of my motion to be moved on the third reading, so that honourable gentlemen might be aware of it. I now move:

That the following be added to section 302: "After the first day of January, one thousand nine hundred and nineteen, the Board may from time to time make such orders and regulations as it may deem advisable to provide that all or any railway employees on local passenger trains running in the province of Quebec shall be conversant with the English and French languages."

Hon. E. L. GIRROIR: Honourable gentlemen, before this question is put I wish to make a few observations. I will preface them by saying that we belong to the greatest Empire the world has ever seen. Thank God, we can say that this Empire is an Empire founded upon the principle that no man's language, or no man's creed,

Hon. Mr. CHOQUETTE.

or no man's race shall stand in the way of his advancement. There is absolute liberty, absolute justice, and absolute equality for all. I stand for this principle, that in this Canada of ours every man should have the privilege of speaking any language which he desires. I believe, sirs, that no man within the borders of this fair Dominion, if we wish to make it a prosperous country, should be prevented from speaking in the language which he desires, and I hope that all Canadians will stand for that principle.

But the honourable member (Hon. Mr. Choquette) who has just made this motion is standing for another and far different principle: he is standing for this proposition, that men in this country must be compelled to speak a certain language. He said only a few moments ago that if he had his way he would compel every man who is elected to the House of Commons or appointed to this Senate to speak both languages. The unity which we desire in this Canada of ours can never come out of the advocacy of such a principle as that. We in this country can never advance as we should advance, and have the unity which is essential to the advancement of this Empire, unless we are prepared to give way one to the other, to respect each other's faith and each other's language. But, sirs, when a man stands up in this House and declares that I shall be compelled to speak the English language, or that some other member of this House shall be compelled to speak the French language, I think he is advocating a principle which is detrimental to the very interests which he aims to serve.

The French Canadians of Canada are one of the greatest assets of this Dominion. They are a vigorous people, a people who will lend their strength and vigour to the advancement of this country in the years to come. I am sure, sirs, that the people of Canada can feel glad that we have in this country people of different races and speaking different languages, because it affords us an opportunity of obtaining various views upon all public questions. The nation that will spring out of the union of these different races will be one of the most virile and one of the strongest races inhabiting any part of this great Empire. I am proud, sirs, of the fact that in my veins flows some of the blood that flows in the veins of the defenders of Verdun. I am proud, sirs, that my father was of French blood, just as proud as I am of the fact that my mother was of Irish blood: but I shall never stand up in this

House, nor anywhere else, and say to any man, "You must speak the English language," or, "You must speak the French language."

This is a question that has been disturbing the unity of this country for many years, and I believe that the unity of this country will never be achieved unless Englishmen in Ontario and other parts of Canada and Frenchmen in Quebec are prepared to let the question lie dormant for a while. If we cannot settle our differences upon this score, then, for God's sake, let us forget them. Here we are to-day throughout this country sending our boys, French and English, to the trenches of Flanders to fight for this Empire. They are spilling their blood; their blood is flowing in the selfsame stream. And do you imagine for one moment that these boys, when they assist each other-when the French Canadian boy takes from his knapsack the stimulants that have been given him and pours them down the throat of some dying English boy, perhaps an Orangeman from Ontario, or when some Protestant boy, or English-speaking boy who cannot speak French, carries on his back to safety some French Canadian who has been wounded while fighting valiantly for the cause of this Empire-do you suppose it makes any difference to them whether the language of pity in which they express their thanks to one another is in French or in English? I think, sirs, that the best thing for the future of this country and this Empire is for us to discontinue public agitation upon this question. Prejudice or narrowness has cannibalistic tendencies: prejudice in one province feeds upon prejudice in the other province. For my part, from the experience that I have had _in the few short years I have been here, where · I have heard these questions discussed, I am in a position to say-and I say it boldly, I say it openly-that there is just as much prejudice and narrowness in the province of Ontario as there is in the province of Québec. But there are many men in this country who are able to look above and beyond that narrow groove, and it is the duty of these men, especially when they constitute themselves leaders of the respective races in the different provinces-it is their duty, in the interest of their own people, of this country and of this Empire, to endeavour to do all they can to smooth away the differences of language and of race which exist in this Dominion. We have to live together; we have to struggle together to make this

Canada of ours a great country; we have to die together in this country. While I am ready and prepared always to stand for the right of every man to speak whatever language he wishes, I will never stand for the principle enunciated by the honourable member who has moved this motion (Hon. Mr. Choquette), that any citizen of Canada, or even of this Empire, should be compelled to speak any particular language.

Hon. Mr. BELCOURT: I would ask my honourable friend who has just sat down if he is aware that in order to enter the Civil Service of Canada it is obligatory to know the English language?

Hon. Mr. GIRROIR: That is another question altogether.

Hon. Mr. DANDURAND: We have just heard a pleasing oration on the importance of joining hands and working in unity for the national cause and for the cause of the Allies. Nobody will hesitate to commend the aspiration for national unity and for everything that will make for the success of the Allies; but this is not the question which is before us just now. We are discussing the Railway Act; and in the discussion of this Act we come to section 302, which speaks of the two languages. Subsection 2 of the Bill brought in by the Government of the day says:

Every railway company shall print in both the English and French languages the timetables that are to be used along its lines within the limits of the province of Quebec.

Now, we have all voted for that. It is in a Bill of the present Government. has had the endorsation of the honourable leader of the Government in this Chamber. It is adopted. A motion is now made for the third reading of the Bill, and I am sure that the section as it stands, with that clause, will be adopted; and yet the two languages are maintained in it. But why are they mentioned? They are mentioned because the constitution of Canada mentions and sanctions the use of two languages in the province of Quebec. Remember, honourable gentlemen, that the amendment which is now moved has nothing to do with the other provinces; it affects only the province of Quebec, just as subsection 2 concerns only that province.

What does subsection 3, the clause now under discussion, in the form of an amendment, provide? It says purely and simply that:

After the first day of January one thousand nine hundred and nineteen, the Board may, from time to time, make such orders and regulations as it may deem advisable to provide that all or any railway employees on local passenger trains running in the province of Quebec-

If there is any question as to the meaning of that expression, I am ready to suggest "within the province of Quebec"—

-shall be conversant with the English and French languages.

I will not address myself to the remarks made by my honourable friend from Antigonish (Hon. Mr. Girroir) just now, because he has not touched the question at all. But I will deal with the words which fell from the lips of the honourable leader of the Government in this Chamber (Hon. Sir James Lougheed) a few days ago, when we were in committee. He said : "The Liberal party was in power for 15 years and it did not move in this matter; why do you move in the matter now?" My answer is: No, the Liberals did not move in this matter for 15 years. There was a French Premier and he did not think of moving in the matter. But who did move in the matter? As the honourable member from Granville (Hon. Mr. Choquette) said, the Minister of Railways last year moved in the matter; he moved that this clause be put in. It was inserted at the suggestion of a supporter of the Government, it is true, but the minister moved that the clause be inserted. The constitution was not shaken. The motion was carried unanimously. That was the action of the Government last year. Who was scandalized? Was anybody in this Chamber scandalized? It was my honourable friend the honourable leader of the Government in this Chamber who introduced the Bill last year with subsection 3 in it, and he was not scandalized. The sight of that clause did not make him grow pale or strike him with horror. No; he moved that the Bill be sent to the Committee on Railways, and there the clause was discussed. A slight amendment was introduced. The honourable gentleman (Hon. Sir James Lougheed) and all of us voted for the clause. Yet the constitution was not shaken. The amendment which was introduced—I do not know at whose request- simply altered the clause by adding after the words "the board may" the following words: "after hearing on such notice and to such persons as the board may determine." The clause was adopted. The Bill did not come before us because we had not finished the work in the committee when the House closed. The Bill now comes back to us, handed into this Chamber by the same leader of the House who brought in the Bill last year, but the third sub-clause is not in it. Yet it had Hon. Mr. DANDURAND.

here last year-brought by whom? By my honourable friend the leader of the Government in this Chamber. Was it not our duty to take notice of the fact that that clause was dropped, so that when the Bill would return to the House of Commons some explanation would be given to the Commoners why that clause was not there? It devolved upon us to give an explanation. I rose from my seat and asked why that clause was not in the Bill. It was adopted by the Senate, and fifty or sixty members of this Chamber were on the Railway Committee. Some few additions have come to this Chamber, and death has closed the eyes of only two or three members since then, so that it is practically before the same House. What has happened to bring about that change in the mind of my honourable friend-because it was the action of the Government last year, and the ministry then comprised the same Prime Minister and practically the same men as it does to-day, with some additions, it is true. Yet, though the Bill is here, that clause is not in it. I moved to restore it. Well, my friend made the most extraordinary defence for his omission. He said, "What are we coming to?" That ' was a condemnation of the Hon. Mr. Cochrane, because it was his action last year; and we heard in this Chamber the question, "Shall a British subject be forced to learn a second language?" In Quebec the two languages are on an equal footing; one can speak the French language and his neighbour can speak the English. No one in Quebec is obliged to speak the two languages by virtue of the constitution; yet my honourable friend raised the constitutional question. What does it amount to but to affirm that no one in Quebec shall be obliged to speak the English language, and no one in Ontario shall be obliged to speak the French language? Everybody admits that.

passed the House of Commons, and it came

But that is not the question. The question is this: can the Government of Canada or can the Postmaster General pro tem—inasmuch as our Postmaster General is promenading in Europe and has been for a long time—can my honourable friend claim that he would have the right to appoint an English-speaking postmaster in any municipality of the province of Quebec where not an English elector exists, an exclusively French region, and say, "This is an Act which is in conformity with the letter and spirit and the constitution"? Would anyone in this Chamber APRIL 25, 1918

stand for the appointment of a postmaster who could not speak one word of French, in any municipality in the province of Quebec where there is not an Englishman? I put the question; and it is sufficient to put it to have the answer. It would be something unheard of and unthinkable that when two languages are official in a province a representative of the Government should be appointed who could not speak a word of the language which is exclusively spoken around him. Yet if my honourable friend were Postmaster General and were to do that, and I went to him and said to him, "Well, now, the eternal fitness of things should avail in this instance, and I should not need to appeal to Parliament to have that postmaster replaced," what would he answer me? He would answer in the same language as he used the other day. Striking an attitude, he would say: "Do you intend to force Englishmen to learn French? I have appointed John Jones, and why should John Jones be forced to speak French? It is a perversion of the constitution." Well, I am not asking that John Jones learn French, but I am asking that John Jones be not made the postmaster of that place. He could be made postmaster of nine-tenths of the post offices of Canada, but I do not want him to be appointed at that place. That is all there was in the resolution proposed by the Hon. Mr. Cochrane, then Minister of Railways, with the sanction of the whole House of Commons.

My honourable friend said: "There is an English-speaking conductor on a local train in Quebec, and you want to force that man to learn French." No, I want him to be placed elsewhere, among a population that will understand him. Now I reverse the proposition which my honourable friend has made. He asks us: "Would you force that conductor to learn French on that local train in the province of Quebec?" No. I would not ask that; but there is one thing that I do ask, which is that the whole population of that district shall not be forced to learn English in order to communicate with that conductor, because, as I have said, railways and railway employees are made to serve the community, and if my honourable friend's point was well taken that community should not be forced to learn a second language. I claim that I am not forcing the conductor to learn two languages, because he can speak his own language wherever he pleases ,and where he will be understood; but I ask my honourable friend if he wants

to force the whole population in a day, or over night, to learn the English language in order to communicate with that conductor while the two languages are on an equal footing in that province. This is the question I put to my honourable friend.

I confess that I was thunderstruck with the attitude of the honourable leader and his friends around him when I raised the question in this Chamber - this upper Chamber of wiser men, of supposedly soberminded men, removed from the passions and prejudices that agitate the people. I was thunderstruck to find men rising to refuse to endorse what the whole House of Commons had adopted at the demand of the Minister of Railways at that time, Hon. Mr. Cochrane. I was so absolutely surprised at this attitude that I decided, as the world is apparently topsy turvy, and like conditions prevail here, not to move at the third reading to have my honourable friends record themselves, in the same way as my honourable friends did last time; because I said to myself: "Well, the Railway Act will pass; years may pass, and I may have the pleasure of seeing one of those honourable gentlemen getting up at the next revision of the Act and moving in this Chamber the sub-clause which the Hon. Mr. Cochrane, Minister of Railways, moved last year." But the amend-ment has been moved, and I intend to vote for it; and I will ask my honourable friends around me to remember that we are here not only to represent the people of the section from which we come, but also our provinces individually. We are appointed here by groups to represent our different provinces irrespective of the number of the population, as in the United States, where the smallest and the largest states have each alike two representatives so that minorities should expect greater support from other minorities elsewhere. I now put to my honourable friends this question: return in imagination to your own centre; ask yourselves what you would feel your duty to be to the people in your section of the country if those people were some morning face to face with a railway conductor who could not speak their language; and if you will do that, and feel that the golden rule should prevail in this country I have no doubt as to the vote you will give.

Hon. Mr. LYNCH-STAUNTON: The honourable gentleman who has just sat down (Hon. Mr. Dandurand) has appealed to our sense of duty, and has asked us to put aside all sectional prejudices and vote on this matter on general principles of equity SENATE

and justice. On those principles of equity and justice I propose to vote on this question. Since I have had the honour of being a member of this Chamber I have noticed that there is a doctrine of vested rights recognized here above all others. It has always been said that an Englishman has far more respect for a man's property than for a man's life, and that the English law throws around property such safeguards as are not cast around human life. A man may kick his wife nearly to death and be fined five dollars, because under the old superstition of England a man may do as he chooses with his own; but if he steals a loaf of bread he goes to prison, and a few years ago he would have lost his life, because property is above everything. Now we are asked to vote to give the railway board of this country the right to say that no man shall be entitled to make his livelihood as a railway conductor or brakesman in the province of Quebec unless he is so highly educated that he speaks both the French and English languages.

For fifty years we have had railroads in Canada; for fifty years the Government and railway companies have encouraged men to devote their lives to the management of railways, to learning their business as railway employees, and have held out to them as an inducement to begin at the lowest rung, that as they advanced in years they would advance in position, and in course of time might attain very high and lucrative office in the railway, and might hope to gain a position in their own country in consideration of a well-spent life. But now these honourable gentlemen, who would never vote to deprive anybody of a vested interest, who hold up their hands in holy horror when you wish to take away from some company an imaginary right, who are willing to show that the principles of the constitution are being violated, and that never before in this assembly was a man asked to do such a thing as to deprive anyone of his property right-these honourable gentlemen are willing to say to a middleaged Frenchman or Englishman who lives in the province of Quebec and has spent his life toiling to attain the position which he occupies: "You must give up your means of livelihood, or you must go to a far country in exile from your native province, because you cannot speak both the French and English languages." Is such a proposition based on morality? Is it based on fair dealing? Is it based on any principle of justice in French or English jurisprudence? I challenge the honourable gentlemen who are advocating this amend-

Hon. Mr. LYNCH-STAUNTON.

ment to justify their position on any principle of religion, of morality, or of jurisprudence.

Hon. Mr. CHOQUETTE: How does the honourable gentleman explain that this provision was introduced by Hon. Mr. Cochrane, and was voted unanimously in the House of Commons, if it is so wrong?

Hon. Mr. LYNCH-STAUNTON: I will explain that. In my time I have known a mob to run after and wish to destroy a man; but that does not prove that it was right.

Hon. Mr. CHOQUETTE: But why did the members of the House of Commons adopt that?

Hon. Mr. LYNCH-STAUNTON: I have known the House of Commons to vote unanimously on a question, but that did not prove that it was right. I have known ministers in many countries to advocate measures on the floor of Parliament. but the fact that they advocated them does not satisfy me, without further inquiry, that they were right. I do not grant to any man the right to compel me to vote because the House of Commons vote was so-and-so, or because an honourable minister voted so-and-so. The question is whether this proposal is right of wrong, not whether the House of Commons wishes it to become law, not whether the Minister of Railways put his seal on it, but whether or not we are justified in voting for it. I ask these gentlemen, who are educated men, to explain to me on principles of justice why I, who have spent my life learning a business, and have risen to be a conductor on a railway, should be told, under the law of this country that when I am fifty years old I must give up my position because I cannot speak English or French, as the case may be.

Hon. Mr. DANDURAND: Nobody asks that.

Hon. Mr. LYNCH-STAUNTON: The honourable gentlemen want the railway board to have the power to say that unless a man is conversant with both languages he may be deprived of his position. We do not imagine for one moment that the railway board would ever exercise the power; but I challenge the honourable gentlemen to strip this question of all argument as to what the House of Commons did, and justify it upon principles of right and justice. I ask them if they can justify the discharge of a man who has worked faithfully, and against whom there is no wrongdoing or other just cause found, from his position in the province of Quebec because he cannot speak English, or from his position in the province of Ontario because he cannot speak French, or saying to him: "Your family are here, your relations are here, but you are an English-speaking man, and you must go up to Ontario and hunt another job." If they can justify that on any principle of justice or right dealing, it will go far to convince me that they are not again endeavouring to raise this everlasting feud from which all Canada is suffering.

Hon. Mr. GORDON: The honourable member for De Lorimier (Hon. Mr. Dandurand) reminds me of the Quaker who once said to his wife: "All people in this world are queer except me and thee, and sometimes, methinks, even thou art a little queer." The honourable gentleman appears to think that a great deal of prejudice prevails on this side of the House. I just rise to ask him to pause for a moment to consider this question. I ask him if he cannot place any faith in the Government, and try to convince himself that the people who are managing the railroads of this country have a little common sense. If he does I am sure that he will cease bringing up questions which have a tendency to create unrest among the people of the country.

Hon. Mr. DANDURAND: It was my honourable friend the leader of the Government who brought it up last year.

Hon. Mr. GORDON: I want to impress upon the honourable gentleman the fact that the railroad managers of this country are trying to run the railroads so as to make money for the shareholders. In order to do that they must have competent servants on their trains, servants who understand the language of the people in the part of the country through which the trains are running. They have such servants; and should the time come when they have not, it would mean that they were not fit to run the railroads any longer. The law of this country does not compel the Postmaster General to appoint postmasters who can speak both English and French; but he has enough common sense to appoint men who know the language of the people with whom they have to deal. I am sure that policy has been carried out in the province of Quebec. I therefore ask my honourable friend from De Lorimier (Hon. Mr. Dandurand) to give the Government credit for having some common sense, instead of trying to agitate the people of this country over petty questions like this. S-21

Hon. RUFUS POPE: Honourable gentlemen, I do not desire to prolong this unfortunate discussion, which I hoped we had heard the last of the other evening. It is to be regretted that honourable gentlemen felt that it was their duty to renew this discussion.

The honourable gentleman from De Lorimier (Hon. Mr. Dandurand), if I am right. said that we owe a duty to the minorities as well as to the majorities in Canada. One result of the British North America Act was the creation of the Senate of Canada, and if it has one purpose more than another, it is to protect the interests of minorities in this country wherever they happen to be. If the legislation that is proposed here to-day had any practical effect at all, it would be to disturb the comfort of a few old, English-speaking conductors in the province of Quebec, who have long passed the time when they could acquire a knowledge of the two languages. The honourable gentleman from De Lorimier said that it is our duty to rise, not only upon broad and national questions, but also in defence of the minorities that are peculiar to ourselves. Being an Englishspeaking Protestant from Quebec, I think it is my duty to raise my voice on behalf of the few English-speaking conductors still in that province, and to ask the members of this House to see that no legislation is passed here that will do any injury or cause any disadvantage to those men who have served faithfully for so many years on the railroads of Quebec.

Hon. H. J. CLORAN: This discussion reminds me of a fable of Lafontaine. He was describing the attitude of the wolf and the lamb. The wolf one fine morning felt thirsty and went to the stream. He went up to the source, the head of the flowing water, where he was quietly indulging in a draught of the sunlit water. Of a sudden he spied a lamb a couple of hundred feet down the stream. The lamb was thirsty too, and commenced to quaff the water. The wolf, noticing this, rose and shouted to the lamb, "What are you doing there?" The lamb said, "I am just taking a small drink . of water." "But," said the wolf, "don't you know that you are disturbing the water I am drinking? " The lamb said: " How is that? I am drinking down the current, while you are drinking at the head of the stream. I am not disturbing the water; I am not trying to take the water away from you." "But you are, you are," the wolf insisted, and went down to where the

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lamb was; and naturally the poor lamb got the worst of it. That is the situation in this House. On the other side we see the wolf and on this side we see the lamb.

Hon. Mr. POPE: It is pretty old lamb.

An Hon. SENATOR: Mutton.

Hon. Mr. CLORAN: We come to the stream for a little draught of water, and the wolf on the other side says, "You are disturbing my water."

Hon. Mr. GORDON: You must be a black sheep.

Hon. Mr. CLORAN: Even a black sheep ought to be treated decently. A black sheep has as much right to justice and fair play as a white sheep; so Christ said when the prodigal son came back. He got a big calf, not a small one. Do you understand?

Hon. Mr. CHOQUETTE: They do not understand.

Hon. Mr. CLORAN: No, they do not understand. It is hard for a lamb to deal with a wolf. The honourable gentleman from Granville (Hon. Mr. Choquette) has done a service to the country in bringing this matter up again, and I will tell you why. The vote which was taken last Monday night was taken under false representation. I myself was pretty nearly shaken, but not too much. I asked one of the ministers across the floor of the House if the clause which he himself introduced last year, and which he now suppressed, was not the same clause that was introduced by the Government through its Minister of Railways. The answer to me was, "No, that suggestion was introduced by a private member." I did not happen to have Hansard under my eyes, and was not in a position to flatly contradict the minister or ministers who made that statement. It is well that the country should be informed as to how legislation is passed and how it is put through in this honourable House. Therefore, in that light alone, the honourable gentleman has done a service to the people of Canada, especially to the people of the province of Quebec, in again bringing forward this question. Several gentlemen have spoken as though this clause, which was originally adopted by the Government -and I am glad to say it was adopted by the old Conservative Government at that, which, although it was pretty moribund. still had a few elements of justice in its make-up-

Hon. Mr. POPE: It would not have done it if it had not been half dead.

[Hon. Mr. CLORAN.]

Hon. Mr. CLORAN: I am afraid the Conservative Government has been contaminated by this union.

Hon. Mr. POPE: Very likely.

Hon. Mr. CLORAN: It is not only likely, it is absolutely sure.

Hon. Mr. POPE: I think you are right.

Hon. Mr. CLORAN: I am right, and you know it, and I want no papal authority for that.

This clause does not seek to drive old employees out of business. It is camouflage argument that has been given to us by the member for the Eastern Townships (Hon. Mr. Pope), the member from Hamilton (Hon. Mr. Lynch-Staunton), and, I am sorry to say, the member from Antigonish (Hon. Mr. Girroir). It is pure camouflage.

Hon. Mr. DOMVILLE: Camouflage?

Hon. Mr. CLORAN: You ought to know what that means; you came from France, or your father did.

Hon. Mr. DOMVILLE: He should have staved there.

Hon. Mr. CLORAN: If he had, he would not be fighting for his rights here, as the Frenchmen have to do.

Under this clause there is no power taken by the Senate or the House of Commons to force any man in the province of Quebec, or anywhere else, out of his position. Still, that argument is presented to us, in very eloquent terms I must confess, by the honourable gentleman from Antigonish. I am sorry that he does not contribute more of his eloquence and oratory to the discussions in this House. I suppose he is under the whip. The other side of the House is a deaf and dumb institute.

Some Hon. SENATORS: Oh, oh.

Hon. Mr. CLORAN: I am glad they open their mouths now—a few of them, anyway. The point I am making is that under this clause no man in the service of a railway company or any government owned railroad shall be interfered with in the least. But we are told that the vote given by the wolf side of the House is given because we are disturbing their drinking at the head of the stream.

Hon. Mr. DOMVILLE: There is no drinking now.

Hon. Mr. CLORAN: All this clause asks is what the Conservative Government granted on the 19th of July last year, when its Minister of Railways, representing the whole force of the Conservative Government, had this clause put into the Bill.

The honourable gentleman from Antigonish protests very eloquently: "How in the name of the Empire, unity, and so on, can this House compel any man to speak any language that he does not want to speak?" If we do not compel them to speak, we compel them to write, and that is a more serious attack on a man's liberty. The old Latin code was, "Scripta manent, sed verba fugiunt "-writings remain, but words fly. And yet the Conservative Government of last year introduced into the railway legislation a clause compelling citizens to write the two languages. What does the honourable gentleman from Antigonish think of that? Does not that take the foundation away from his eloquence and oratory?-because, after all, eloquence and oratory, in order to have any weight, must be based on fact.

I think I have answered the arguments of the honourable gentleman from Hamilton and the honourable gentleman from the Eastern Townships, in regard to that. I cannot for the life of me see why the present majority in the House reverses its action, or why the leader o fthe Government swallows the full measure of justice, protection, and right which was given to the province of Quebec by this section. Under what nefarious influence is this House asked to stultify itself to-day?

I agree with the honourable gentleman from Hamilton when he says that no majority, not even a unanimity, should compel a man to do a thing that is wrong. That is a right principle to lay before this House. I hope he will always stick to it. I try to, and no power on earth will compel me to utter a word that is unfair or uncharitable, or in support of legislation that will militate against the rights of any citizen, no matter how humble or how black he may be. These are my sentiments; but it would take the opinion of the whole country to undo this unholy work of the Union Government.

Hon. Mr. DOMVILLE: There is no Union Government in this House

Hon. Mr. CLORAN: No, they took very good care to put every one of their followers into seats occupied—

Some Hon. SENATORS: Steady, steady.

Hon. Mr. CLORAN: I will support their measures when they are right, as the honourable gentleman from Hamilton says; but where is the Union Government in this House? The honourable gentleman from $8-21\frac{1}{2}$

Rothesay (Hon. Mr. Domville) is correctthere is none. There is a union on the other side of Parliament, and it is under Union Government that this injustice is scught to be perpetrated and has been perpetrated in the name of liberty, holy unity, What a farce! and justice. We simply ask that the million and a half or two million people of the province of Quebec be dealt with on understandable lines. We know, as the honourable gentleman from Nipissing (Hon. Mr Gordon) has stated. that the heads of the railway companies are not fools. They are not going to put men in positions where they will harass a company and undo its business. We want our rights recognized in black and white in the statutes, as proposed by the leader of the Government in this House. and by the entire Conservative Government of last year. There is nothing revolutionary about that. But I hear the wolf cry out: "Oh, but you are raising these ques-Naturally tions and creating dissension." the wolf does not want to be interfered with; but some day the lamb will have a champion, and then the wolf had better look out. Remember, to-day you are acting largely on prejudice, on false ideas of patriotism, on false ideas of union. Be square with your fellow-citizens of the French race. Even up with them, as you do with your own. There is no disunion in that. We are not asking for anything revolutionary, unconstitutional or unfair. I say to the honourable senator from Hamilton: stand by the principles of right and justice; give justice to the minority in the Dominion of Canada, so nobly glorified by the honourable senator from Antigonish (Hon. Mr. Girroir), who is half French and half Irish. I am glad to say that I endorse him on both sides of the House.

The people of Quebec want no more than what is fair and right-want no more than what will make life easy for them. It is not a question of discharging men from their positions, because the railway companies will take good care of that. I venture to say that if a conductor were obliged to relinquish his position in Quebec and forced to go to British Columbia, the people of the entire district where he worked would all sign a petition to have him retained in the employ of the company. All they would want would be to have that man transferred to a position where his usefulness would be greater to the public. Now, honourable gentlemen, that is the entire situation, and I for the life of me cannot see why the. honourable leader of the Government, in the face of these explanations, insists on

his subversive policy—insists on making the Union Government responsible for a state of things which should not be tolerated in this Canada of ours.

Hon. JAMES DOMVILLE: Honourable gentlemen, some of us are getting very sick of this subject. We hear it day in and day out, hour by hour, and it is nauseating. I can see that my honourable friends subscribe to what I say. We cannot lick the French into line, nor can they lick the English-speaking into line; so let the wolf and the lamb get along as best they can. Why should we have the same arguments beaten day after day, hour after hour, into our heads? We members of the Opposition are willing to give the Government fair play and to assist the Government, but our having to listen to these same arguments so often repeated does not assist the Government. If they were repeated once, or twice, or three times, it would not be so bad; but to have them gone over hour after hour is too much. I can tell some of my honourable friends here that we from the lower provinces are not too much stuck on this question of languages-not too much stuck. My honourable friend (Hon. Mr. Girroir) says we are British subjects and want fair play for everybody. If we want to advance a cause, let us do it in a way that will not convey to the masses of the people the idea that it is a sectional, racial or Quebec question. Now I think we have had enough of it.

Hon. Mr. POWER: I quite agree with the honourable gentleman from Rothesay (Hon. Mr. Domville) that we have had enough of the kind of discussion which is going on in the Chamber now, but I may be pardoned if I add a little to the discussion. I do it, not because I care to be mixed up in this discussion, but because I wish to give some reason for the vote that I propose to cast on this occasion.

The honourable gentleman from De Lorimier (Hon. Mr. Dandurand) drew a picture which was calculated to shake the nerves of an ordinary person, but I do not think that the facts of the case bear out the details, at any rate, of that picture. Honourable gentlemen, I have been travelling over the Intercolonial now for 40 years plus one, and I have never known any inconvenience to arise from the absence of a knowledge of either language on the part of a conductor or any other important officer of the road.

Hon. Mr. CLORAN: The honourable gentleman took a Pullman. Hon. Mr. CLORAN.

Hon. Mr. POWER: I have found, for instance, that as a rule, I think almost uniformly, the conductor who takes charge of the thain at Campbellton and brings us up to Montreal is French, and the conductor below Campbellton is not French-speaking. The point is this, that no one has ever been able to show that any serious inconvenience has arisen from the existing condition of things, and I think that undertaking to legislate for imaginary evils, for evils that may never come to pass, is a very poor sort of legislation. Not only is this legislation unnecessary-not called for by the existing condition of things, but it is calculated to do serious mischief. I will not go over again the speech made by the honourable gentleman from Welland (Hon. Mr. Robertson) with respect to that matter; but the honourable gentleman produced the evidence of the parties interested. the French Canadian employees as well as the English employees on the Government railways, to show that they were asking that this amendment, or one equivalent to it, should not be passed. Seeing that no inconvenience or difficulty has arisen in the past, why should we undertake to do something that may seriously prejudice the interests of the employees on the road? I fail to see that there has been shown any reason for that. As I say, I think the honourable gentleman from Welland made that point very clear.

Another reason why I do not feel able. I am very sorry to say, to vote with the gentlemen with whom I usually vote, is that this matter has been discussed at length in this Chamber already and we had a vote the other evening. If the amendment moved in the committee had been defeated by a narrow majority I should think that there would have been some justification for bringing the matter up again, but my remembrance is that the vote was 36 against the motion and 10 for it. Now. I do not think that it is worthy of grave and reverend seignors like ourselves to undertake to discuss over again a question of that sort, with such a division before us. We are not children. We are not-I was going to say-we are not women. We are not liable to change our minds very suddenly at any rate; and I therefore feel that I should be doing a wrong to the people, particularly to the French Canadian employees on the Government railways, if I were to vote for this amendment.

Hon. P. W. CHOQUETTE: May I be permitted to say a word or two in reply to the remarks made? I must say I am APRIL 25, 1918

amazed at statements made by the honourable gentleman from Hamilton (Hon. Mr. Lynch-Staunton), and the honourable gentleman from Nova Scotia (Hon. Mr. Power). The honourable gentleman from Hamilton certainly made a slashing indictment of the House of Commons when he said that they were a mob that pushed the Government on to move and vote last year for the same thing that I am asking this House to vote for to-day. So I think that what the honourable gentleman says is rather against the Government, his own friends, than against the mover of this motion.

In the next place, the honourable gentleman from Halifax stated that in all the years he has been travelling on the Intercolonial railway he has had no difficulty. That is because in his own province his language was understood and in Quebec all the French conductors could speak English and did all they could for him. But the honourable gentleman's statement that this is poor legislation is another slashing indictment against the Government, and against himself, who voted for this proposed clause last year. I cannot understand how the honourable gentleman can have-I do not know what parliamentary term to use-the brazenness, the audacity. to stand up and say that what we are now asking for is poor legislation, when this very gentleman himself, in this House and in the committee, voted for it. I cannot understand him at all. I have asked the honourable leader of the Government what is the reason for the change. How is :t that what was gold last year is now lead? How is it that what was so good for the Government to introduce last year is so bad to-day? I have had no answer. I am inclined to believe that they were fishing for votes. Was it because there was a wartime election ahead last year that the Government moved for this "poor legislation." as it is described by the honourable gentleman from Halifax? Was that the reason? Were they fishing for votes?

Hon. Mr. CLORAN: And they got them, too.

Hon. Mr. CHOQUETTE: Not in Quebec. If that is true, I can understand that the honourable member from Hamilton was correct in saying that there was a mob in the other House leading the Government; that the members of the mob were saying to the Government, "You must do that in order to get votes." If the honourable member is correct, he is not very complimentary to the Government. If the pro-

posed clause was inserted simply because the Government were fishing for votes, it is not a great compliment to the Tory Government or the Tory senators, who within twelve months are changing their mind and are going to vote against this same clause being placed on the statute book. What does the clause propose? Simply to give the right to a Federal court-for the Board of Railway Commissioners is a Federal court-to determine whether, under certain circumstances, after hearing evidence, it is just to grant a request which is made to them. The honourable gentleman from Hamilton, I am sorry to say, has slandered the Railway Commission, and the honourable member from Bedford (Hon. Mr. Pope) has done the same thing, in stating that they stand here to protect the old conductors, implying that the railway board will not protect them and that the conductors will suffer injustice at their hands. In the amendment proposed we are asking simply that the court appointed by Parliament shall decide in certain cases whether it is just to grant an application from this or that party. That is all we ask. And this clause, which-I cannot repeat it too often-we all voted for last year, which was proposed by the then Minister of Railways himself, and approved by the Government, is "poor legistation." Sirs, if that is a fact, I can only say that I pity those who acted in such a way.

Now, honourable gentlemen, it is said that we are attempting to force a man to speak English, or attempting to force a man to speak French. Nothing of the kind. But I would say in answer to the honourable gentleman from Antigonish (Hon. Mr. Girroir), who states that those who are shedding their blood in Flanders disapprove of this resolution because it might compel some of them to speak English or French—

Hon. Mr. GIRROIR: I never made that statement. The honourable gentleman is misquoting me.

Hon. Mr. CHOQUETTE: That is what I understood. The honourable gentleman spoke about the war and the blood being shed over there in Europe. I will answer that I called attention only yesterday to the names of 23 French Canadians who had shed their blood over there. And when those heroes were taking the train to Montreal on the railway owned by the Government to go and fight for the Empire, they were deprived, if they could not speak

English, of the opportunity to speak their own language with the conductors.

I say, furthermore, that there is already on the statute book a law which compels a man to speak English and French. If you refer to the law of pilotage, you will find that no man may be a pilot in the province of Quebec who is not able to write and speak English. I brought that matter up in the House a few years ago. Now, if this is such "poor legislation," or if it is class legislation and so very bad, how is it that it was placed on the statute book? The French people never complained about it, for it is only fair that a man who is going to pilot a boat from Montreal or Quebec to the sea-an English boat, having an English captain-should understand and speak both languages. If an order is given by an English captain it is only right that a French pilot should understand him; otherwise he ought not to be a pilot, and that is provided for in the law, and I never heard any complaint of it from my province.

Now, why has so much fuss been made about a clause which, I repeat, was included in the original Bill, and then taken out of it, and which I am only asking to have put back? I cannot understand it, because the proposed clause is so plain, so clear, and so just, unless it is a parti pris and it is intended that employees on trains in the province of Quebec, paid by the French people, shall not have to speak French if they do not care to do so. If such is the case, so much the worse for this country. I say furthermore that a man who is a conductor or brakeman on a government railway is paid by all the people in this country-by the French as well as by the English; and the Frenchman, who helps to pay him to work on the train, should have the opportunity, if he is a passenger, of speaking and being understood in his own language.

Honourable gentlemen, I put these few facts before you. All the arguments which have been offered against this proposition seem to be in reality very much in favour of it, if honourable gentlemen who are offering those arguments are in good faith and have common sense. I think every honourable gentleman speaks in good faith, but for the life of me I cannot understand why what was good last year is so bad this year—why what was good for the Government itself to propose last year is so bad to-day. I leave the question to the House.

Hon, Mr. CHOQUETTE.

The amendment of Hon. Mr. Choquette was negatived.

Hon. Mr. CLORAN: The wolf is gone to the woods.

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

FISHERIES ACT AMENDMENT BILL.

SECOND READING.

On motion of Hon. Sir James Lougheed, Bill 63, an Act to amend the Fisheries Act, 1914, was read the second time.

ANIMAL CONTAGIOUS DISEASES BILL.

CONSIDERED IN COMMITTEE AND REPORTED.

On motion of Hon. Sir James Lougheed, the Senate went into Committee on Bill 56, an Act to amend the Animal Contagious Diseases Act. Hon. Mr. Daniel in the Chair.

On section 1-compensation for slaughtered animals increased:

Hon. Sir JAMES LOUGHEED: The original amount in the old Act as compensation on the slaughter of condemned animals was fixed by statute as follows: grade cattle, \$60 per head; pigs and sheep, \$15 per head. Honourable gentlemen will readily perceive that owing to the very substantial increase in the price of live stock it is very desirable to increase these figures. Consequently we have fixed them at the amounts stated in this section, namely: grade cattle, \$60 to \$80; pigs, etc., \$15 to \$20; pure-bred cattle, \$150 to \$250; purebred pigs, \$50 to \$75.

Hon. Mr. BOSTOCK: Do these amounts represent two-thirds of the value of the animal?

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. BOYER: You have pigs at \$15 to \$20 on one part of the page, and in the last two lines you have \$50 for each head of cattle, and \$75 for each pig or sheep.

Hon. Sir JAMES LOUGHEED: The latter figure refers to pure-bred animals. My honourable friend will see that there is a distinction drawn between them. The last three lines provide that in the case of purebred animals the amount allowed shall be \$500 for each horse, \$250 for each head of cattle, and \$75 for each pig or sheep. In the other case \$15 to \$20 is the valuation placed upon a pig.

The Bill was reported without amendment.

PRIVATE BILLS.

SECOND READINGS.

Bill 6, an Act respecting The Burrard Inlet Tunnel and Bridge Company.—Hon. Mr. Bostock.

Bill 7, an Act respecting The Canadian Indemnity Company.—Hon. Mr. McMeans. Bill 23, an Act to incorporate the Mer-

chants Casualty Company.—Hon. Mr. Mc-Means.

Bill 34, an Act respecting The Canadian Northern Ontario Railway Company.—Hon. Mr. Bradbury.

VISIT OF MR. SAMUEL GOMPERS.

ANNOUNCEMENT.

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The Hon. the SPEAKER: I have the honour to announce that seats will be provided for the senators to-morrow to hear Mr. Gompers in the House of Commons.

Hon. Mr BOSTOCK: Do I understand that the seats are on the floor of the Chamber?

The Hon. the SPEAKER: On the floor of the Chamber.

The Senate adjourned until 3 p.m. tomorrow.

THE SENATE.

Friday, April 26, 1918.

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

Prayers and routine proceedings.

DIVORCE BILLS.

FIRST READINGS.

Bill F, an Act for the relief of Thomas Bailey Wainwright.—Hon. Mr. Foster.

Bill G, an Act for the relief of Frederick Ernest Zang.—Hon. Mr. Taylor.

SELECTION OF CIVIL SERVICE EMPLOYEES.

INQUIRY.

Hon. Mr. GIRROIR inquired of the Government:

1. What is the policy followed by the Civil Service Commission in respect to the selection of employees for the different departments of Government?

2. Have the heads of departments any voice in the selection of employees for their respective departments?

3. Is any preference given to the wives or other dependents of soldiers in the selection of employees by the Civil Service Commission?

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4. Is any preference given to the wives or other dependents of soldiers in the selection of employees by the different departments of Government?

5. What has been the policy of the Government with respect to the employment of the wives or other dependents of soldiers? 6. What is the policy of the Government with

6. What is the policy of the Government with respect to the employment of the wives or other dependents of soldiers?

Hon. Sir JAMES LOUGHEED:

1. The law requires the Civil Service Commission to fill all permanent positions in the Civil Service by competitive examinations. Where the lists obtained as the result of such examinations prove insufficient for the needs of the departments in the matter of temporary help, further selection is made from the lists of persons registering at the office of the Commission, whose applications are classified according to the qualifications they possess, and selection made strictly in order of merit. In all cases, returned soldiers having the minimum qualifications are given the preference over all other candidates.

As regards the Outside Service, pending the adoption of the new Civil Service Act, the following working arrangement for cases of emergency has been drawn up by the Commission and approved by the Government, as part of the Order in Council of the 15th of March last (P.C. 548), as follows:

Section 6. When employees are required on short notice in places outside of the city of Ottawa for emergency work in connection with the Public Service of Canada, the accredited agent or official of the department requiring such extra assistance, may engage the necessary employees, and the said officer in each case shall report to the Commission the names of the persons so employed, the character of their previous occupation, the terms of their employment, by whom last employed; references; age; evidence as to character, and the rate of compensation to be paid them. No such employment shall extend beyond thirty days unless the Commission shall issue a certificate.

2. No.

3. In filling all positions, returned soldiers possessing the minimum qualifications are selected in preference to all other candidates.

So far as the Commission is aware, the Government has not formulated any policy with special reference to the wives and other dependents of soldiers.

4, 5 and 6. Answered by No. 3.

GOVERNMENT CONTRACTS FOR NOVA SCOTIA COAL.

INQUIRY.

Hon. Mr. TANNER inquired of the Government:

. 327

1. Is the price of Nova Scotia coal to the Government for railway purposes in the current year settled? 2. What are the prices to be paid by the Gov-

2. What are the prices to be paid by the Government to each of the coal companies in Nova Scotia?

3. Are the prices settled by contract with the companies? If not, how are they settled? 4. Are purchases by long or net ton?

Hon. Sir JAMES LOUGHEED:

1 Yes.

2. \$5.421 per gross ton on Cape Breton Island, and \$5.621 per gross ton on mainland.

3. Contracts arranged after negotiations. 4. Answered by No. 2.

NEW BRUNSWICK OFFICERS IN OVER-SEAS FORCES.

MOTION FOR STATEMENT.

Hon. Mr. DOMVILLE moved:

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

1. The names, rank, pay and allowances of each officer of the Millitia or of the Overseas Forces, in New Brunswick, for the years 1913-1914 and to date, and the date of each appointment.

2. The names and rank of officers on the Overseas Forces who went to the front, from New Brunswick.

3. The names and rank of officers of the Overseas Forces in New Brunswick that did not go to the front but drew Overseas pay and allowances.

4. The names and rank of officers now drawing pay and allowances in New Brunswick on the Overseas list for such allowances.

5. The names and rank of officers in New Brunswick who did not go to the front and who made assignment of any portion of their pay, also of separation allowances.

6. By what authority, and by whom given, do officers now in New Brunswick and who have never been to the front, draw pay and other Overseas allowances.

The motion was agreed to.

PRIVATE BILLS.

FIRST READINGS.

Bill H, an Act respecting a patent of Jacob David Wolfe.—Hon. Mr. Belcourt.

THIRD READINGS

Bill 22, an Act respecting The Canadian Society of Civil Engineers and to change its name to "The Engineering Institute of Canada."—Hon. Mr. Casgrain.

Bill 29, an Act respecting a patent of O. G. C. L. J. Overbeck.—Hon. Mr. McHugh. Bill 8, an Act respecting the Cosmos Cot-

ton Company.—Hon. W. B. Ross.

SECOND READING.

Hon. Mr. BOSTOCK moved the second reading of Bill 10, an Act to enable the Western Power Company of Canada, Hon. Mr. TANNER.

Limited, to own and operate the railway of the Western Canada Power Company, Limited. He said: The Western Canada Power Company was formed originally, and then for certain purposes the Western Power Company of Canada was formed and took over most of the business of the Western Canada Power Company, Limited.' They require certain powers in order to operate this railway, and as a consequence this Bill is introduced.

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

ANIMAL CONTAGIOUS DISEASES BILL. THIRD READING.

Bill 56, an Act to amend the Animal Contagious Diseases Act.—Hon. Sir James Lougheed.

SALARIES AND INDEPENDENCE OF PARLIAMENT BILL.

SECOND READING.

Hon. Sir JAMES LOUGHEED moved the second reading of Bill 13, an Act to amend the Salaries Act and the provisions for preserving the independence of Parliament.

He said: This Bill makes provision for the payment of salaries to ministers administering the new departments for which provision has already been made this session. It also makes provision for the payment of the salaries of not more than three additional ministers, who may occupy positions analogous to those of heads of departments without the creation of departments as such. It also makes the usual provision that they may accept remuneration without disqualification under the Dominion Elections Act.

Hon. Mr. BOSTOCK: I see that this Bill provides that two of the gentlemen named therein shall be-paid these salaries from October 12, 1917, and, in the case of the Minister of the Soldiers' Civil Rè-establishment Department, from February 23, 1918. Therefore, apparently, the idea is to backdate the salaries, and I presume that these departments have been practically in operation since that time.

I quite appreciate the value of the Department of Soldiers' Civil Re-establishment, which is one that should be of great service to the country, but I do not appreciate altogether the value of the Department of the Minister of Immigration and Colonization, because I think that work could have been just as well done under the Department of the Interior, under which it was before.

- 328

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APRIL 26, 1918

I understand that some difficulty has arisen in finding suitable men to fill the position of deputy minister of one or two of these departments. If such is the case, it is doubtful whether it is wise for the Government to form these departments. As I think the Government should be careful in spending the money of the country at the present time, I do not approve of increasing the expenditure in this way. We have already passed an Act under which the Government can reorganize its departments, and I hope the leader of this House will impress on his colleagues the necessity of keeping down the expenditure and seeing that the reorganization is done in such a way, if possible, as to reduce the expenditure rather than increase it, as we are doing under this Bill.

With regard to the section dealing with the additional ministers, who may each receive a salary though not in charge of a department, I see that the provisions of that section have effect from October 23, 1917, and extend to the Chairman of the Sub-Committee on Labour Problems, and to the Vice-Chairman of the Reconstruction and Development Committee. When we come to discuss this question in committee, I hope my honourable friend will be able to tell us what appointments have been made to these positions.

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

GOLD AND SILVER MARKING BILL. SECOND READING.

Hon. Sir JAMES LOUGHEED moved the second reading of Bill 50, an Act to amend the Gold and Silver Marking Act, 1913.

He said: This Bill provides that an official certificate by the Ottawa branch of the Royal Mint, or by any Dominion Government assay office in Canada, shall be receivable in evidence in any court of competent jurisdiction. In passing the Act of 1913, it was provided that only the certificate of the Ottawa branch would be receivable in evidence. The consequence is that the courts would not be authorized to receive a certificate issued, say, by a branch in Vancouver or elsewhere.

Hon. Mr. BOSTOCK: The clause that we are dealing with says, "an official certificate by the Ottawa branch of the Royal Mint or by any Dominion Government assay office in Canada." I understand that the Royal Mint is under the Department of Finance, while the assay office is under the Department of Mines. Therefore two dif-

ferent officials will be dealing with this question. I would like my honourable friend to consider that point before we go into Committee, because it seems to me that instead of saying that "an official certificate by the Ottawa branch of the Royal Mint," we should designate what official shall grant that certificate. I think the only Dominion Government assay office is the one in Vancouver. Of course, the section is drawn in such a way as to apply to any, because others may be established; but I think in both cases we should mention who the official is to be. As I read the section, it might possibly mean that the office boy would be taken as an official of the department.

Hon. Sir JAMES LOUGHEED: I can reassure my honourable friend on that point; I do not think there is very much probability of that being done. The certificate is one made by an assayer as to the ingredients of certain metals and the Bill is designed so that the certificate of the assay shall be receivable by the court as evidence. Manifestly this was an omission at the time the origins! Act was passed. To designate by statute what official should issue such a certificate would be difficult. Necessarily a certificate would have to be issued by a person who could say positively what the assay was.

Hon. Mr. BOSTOCK: We can discuss the matter further in Committee.

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

MEAT AND CANNED FOODS BILL.

SECOND READING.

Hon. Sir JAMES LOUGHEED moved the second reading of Bill 55, an Act to amend the Meat and Canned Foods Act.

He said: The first section of this Bill makes provision for the inspection of fish, fruit, vegetables and other food products in abattoirs, etc. The Bill also makes a somewhat new departure in the matter of adopting precautionary measures for the certification of foods which come to Canada from other countries. At the present time we have a very rigid system of inspection in reference to foods which may be packed in Canada for export; but, very peculiarly, foods that could not be used in a foreign country because of not having been subjected to its system of inspection, may be imported into Canada, and up to the present time we have not adopted any machinery whereby we could pass upon the contents or the condition of those foods. It is

therefore proposed that shipments of food from any foreign country shall be accompanied by a certificate of an inspector of that country as to the food in question. The desirability of legislation of this kind is obvious.

There are also in the Bill some minor provisions as to false markings and so on, which can be discussed in greater detail in committee.

Hon. Mr. BOSTOCK: I think the Government is to be congratulated upon amending the Meat and Canned Foods Act as they are doing. As I take it, this Act gives the Government power to see that wholesome and proper food is placed upon the markets of this country. I hope the Government will see that the Act is properly administered, and that the officials who have it in hand will be men in whom they have confidence. We have had before us the position of Mr. O'Connor, who was in the Department of Labour to deal with the question of food, and who, I think, much to the regret of the general public, has seen fit to resign his position. We in this House, at any rate, have not had a clear and satisfactory statement from the Government as to why that action was taken by Mr. O'Connor; but the minister, and I presume the Government, agreed to accept his resignation. This gentleman proved himself, I think, in the eyes of every one who took any interest in this question, a very efficient and competent official, and one who apparently was going to do his best in the interests of the country to see that the law under which he was operating was properly carried out. I hope the Government is going to appoint in his place somebody who will be equally acceptable to the general public.

Hon. Mr. CLORAN: Honourable gentlemen, I think the Government of Canada cannot act too severely, too strictly, or too rapidly in this matter. According to the latest medical reports of the hospitals of England and on the Continent, a new disease has developed-a very fatal disease. According to English medical authorities in some of the hospitals, the disease, which is caused by eating canned goods and other foodstuffs of a similar kind, is something awful. One doctor has stated that out of eleven cases six died; and the disease is spreading. I do not know whether a new name has been invented for the disease; but it appears that from the eating of sausages and canned goods paralysis sets in, particularly in the head, and the brain Hon, Sir JAMES LOUGHEED.

becomes affected. One doctor has said that the disease is not necessarily fatal, but that it is very dangerous.

In view of this, the Government should receive every encouragement to make the provision in this law regarding canned goods and other foodstuffs as stringent as possible, and they cannot move too fast in preventing the spread of the disease to this country. If the provisions of this Bill are not severe enough, I think there would be no objection to the Government increasing their severity. If foods grown in Canada are required to be inspected before being put in the cans and labelled, how much more necessary is it to protect the public against foods over which this Government has no control? The inspection that is made in a foreign country may be sufficient for that country or it may not. Evidently it is not, judging from the results of the consumption of canned goods in England and other parts of Europe.

Hon. Mr. DOMVILLE: Is this new disease infectious or contagious?

Hon. Mr. CLORAN: The reports I have read do not speak of contagion or infection. Of course, it is not contagious, because to contract the disease one has to eat canned goods, or sausages, or whatever they are; but the disease is a very dangerous one.

Hon. Mr. MURPHY: It is an old one: it is ptomaine poisoning.

Hon. Mr. CLORAN: It affects the brain, paralyses the eyes, and so on, and the Government should have every encouragement in making the inspection as severe and as stringent as possible.

Hon. Mr. DANIEL: Honourable gentlemen, I think there is an omission in this Bill, as there has been in the Meat and Canned Foods Act ever since it has been in operation. While great care is taken to see that all canned goods, meats, and other foods that are exported are in proper condition, no attempt is made to inspect the food that is to be used by our own people.

If it is right to provide proper inspection of meat and other food put up for export, there is at least equal reason to see that food put up for use among our own people is also inspected, and that the same amount of care is taken in its preparation and everything connected with it. I do not see in the Act before us any section dealing with that matter, and I would like to ask the leader of the Government if it is intended to take into consideration the great

necessity of seeing that all articles of food for use in this country are made subject to proper inspection.

Hon. Sir JAMES LOUGHEED: The present Act provides for that.

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

FRASER COMPANIES, LIMITED, BILL.

Hon. Mr. DANDURAND (for Hon. Mr. Béique) moved that the amendments made by the Standing Committee on Miscellaneous Private Bills to Bill 9, An Act respecting Fraser Lumber Company, Limited, and Fraser Companies, Limited, be concurred in.

Hon. Mr. BOSTOCK: I desire to move in amendment:

That the Report of the Standing Committee on Miscellaneous Private Bills on Bill No. 9, intituled: "An Act respecting Fraser Lumber Company, Limited, and Fraser Companies, Limited," be not now adopted, but that it be amended by adding to clause 1 as amended by the Committee, the following: "Subject to the obligation on the part of the Fraser Companies, Limited, of paying, ratifying, discharging, performing and fulfiling all the debts, liabilites, contracts and engagements of Fraser Lumber Company, Limited, and assuming all its duties and obligations. with respect to the business, rights and property so acquired, and that thus amended the Report be adopted.

The latter part of the Bill as it was introduced in this House was struck out because it was considered unnecessary at the time; but on looking into the matter the Chairman of the committee concluded that it would be better to embody in the Bill the powers defined in this amendment. The words I propose to add would have very much the same effect as those that were struck out, only they are stated in better form.

Hon. Mr. THOMPSON: Having been in charge of this Bill, I can say on behalf of the promoters in the other House that the amendment suggested is satisfactory, as it practically replaces what was in the Bill when first presented to the committee. The Bill had been carefu'ly prepared with knowledge of all the facts in relation to the rights enjoyed by the Federal Legislature in connection with the Tobique Valley property, and it was felt that the public should be protected, and that the Bill should carry with it all the restrictions it contained as drafted. The Chairman of the Committee informed me that the committee had made a mistake in erasing the words from the second section of the Bill. The proposed amend-

ment would only replace in the Bill what was in it when first presented to the House.

Hon. W. B. ROSS: While I do not intend to oppose this Bill, on account of the statement made by the member from Fredericton (Hon. Mr. Thompson), I think the regular practice would have been to have sent the Bill back to the committee. I can conceive of cases in which a great hardship might be caused to parties if matters were dealt with in this House after the work had been done by the committee and its report had been brought in.

Hon. Mr. CLORAN: Has not the House a right to revise the work of the committee?

Hon. W. B. ROSS: Yes, but this is not the way to do it. The House should send the report back to the committee, and then the House can tear it up if it pleases.

Hon. Mr. CLORAN: The House is more capable of dealing with the matter than the few members of the committee.

Hon. W. B. ROSS: It is not a question of capacity at all. It is a question of following the rules of the House, which are made to guard against anybody being taken by surprise or suffering an injustice.

Hon. Mr. DANDURAND: When an important amendment is desired to be made to the report of a committee it would no doubt be better form to send it back to the committee so that it may be discussed there again. I beg to differ with the honourable member for Victoria (Hon. Mr. Cloran) when he says that this Senate is in a better position to deal with the matter than the committee would be, because the committee, having the Bill before it, discusses it more minutely than is usually done here. In this case, however, the amendment is an obvious one, that the new company taking charge of an old one should assume all its obligations.

Hon. W. B. ROSS: Yes, and the parties should go back again. But on account of the statement of the honourable gentleman from Fredericton (Hon. Mr. Thompson) I do not object.

Hon. Mr. TANNER: I think the proper duty of the chairman of the committee, instead of bringing in a report on his own account recommending a change in the report of the committee, was to have reassembled the committee and had it deal with the matter.

Hon. Mr. DANDURAND: Of course he could have done so; but any member of this House could have moved that as an amendment, and then the question would have been put: should not the Bill be referred back to the committee?

Hon. Mr. TANNER: I know that; but when a committee deliberates and reports on a matter I do not think the chairman of that committee is conducting himself in a way deferential to the committee when he brings in a report to the House different from the report of the committee.

Hon. Mr. THOMPSON: While the Chairman made a report in accordance with the findings of the committee, he also suggested to my honourable friend here that a mistake was made in eliminating that portion of the section. The words eliminated were required not only in order to protect in a proper way the company that had transferred the rights, but also to impose on the company that was taking it over the obligations imposed by that special Act. It is nothing more than a book-keeper's proposition. The Fraser Company own these properties, and have been carrying on a number of important lumbering operations as separate units under the names of Fraser Lumber Company, Tobique Lumber Company, and Donald Fraser and Company. They desire to consolidate all of them, and' no transfer is made under this Bill except in the ledger. There is no new company formed; the Fraser Company owned the property before this Bill was framed, and will own it after it is passed. It is required only to enable the company to carry on the large pulp operations under one name, so that bonds may be issued with all these properties consolidated as collateral. The bonds will affect all the holdings of the Donald Fraser Lumber Company, but there will be no change of öwnership. No shares will pass, because they are owned by the Donald Fraser Lumber Company. In the unification of these different units they had forgotten that one of the properties obtained its original charter from the Federal Parliament, and when they proposed to issue bonds on these consolidated properties they found that the ratification of the Federal Parliament was necessary. They ascertained this somewhat late, but the building of the pulp mill is going on, and bonds which have been placed in New York and have been practically accepted are held up until this ratification can be had on this one unit out of some 10 controlled by Donald Fraser and Sons, now under Fraser Companies, consolidated Limited.

Hon. Mr. DANDURAND

The amendment of Hon. Mr. Bostock was agreed to, and the amendments made by the committee, thus amended, were concurred in.

STATISTICS BILL.

On motion of Hon. Sir James Lougheed, the Senate went into committee on Bill 32, an Act respecting the Dominion Bureau of Statistics. Hon. Mr. Thompson in the Chair.

Section 1 was agreed to.

On section 2-definitions:

Hon. Mr. POWER: I think we should have from the minister a statement as to whether it is proposed to consolidate the various authorities mentioned in this section, or whether we are starting off to make an entirely new machine for collecting statistics. It seems to me that this country spends a vast deal of money in collecting, publishing and distributing statistics, and, if the intention of this measure is to take away the powers from the authorities which now do the work and place it all in the hands of some one officer or commission, it will be a good thing, but if it means an addition to the already large number of officers and commissions that we have, I think it is the other way.

Hon. Sir JAMES LOUGHEED: I would say to my honourable friend from Halifax that in 1912 a Statistical Commission was appointed, and it made a report upon the organization of a central branch for the gathering of statistics in connection with the Department of Trade and Commerce; and this Bill is prepared in pursuance of the recommendation made by that commission. It simply means practically the consolidation of the present scattered statistical activities which we have in the different departments. I think it will be economical, and certainly much more efficient than the old system under which we have been labouring.

Section 2 was agreed to.

On section <u>4</u>—Dominion Statistician appointment and duties:

Hon. Sir JAMES LOUGHEED: That is a reproduction of the Census and Statistics Act.

Section 4 was agreed to.

On section 5-commissioners, enumerators, and agents:

Hon. Sir JAMES LOUGHEED: That reproduces the old Act, but provides for all appointments by the Civil Service Commission.

Sections 5 and 6 were agreed to.

On section 7-rules, regulations and forms:

Hon. Sir JAMES LOUGHEED: This is practically section 9 of the Census and Statistics Act.

Sections 7 to 12, inclusive, were agreed to.

On section 13-presumption:

HOR. Sir JAMES LOUGHEED: This :s the same as section 42 of the old Act.

Section 13 was agreed to.

On section 14-remuneration:

Hon. Sir JAMES LOUGHEED: This is a combination of sections 35, 36 and 37 of the old Act.

Section 14 was agreed to.

Sections 15 and 16 were agreed to.

On section 17—census in Manitoba, Saskatchewan and Alberta:

Hon. Mr. BOSTOCK: Is that section a change in the procedure? I thought the census was taken in those three provinces every five years instead of every ten. The section reads: "every tenth year thereafter." Does it mean that the five-year census is going to be done away with?

Hon. Sir JAMES LOUGHEED: No, sections 16 to 19, inclusive, are the same as sections 11, 12, 13 and 14 of the old Act, except that section 19 omits provision for the census of industrial production and for the records of deaths in the census year. Both of these are provided for later on in the Bill.

Section 17 was agreed to.

Sections 18, 19 and 20 were agreed to.

On section 21-schedules of details:

Hon: Sir JAMES LOUGHEED: That is taken from the English Act.

Hon. Mr. BOSTOCK: Is there a penalty provided in the Bill in case the requirements of subsection 2 are not complied with? How do you propose to enforce that?

Hon. Sir JAMES LOUGHEED: Later on in the Bill penalties are provided for the enforcement of this Act.

Section 21 was agreed to.

On section 22—statistics of commerce and navigation, returns of imports and exports from Customs:

Hon. Mr. BOSTOCK: I drew the attention of the honourable leader of the Government to this section the other day, on the second reading. It appears to me that under this section there is going to be some conflict between the Department of Trade and Commerce and the Department of Customs. I do not understand why the Department of Customs is dealt with in a different manner from any other department. Why should the Department of Customs be placed in the position of sending their information to the Dominion Statistician, when all the other information is apparently collected by this Bureau of Statistics under the Department of Trade and Commerce? It looks almost as if there would be a duplication of returns under this section as it stands; that the information contained in the Customs Department report will be duplicated in the statistics issued by the Department of Trade and Commerce.

Hon. Sir JAMES LOUGHEED: As I pointed to my honourable friend, I think yesterday, the only way the Statistical Branch can obtain information respecting customs is through the Customs Department. It is proposed that the Customs Department shall forward their statistics to the Statistical Branch, and that branch will analyse and present the statistics of customs in accordance with whatever system of preparing statistics may be adopted. This is, I may say, in accordance with the Act which is in force in the United Kingdom, and also with that of the United States. It does not mean any duplication whatsoever; it means simply that the Statistical Branch will avail itself of the information which must necessarily come through the customs authorities.

Hon. Mr. BOSTOCK: The question of railway statistics was raised in connection with the Railway Act the other day. I understand that when the Railway Act was introduced last year it was decided that the railway statistics should not be gathered by the Railway Department. This year, when the Railway Bill was introduced, those clauses were put back into the Bill, and, if I understand the situation aright, the railway statistics are now to be gathered by the Railway Department. Will the same condition apply to the Railway Department as my honourable friend says will apply to the Customs Department?

Hon. Sir JAMES LOUGHEED: There may possibly be a conflict between the Statistical Branch and the Railway Department. It may be a matter of judgment as to whether it is not desirable that the Minister of Railways should secure whatever statistical information is obtainable for his department. That does not in any way prevent the Statistical Branch from securing from the Department of Railways such information as may be desirable for statistical purposes. It seems to me there is not necessarily any conflict.

Section 22 was agreed to.

Sections 23, 24 and 25 were agreed to.

On section 26—annual transportation returns:

Hon. Sir JAMES LOUGHEED: In subsection 3, in the second line at the top of page 8, the word "railway" should be "company." I move that the word "company" be substituted.

The amendment of Hon. Sir James Lougheed was agreed to, and section 26, as amended, was agreed to.

Sections 27 and 28 were agreed to.

On section 29—courts to furnish criminal statistics:

Hon. Sir JAMES LOUGHEED: That is in the old Act.

Section 29 was agreed to.

Sections 30 to 37, inclusive, were agreed to.

On section 38—wilful refusal or neglect. to grant access to records:

Hon. Mr. BOSTOCK: Why are those penalties made heavier in one case, in section 38, than in the other, in section 37?

Hon. Sir JAMES LOUGHEED: Section 37 deals simply with the answers which persons shall give to the questions which they are asked. Section 38 has reference to the production of provincial, municipal or other public records, and refusal or neglect to grant access to these is an offence of more gravity than refusal or neglect to supply the other. I think it is not unreasonable that the penalty should be made greater.

Section 38 was agreed to. Hon. Mr. BOSTOCK. On section 39-leaving notice at house:

Hon. Mr. POWER: I think that the provision in section 39 may work rather harshly in some cases, because there are a great many persons throughout the country who are perhaps not capable of filling up the returns; and I think there should be some words put in to protect those.

Hon. Sir JAMES LOUGHEED: We have copied section 49 of the old Act. Of course, such points are taken into consideration, and I do not think that the requirements under the old Act have resulted oppressively.

Section 39 was agreed to.

On section 40-leaving notice at office:

Hon. Sir JAMES LOUGHEED: That is in the old Act.

Section 40 was agreed to.

On section 41-application of fines:

Hon. Sir JAMES LOUGHEED: That is practically the same as in the old Act.

Section 41 was agreed to.

Section 42 was agreed to.

The preamble and title were agreed to.

The Bill was reported with an amendment.

YUKON ACT AMENDMENT BILL. .

CONSIDERED IN COMMITTEE AND REPORTED.

On motion of Hon. Sir James Lougheed, the Senate went into Committee on Bill 39,

an Act to amend the Yukon Act. Hon. Mr. Poirier in the Chair.

On section 1-abolition of council, etc.:

Hon. Mr. BOSTOCK: Would my honourable friend tell us what we are abolishing under this clause?

Hon. Sir JAMES LOUGHEED: The present council is composed of ten members, representing the several districts of the territory. It is now proposed to abolish that council and to appoint two, or, if thought desirable, more members under warrant of the Governor General, in lieu of the present council. That in itself will result in a considerable economy. The Bill likewise works out other economies. There will be a saving of \$142,960—a reduction in expenditure in the administration of the Yukon territory.

Hon. Mr. BOSTOCK: What is the actual expenditure at the present time?

Hon. Sir JAMES LOUGHEED: I cannot give that information to my honourable friend; but there will be that reduction in the present expenditure.

Hon. Mr. BOSTOCK: Is the Commissioner of the Yukon at the present time in office? I think he volunteered and took command of a battalion.

Hon. Sir JAMES LOUGHEED: Yes; at the present time he is at the front; but the Government has allowed him \$3,000 while away, in lieu of the \$12,000 to which he would be entitled as Commissioner. Consequently there will be a reduction of \$9,000.

Hon. Mr. BOSTOCK: In his salary?

Hon. Sir JAMES LOUGHEED: Yes, in his salary.

Hon. Mr. POWER: It occurs to me-it does not bear directly on the matter before the committee—that the reasonable thing to do with respect to the Yukon Territory, under the present conditions, is to have it annexed to British Columbia. I do not see any object in maintaining it as a separate territory.

Hon. Sir JAMES LOUGHEED: I do not see any British Columbia members present.

Hon. Mr. BOSTOCK: Yes, there is the honourable gentleman from Nanaimo (Hon. Mr. Planta).

Hon. Sir JAMES LOUGHEED: Perhaps my honourable friend the leader of the opposite side of the House (Hon. Mr. Bostock) will take it over.

Hon. Mr. BOSTOCK: Take over the Yukon?

Hon. Sir JAMES LOUGHEED: I do not know whether or not the province of British Columbia is prepared to accept the suggestion of my honourable friend from Halifax (Hon. Mr. Power).

Hon. Mr. BOSTOCK: I may suggest to the honourable leader of the Government that he might take up the question with the Premier of the province of British Columbia, who is to be here next week, I understand, and see if they could come to some arrangement.

Hon. Sir JAMES LOUGHEED: There is nothing to prevent its being discussed.

Hon. Mr. CLORAN: That is a hard boiled egg.

Hon. Mr. BOSTOCK: I notice that this section gives the Governor in Council power to abolish any position.

Hon. Sir JAMES LOUGHEED: I think many of those reductions have been carried out.

The Bill was reported without amendment.

NAVAL DISCIPLINE BILL.

CONSIDERED IN COMMITTEE AND REPORTED

On motion of Hon. Sir James Lougheed, the Senate went into Committee on Bill 49, an Act respecting the Naval Discipline (Dominion Naval Forces) Act, 1911. Hon. Mr. McMeans in the Chair.

Hon. Sir JAMES LOUGHEED: There is a rather lengthy preamble to this Bill, but it simply provides that the discipline on the ships of the Canadian Navy shall be similar to that of the Imperial, the Australian and the New Zealand navies.

Hon. Mr. BOSTOCK: Of course, the discipline of the Imperial Navy is very strict. At the commencement of the preamble, I notice these words:

Subject, however, in the application of the said Act to the forces or ships of the Dominion to such modifications and adaptations, if any, as may have been or may be made by the law of the Dominion to adapt the Act to the circumstances of the dominion.

Is that supposed in any way to modify or lessen the discipline that will be enforced on the Dominion ships, as compared with the Imperial ships?

Hon. Sir JAMES LOUGHEED: This, I may say, is the result which was arrived at, at the late Imperial Conference, in respect to the discipline of the naval forces of the several overseas Dominions and of the Royal Navy; so that by mutual agreement between the home Government and the overseas governments uniform discipline might be decided upon. Whatever the discipline of the Imperial Navy may have been, it does not necessarily follow that it will be continued. This is the result of mutuality between the dominions and the Imperial Government. Consequently, on account of the interchange of service between them, it seems to me very desirable that there should be only one standard of discipline.

Hon. Mr. ROCHE: As has been remarked by the leader of the Opposition, the discipline of the British Navy is very severe, and in the hands of tyrannical officers it may be very oppressive. Who is here that knows what the Naval Discipline Act of Great Britain is? Who is here that knows what the amendments to it may be? When our ships and their crews and officers are SENATE

handed over to the British Government, the Imperial Discipline Act applies to officers and men who have been enlisted under a different law. Ships that we retain under our control are subject to the provisions of this Act. Ships that may be handed over to the control of the British Government are under another code of laws altogether. Ships of the two classes may be in the same port, and one is under one set of laws and the other under another. I understand that the British Government are sending out naval officers to take command of the ships which may be handed over by the Dominion, and to officer the ships of the Canadian Navy, and that no Canadian has a chance to rise above the rank of lieutenant. Those of us who have had experience with British officers know very well that they are disposed to keep Canadians or colonials at the staff end. I do not think we should have a dual system. We should not have to hand over men to come under the Naval Act of Great Britain without in some way getting their re-enlistment or consent; and certainly we should not have two systems of naval discipline in this country.

The Bill was reported without amendment.

GOVERNMENT EMPLOYEES COMPEN-SATION BILL.

CONSIDERED IN COMMITTEE AND REPORTED.

On motion of Hon. Sir James Lougheed, the Senate went into committee on Bill 51, an Act to provide compensation where employes of His Majesty are killed or suffer injuries while performing their duties. Hon. Mr. Watson in the Chair.

On section $1 \rightarrow \text{compensation}$ to be same as under law of province where accident occurs:

Hon. Mr. BOSTOCK: This is new legislation, I understand?

Hon. Sir JAMES LOUGHEED: Yes. We practically adopt the Workmen's Compensation Acts of the different provinces of Canada.

Hon. Mr. BOSTOCK: And the Government pays the compensation?

Hon. Sir JAMES LOUGHEED: Yes.

The Bill was reported without amendment.

Hon. Mr. ROCHE.

RAILWAY BELT ACT AMENDMENT BILL.

CONSIDERED IN COMMITTEE AND REPORTED.

On motion of Hon. Sir James Lougheed, the Senate went into committee on Bill 54, an Act to amend the Railway Belt Act. Hon. Mr. Daniel in the Chair.

On section 1—issue of patent for land held by deceased settler:

Hon. Mr. BOSTOCK: I should like to ask the leader of the Government why it is necessary to pass this legislation. The Act that we are amending, chapter 59 of the Revised Statutes, says at section 5:

The Governor in Council may, from time to time, regulate the manner in which, and the terms and conditions on which, the said lands shall be surveyed, kald out, administered, dealt with and disposed of.

It seems to me that under that clause the Government have power to arrange this by regulation. At the present time we are so accustomed to Orders in Council and regulations being passed—when some of us think Acts of Parliament should be passed —that I do not see why the recognized arrangement is not adhered to on this occasion.

Hon. Sir JAMES LOUGHEED: We recently passed a similar provision dealing with patents in relation to Dominion lands, under the Dominion Lands Act. That Act does not cover the railway belt, and it is desirable to pass a similar section in respect of it; and, furthermore, it is necessary because, by the law of British Columbia, the Government cannot relieve itself of the responsibility of issuing a patent to the administrator of a deceased patentee. In order to meet that condition, it is desirable that this clause should be passed.

The Bill was reported without amendment.

PUBLIC WORKS ACT AMENDMENT BILL.

FURTHER CONSIDERED IN COMMITTEE AND REPORTED.

The Senate again went into Committee on Bill No. 40, an Act to amend the Public Works Act.—Hon. Sir James Lougheed. Hon. Mr. Planta in the Chair.

Hon. Sir JAMES LOUGHEED: The honourable gentleman from De Salaberry (Hon. Mr. Béique) moved an amendment to this Bill when we were in Committee some days ago. I ventured to say at that time APRIL 26, 1918

that I thought provision was made for compensation under our statute law. I have made inquiry into the subject ,and I am informed by our Parliamentary Counsel, Mr. Gisborne, that it is already provided for under the Exchequer Court Act. Section 20 of that Act says:

The Exchequer Court shall also have exclusive original jurisdiction to hear and determine the following matters:

 (a) Every claim against the Crown for property taken for any public purpose;
 (b) Every claim against the Crown for dam-

(b) Every claim against the Crown for damage to property injuriously affected by the construction of any public work.

It has already been decided by the Supreme Court, not only by one, but by many authorities, that ample provision is made by law for compensation being paid to the owner of any property where damages have been sustained by reason of the carrying out of any public work; therefore, it is objectionable to put the amendment in this Bill.

Hon. Mr. POWER: I do not feel quite clear on the point yet, because the law which the honourable gentleman has read simply indicates that where a person has a claim it shall be disposed of by the Exchequer Court. The law does not provide that the person has a claim. The Bill we are passing does not say that the person shall be entitled to compensation; then the court is without jurisdiction. It may be, as suggested by the leader of the Opposition, that under the Expropriation Act a person whose property is damaged or taken would be able to recover compensation, but I do not think the law which the honourable gentleman has read covers the case.

Hon. Mr. McMEANS: I would like some information on this section. I understand that the owner of a lot running down to a river is entitled to the land to the centre of the stream—that has been decided by the Court of Appeal in Ontario—and the owner living on the other side of the river holds the balance of the land. Now, suppose the Government were to enter upon that river, dredge and remove a certain amount of material, and the bank were to cave in, what would be the position? There would be an action for damages.

Hon. Sir JAMES LOUGHEED: This Bill proposes that the Government shall have authority to enter upon the bed of the river for the purpose of carrying out any public work. The Exchequer Court Act makes provision for the recovery of damages where such have been sustained; and the Supreme

Court has held that that Act not only gives a jurisdiction to the Exchequer Court to hear the claim for damages, but that it impliedly gives a right to any one who thinks he has suffered to claim damages. It is then for that court to decide whether the claim is or is not valid. It is not necessary to provide expressly that persons shall have a claim for compensation; that is a question of law.

Hon. Mr. BOSTOCK: The other question has not been discussed, that interference with provincial rights by this Bill which deals not only with rivers, but also with the water along the coasts, and also with harbours. If I understand it rightly, this Bill would give the Minister of Public Works the right to do work in a harbour and navigable waters in bays when he considers it necessary for the purposes of navigation; and in that way he might be interfering with either private or provincial rights. So far as I can see, there is nothing in the Act to meet that point. The Bill would give the minister power to deal with those matters, although he might be infringing on rights in bays and around the shore.

Hon. Sir JAMES LOUGHEED: The foreshore is vested in the Crown.

Hon. Mr. BOSTOCK: Is it not rather a question as to which Government it is vested in?

Hon. W. B. ROSS: I agree with the honourable gentleman that the Minister of Public Works could do that, and I think it is intended that he should. There are harbours at present so cut up with private wharves that it is practically impossible to make any improvement so as to construct really modern harbours. I have in mind one particular harbour where it is the intention that one or two private wharves shall be either wiped out or reconstructed; but I do not think there is any doubt about the scope of this Bill, or how far the Dominion Minister of Public Works can go. There is nothing in this Bill that takes away the right that a private wharf owner or a riparian owner may have under the Exchequer Court Act to make any claim for damages. If a Minister of Public Works comes in and takes my private wharf, or digs a hole in the bank of a river and brings down the bank, and perhaps some building on it which I own, I can go to the Exchequer Court and make my claim, and if I establish it I get damages. Nothing here could take away such a private right, or excuse the Minister of Public

S-22

REVISED EDITION

Works if he takes something that does not belong to the Crown; so I think the Bill is all right.

The Bill was reported without amendment.

RAILWAYS AND CANALS ACT AMENDMENT BILL.

CONSIDERED IN COMMITTEE AND REPORTED.

On motion of Hon. Sir James Lougheed, the Senate went into committee on Bill 42, an Act to amend the Department of Railways and Canals Act. Hon. Mr. McLennan in the Chair.

On subsection 2 of section 1-payment for rolling stock and equipment:

Hon. Mr. BOSTOCK: This is a power that we have not been in the habit of giving to the Government.

Hon. Sir JAMES LOUGHEED: No.

Hon. Mr. BOSTOCK: It puts in the hands of the Government power to issue their own notes, which I presume would be practically as good as Government securities, or else guaranteeing the principal and interest on securities issued by the company from whom they buy the equipment.

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. BOSTOCK: I presume this is done to meet the present situation. Can the leader of the Government give us any information as to the extent to which the Government has been supplying cars and engines and rails at the present time?

Hon. Sir JAMES LOUGHEED: Yes. Already orders have been placed for freight cars, water service tanks, refrigerator cars and locomotives up to practically \$33,000,-000. In addition, very substantial quantities of rails are being ordered. It is very necessary for the Government to supply rails to other than Government railways in Canada, in as much as the steel mills are practically prohibited from making rails on account of their munition contracts entered into with the Imperial Munitions Board, except through intervention of the Dominion Government. The supply of railways with rails through such intervention has taken place, and, of course. those other railways, such as the Canadian Pacific, will recoup the Dominion Government for any expenditure which it makes in that direction. The Bill gives power to the Government either to issue equipment

Hon. Mr. W. B. ROSS.

notes or to accept equipment notes from the company and guarantee them, thus financing them.

Hon. Mr. BOSTOCK: I presume that the Government, in the case of these equipment notes, has a lien on the engines and rolling stock until they are paid.

Hon. Sir JAMES LOUGHEED: Yes, and then there are certain advantages so far as the Government is concerned in issuing those notes, which is that they would not have to issue long-term notes, but ten-year equipment notes, that being the period usually adopted for the issuance of such notes, a tenth being paid each year.

Hon. Mr. BOSTOCK: That would all be done through the Finance Department, or would it be done through the Railway Department?

Hon. Sir JAMES LOUGHEED: It would probably be done through the co-operation of both departments.

Hon. Mr. BOSTOCK: The Railway Department would be responsible for expending the money and ordering the cars and rails and all other equipment?

Hon. Sir JAMES LOUGHEED: Yes, and I presume the Finance Department would look after the financing of the transaction.

Hon. Mr. BOSTOCK: So that the Finance Department would be in the same position as if they were handing over the money to the Railway Department to pay for this equipment?

Hon. Sir JAMES LOUGHEED: It might amount to that.

The Bill was reported without amendment.

INDUSTRIAL DISPUTES INVESTIGA-TION BILL.

CONSIDERED IN COMMITTEE AND REPORTED.

On motion of Hon. Sir James Lougheed, the Senate went into committee on Bill 48, an Act to amend the Industrial Disputes Investigation Act, 1907. Hon. Mr. Daniel in the Chair.

On section 1—employee or employer not to cease to be such for lockout, strike, etc.:

Hon. Mr. BOSTOCK: Will my honourable friend kindly explain what that section means?

Hon. Sir JAMES LOUGHEED: It means to add a sub-clause to paragraph d, which APRIL 26, 1918

apparently is not sufficiently wide to meet the condition which is provided for in the amendment. It seems to me that it is selfexplanatory and is not objectionable. It is for the protection of the employee, so that while an adjustment of a difficulty is being carried out it cannot be said that the employee has ceased to act in that capacity, nor an employee in his capacity. It seems to me that the intention is to maintain the status of both parties in relation to each other where an application is made for a board.

Section 1 was agreed to.

On section 2-minister to appoint boards on application:

Hon. Mr. POWER: What is the change made in the existing law by this clause?

Hon. Sir JAMES LOUGHEED: The present section reads as follows:

Whenever, under this Act, an application is made in due form for the appointment of a Board of Conciliation and Investigation, and such application does not relate to a dispute which is the subject of a reference under the provisions concerning railway disputes in the Conciliation and Labour Act, the minister, whose decision for such purpose shall be final, shall, within fifteen, days from the date at which the application is received, establish such Board under his hand and seal of office, if satisfied that the provisions of this Act apply.

The amendment makes the minister's decision final.

Hon. Mr. BOSTOCK: Under the old Actthe minister's decision was final, was it not?

Hon. Sir JAMES LOUGHEED: The change will prevent any court process issuing by which the action of the minister might be in any way disturbed. That is to say, an injunction might be moved for by an employer against the establishment of a board, and it is not desirable that the court should interfere in such a case, because the policy of this Act is one of conciliation. It seems to me that this is a very salutary principle to import into the Act.

Hon. Mr. CLORAN: Evidently it remains with the employer or the employee to move for a board. I do not see anything in this clause, or in the Bill, that authorizes the minister, off his own bat, so to speak, to establish a board.

Hon. Mr. TANNER: That is provided for later on.

Hon. Mr. CLORAN: Why is it not dealt with right in this section?

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Hon. Sir JAMES LOUGHEED: This section provides that:

The minister shall, within fifteen days from the date on which the application is received, establish such Board under his hand and seal of office, if satisfied that the provisions of this Act apply.

The object is that the minister shall so act, and that no court shall prevent him from acting.

Hon. Mr. CLORAN: I understand that; but has the minister a right to interfere between employer and employee if there is no application for a board? Has the minister that right of his own volition?

Hon. Sir JAMES LOUGHEED: Yes. We shall come to that presently, in section 6 of the Bill.

Hon. Mr. CLORAN: He has not to wait for an application from either party?

Hon. Sir JAMES LOUGHEED: No. That is provided for in section 6 of the Bill.

Section 2 was agreed to.

On section 3-term of office continued:

Hon. Mr. BOSTOCK: What is the change in this?

Hon. Sir JAMES LOUGHEED: It provides that the board shall continue in office until finality is reached in connection with a particular matter that the board may have dealt with.

Hon. Mr. BOSTOCK: The old section was practically that, was it not?

Hcn. Sir JAMES LOUGHEED: It provided:

Every member of a Board shall hold office from the time of his appointment until the report of the Board is signed and transmitted to the minister.

The amendment is to add the following:

and for the purposes of subsection two of section twenty-nine of this Act, from the time the Board is reconvened by the Chairman until the report required under such section is transmitted to the minister.

The next section provides that

Where any question arises as to the meaning or application of, or as to anything relating to or connected with,—

(a) any recommendation made by the Board, or.

(b) any settlement agreement drawn up by the Board under section twenty-four of this Act,---

The minister may request from the chairman an expression of the board's opinion. Section 3 of this Bill simply provides that the board members shall continue in office when the board is reconvened. Even after the report is signed and transmitted to the minister, the matter in dispute may not be concluded, and if the minister refers any further question to the board, it continues in existence.

Hon. Mr. POWER: I suppose the commissioners will draw pay for the time that the final decision is postponed?

Hon. Sir JAMES LOUGHEED: They usually do. That is one of the penalties of our legislation—of all systems of conciliation. This section simply continues the board in existence if the minister requires the opinion of the board on any additional matters.

Section 3 was agreed to.

Section 4 was agreed to.

On section 5—publication of reports; additional matters upon which minister may require opinion of board:

Hon. Mr. BOSTOCK: This gives the minister the power to have the board reconvened, a power which he did not have before.

Hon. Sir JAMES LOUGHEED: Yes, and to submit additional matters, possibly arising out of the same difficulty.

Section 5 was agreed to.

On section 6-establishment of board without application:

Hon. Sir JAMES LOUGHEED: This permits the minister in the cases mentioned, without any application, to order the establishment of a board or to recommend an inquiry.

Hon. Mr. CLORAN: That is the point I was just speaking about. This section limits the power of the minister.

(Hon. Sir JAMES LOUGHEED: No; it gives him additional power.

Hon. Mr. CLORAN: Yes; it says "where ip any industry." It gives him additional power, I know; but it limits his power to an "industry."

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. CLORAN: Then the present Minister of Labour has no authority under the law to interfere in the administration of the Police Department of Ottawa. He was not asked to intervene. That is not an industry. There may be other classes of labour or employment which cannot be legally called an industry, and the minis-

Hon. Sir JAMES LOUGHEED.

ter would have no right to intervene in such cases.

Hon. Sir JAMES LOUGHEED: He did not intervene in that case.

Hon. Mr. CLORAN: I am simply pointing out that the minister under that section is limiting his own power. It may be necessary in other branches of work or labour that the minister should interfere, but under this additional power given him he does not get the right to interfere in such cases. His power is limited to any industry; that is, to mining, manufacturing, etc. We all understand what an industry is. I think the honourable leader of the Government seizes what I mean.

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. CLORAN: And I have just cited a concrete case which happened here in the city of Ottawa, with nasty results.

Hon. Sir JAMES LOUGHEED: I will speak to the Minister of Labour, before the third reading of the Bill, as to the point which my honourable friend makes.

Hon. Mr. CLORAN: Honourable members of this House know that the minister's action put all the police authorities, from the judge down, against him. That is not a satisfactory state of affairs to create. And while I am on this point I may remark that I really believe that the minister should not take under con-trol the police departments; they should be absolutely free. I am a strong advocate of labour unions and labour organization, but the minister and the Government of the day should understand that the police are not industrial workers. They are simply soldiers-military men; the only difference between them and the ordinary militia, or the ordinary soldiers, is that the police are on duty 24 hours a day. They must hold · a middle course. If they belong to a labour union, and there is a strike, creating disturbance or leading to riots, with whom are they going to side? Naturally, if they are imbued with labour rights, and labour responsibilities, and labour adhesion to the union, they will side with the strikers, or with the party that is creating the trouble. I think it is a dangerous thing for a government, federal or provincial, to interfere with the administration of the police department. I think the honourable leader of the Government and honourable members of this House will agree with me. The control of that department is placed in the hands of very responsible men in nearly every community. In what

more responsible hands could it be placed than in the hands of a judge, a magistrate, and the chief himself?

I am simply pointing out this, that when the Minister of Labour seeks larger powers under this section, he may not undertake to interfere with police regulations, because after all, a body of police does not come properly under the title of labour organization. Policemen have a right to form a body for their own amusement, or comfort, or convenience, but not in the ordinary sense of a labour organization. We know what labour organizations are for. I offer these suggestions in good part, and hope the honourable leader of the Government will take notice of them.

Hon. Sir JAMES LOUGHEED: Yes, I will.

Hon. Mr. CLORAN: Will the clause be allowed to stand?

Hon. Sir JAMES LOUGHEED: I will make inquiry before the third reading.

Section 6 was agreed to.

The Bill was reported without amendment.

NATURALIZATION ACT (FRENCH VER-SION) AMENDMENT BILL.

FIRST READING.

Bill 66, an Act to correct a clerical error in the French version of the Naturalization Act, 1914.—Hon. Sir James Lougheed.

The Senate adjourned until Monday, April 29, at 3 p.m.

THE SENATE.

Monday, April 29, 1918.

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

Prayers and routine proceedings.

PRIVATE BILL.

THIRD READING.

Bill 9, an Act respecting Fraser Lumber Company, Limited, and Fraser Companies, Limited.—Hon. Mr. Thompson.

STATISTICS BILL.

THIRD READING.

Hon. Sir JAMES LOUGHEED moved the third reading of Bill 32, an Act respecting the Dominion Bureau of Statistics.

Hon. Mr. BOSTOCK: Before that motion is carried, I think I should call the attention of the House to a matter that I brought up in reference to this Bill in Committee. My honourable friend the leader of the Government did not at that time see his way to making any amendment to the Bill; therefore I simply want to emphasize the situation so that the House may understand just what is being done. Last session the Joint Committee of both Houses on the Printing of Parliament submitted their report on the 13th of September, 1917. In that report, which was very carefully worked out, under the heading of Trade and Commerce, they say:

Many reports of this department duplicate those of the Department of Customs, wasting thousands of dollars annually. An earnest endeavor must be made by the heads of these two departments to avoid this. It seems to the Committee that the sooner all statistics of the Government are centralised under one authority the better it will be in the public interest, and great saving would be effected.

I understand that the Bill which we now have before us is brought down in compliance with that report for the purpose of bringing all the statistics of the Government under a central department; but, unfortunately, the Government do not seem to have seen their way to adopting the first part of the paragraph which I have just read. Further on, under the heading of Customs, the report says:

The figures issued in the Departmental reports seem to be published in the public interest, but, as already pointed out, they are duplicated in many instances by the report of the Department of Trade and Commerce. The junior department should drop many of its publications.

That report was brought down to the House and was adopted, and as a result a committee to deal with these matters was appointed by Order in Council. That committee was known as the Editorial Committee, and two or three Orders in Council were passed to give them the necessary authority. On the 23rd of October, 1917, this committee reported to the Government:

As regards to the reports of the Departments of Customs and Trade and Commerce, the question resolves itself, in the opinion of the Committee, into the amalgamation of the two series of reports into a single series. The Customs reports present the primary returns of exports and imports by countries, ports, etc., whereas the Trade and Commerce report rearrange and reclassify this matter, giving the figures of preceding periods, and adding several other analyses important from a trade point of view. It is, however, entirely feasible to unite the reports so that they should fully serve the ends of both departments, not only at a great saving in bulk and expense, but at a great gain in coherence and clearness of presentation. The two publications at present are extremely confusing to the public mind, especially abroad. and are a clear example of lack of proper administrative supervision. In no other country does such a method of presenting trade statistics obtain.

The above remarks apply, not only to the annual reports, issued by these respective departments, but to the monthly reports as well. The average cost of the publications above referred to is as follows:—

Part I, Trade and Commerce.. \$ 3,940 Monthly Report, Trade and

Commerce..... 20,208

Annual Report of Customs.... \$ 5,143 Monthly Report of Customs.... 18,204 \$23,347

This does not include the cost of maintenance of the two clerical staffs.

Honourable gentlemen will see from these figures that the cost of both reports is pretty nearly the same. From this report it is apparent that half of one of the amounts, anyhow, could be saved.

The Editorial Committee, therefore, respectfully submits to the Sub-Committee of Councils that the latter take up this question immediately with the two departments and secure the formulation of a policy of joint action as quickly as possible, in view of the fact that both departments are about to present copy for their annual reports.

While it may not be within the purview of the Editorial Committee, it begs to observe that it is important that the trade statistics of the country should be issued under the direction of the Department of Trade and Commerce as the department to which the public, both at home and abroad, look for information concerning trade, and whose duty is the study of trade questions and the promotion of Canadian trade. At the same time the statistics should fully answer the needs of the Customs Department for administrative report.

I do not think it necessary to read the rest of that report. I am sorry that the Government have not seen their way, in dealing with this Bill establishing the Bureau of Statistics, to adopt the recommendations made in that report, and first of all to save the country the extra expense that it is there shown will be incurred by publishing reports both from the Customs Department and the Department of Trade and Commerce. The complication due to the two departments issuing statistics which though similar, are not on exactly the same lines will cause confusion to persons using them- and confusion which is absolutely unnecessary. I do not want to take up the time of the House on this matter; but I thought it was right to draw honourable gentlemen's attention to it, and I trust that the Government, when putting this Bill in force, may see their way to adopt the suggestions made.

Hon. Sir JAMES LOUGHEED: I am at a loss to understand how my honourable friend has arrived at the conclusion which Hon. Mr. BOSTOCK. he has stated, that the Department of Customs will continue to prepare its statistics absolutely independently of the central statistics branch. If the honourable gentleman will look at subsection 2 of section 22, he will there find what the Customs Department is to do, namely:

The Department of Customs shall send to the Dominion Statistician, in such manner and form and at such periods as the Governor in Council may prescribe, returns of imports from and exports to foreign countries arriving at or leaving Canada by water or by rail, and of the navigation employed in the foreign trade of Canada.

It is quite obvious that the only way in which the statistical branch will be able to secure statistics in relation to the foreign and domestic trade of Canada will be through the Customs authorities. The Act makes specific provision for those authorities reporting their statistics to The very object the special bureau. of this Bill is to centralize all statistical work and statistical information, and to prevent such duplication in the work as now prevails between the Department of Customs and the Census Office. Mv honourable friend is not warranted in concluding that the condition which he has outlined is going to be continued. This Bill is designed to put an end to that kind of thing, and I am satisfied that when the provisions of the Act are put into operation it will be found that the object which we have in view has been successfully met.

Hon. WILLIAM BOCHE: I would like to direct the attention of the minister to the fact that it is extremely difficult to get from the customs authorities or from the statistical branch an account of the quantities of goods that are imported into Canada. They have statistics of the amounts in dollars, which do not give sufficient information and may be misleading, because the prices at which commodities are invoiced are altogether different from what they were before the war, and may not at all represent the volume of trade.

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

YUKON ACT AMENDMENT BILL.

THIRD READING.

Hon. Sir JAMES LOUGHEED moved the third reading of Bill 39, an Act to amend the Yukon Act.

Hon. Mr. POWER: I rise just for the purpose of asking the honourable leader of the Government if his colleagues have taken into consideration the suggestion that

the Yukon should be added to British Columbia.

Hon. Sir JAMES LOUGHEED: No, not as yet.

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

INDUSTRIAL DISPUTES INVESTIGA-TION ACT AMENDMENT BILL. THIRD READING.

Hon. Sir JAMES LOUGHEED moved the third reading of Bill 48, an Act to amend The Industrial Disputes Investiga-

tion Act, 1907.

Hon. Mr. CLORAN: Before the motion is carried I wish to lay before the House a certain statement with regard to a dispute before the Minister of Labour which, if this Bill is passed, might be properly dealt with by him. The dispute is a very grave one and may lead to very grave consequences all over this Dominion. The dispute arises out of the fact that a very limited number of the members of the police force of the city of Ottawa desire to form a labour union and become affiliated with the labour unions of Canada and the United States. Some of the men, I think some 25, did meet and form a labour union, without consulting the officers of the municipality. When it became known that in the police force of Ottawa a labour union had been organized, the Chief took immediate action. He told the men that they could not serve two masters: they could not serve the public of the city of Ottawa and at the same time swear allegiance to another organization, having taken oath that they would reserve their entire allegiance for the police body under the control and guidance of the Police Commission, composed of His Honour Judge McTavish, judge of the Criminal Court, I understand; the judge of a lower criminal court, Police Magistrate Askwith, the Mayor of the City, The Chief of the Police Force, the City Solicitor, and I think, another. The oath of allegiance taken by the men in a labour union-I am sorry I have not a copy of it here—is to the effect that their entire allegiance shall be given to the labour union, irespective of or against the interests of any other organization.

Hon. Mr. MURPHY: Do they take an oath to that effect?

Hon. Mr. CLORAN: That is sworn. I have just seen a copy of the oath in the hands of the chief of police. He offered to give me a copy, but I had not time to wait, because I thought this matter would be up in the House before I got here. The constables' oath of office is directly opposed to that. It is in substance: "We will truthfully, faithfully, and impartially serve the interests of the city "—that is, the interests of the municipality.

Thereupon the Minister of Labour intervened through the public press, evidently siding with the men. We have no official statements, but his interviews are in the public press. The result was that the men sent him an application to establish what is called a board of conciliation. The police authorities point out that such application is not worth the paper it is written on. It is not authorized by the old Industrial Disputes Act at all. In the next place it is subversive of most necessary authority in the community. A police force exists in every municipality-every hamlet, village or metropolis of this Dominion-and if the precedent is established in Ottawa it will only encourage the police forces all over the Dominion to take similar steps. The entire police commission is against any such procedure on the part of the men as the formation of a union; and they are certainly not satisfied with the procedure of the honourable the Minister of Labour in this matter. He had no authority and no right to intervene between the police commission and the men; and he has laid down a precedent which is altogether opposed to the jurisprudence or the parliamentary legislation of Great Britain, as I will show in a second. Under these c'rcumstances the condition of things is not one that is beneficial either to the public or to the men. As I stated last Friday night, there can be no objection to the police force organizing a body of their own for their own mutual convenience, their comfort, or their pleasure; but there is an absolute obstacle to a police force, which after all is a military body, becoming part and parcel of an organization or organizations which they may be called upon to protect against the attacks of employers, or against which it may be their duty as policemen to defend employers. The police must be a neutral and administrative body. like a corps of soldiers. The soldier who is on the firing line is of course not neutral--he is firing at the enemy; but the position of the policeman is a still more difficult one, for he is always on the firing line-24 hours a day, year in and year out. He has not his gun pointed at anybody in particular, but he points his gun at the first person who disturbs the peace, does harm to property or menaces the lives of

citizens. Then he must point his gun, or make an arrest.

I give to the House a statement of what the authorities in England have done and are doing in regard to an identical condition of things. On November 28, 1916—that is, only a year and a half ago—the Hon. Mr. Samuel, in the House of Commons, London, replying to Mr. Billing, on the question whether Metropolitan policemen could belong to societies, said:

The oath taken on joining the force contains a declaration that the constable will discharge the duties of his office according to law. The instruction book lays down that a constable must readily and strictly obey the orders of his superiors in rank in the police. One of the orders of long standing and well known to the police has been that the members of it are not permitted to be also members of a union. That is quite plain, quite emphatic. My predecessor and myself have repeatedly stated that a disciplined force like the Metropolitan police, in view of its special responsibilities for the peace and order of London, can no more be conducted on the basis of trade union recognition such as prevails in ordinary industry than could the army or navy.

There is the well-defined policy of the British Government in regard to the neutrality of its police force. What applies to the police force of London will apply to that of Glasgow, or any other centre in Great Britain; and why a minister of this Government should undertake to subvert this policy, or to replace it, by what he has done in the past two or three weeks, is more than can be understood by ordinary persons, or by those who are responsible for the safety and security of life and property in this city and in the Dominionsuch men as police magistrates, judges, mayors, councillors, etc. So, if this Bill provides that the Minister of Labour, or any other minister, shall have the power and the right to intervene in disputes between policemen and their superiors, it is doing a grievous wrong to the country.

The following is the opinion of eminent Canadian authorities:

The well-being, the protection, the ruling power, of the State is the supreme law. The police are the servants of the State for the special and most honourable purpose of upholding the law; and the community would not deserve the name of a State if it had not the determined will and the intrinsic power to maintain its own authority and direct its own instruments.

The subject of trades-unionism amongst the police is one that demands their careful consideration. The police need to have fixed and settled convictions upon this question for the avoidance of perplexity and trouble in the future. The rights or the wrongs of it are not to be decided by the ordinary principals that govern the relations of employers and em-

Hon. Mr. CLORAN.

ployed, masters and servants, workmen and contractors. These distinct classes have equal rights and mutual relations so that they can either singly or in combination on the one hand cease to employ, or on the other hand lay down their tools.

But polloemen are on a different footing; they are servants of the State for a special purpose and the State possesses powers over its employees which are not common to other employers. Moreover, the police are not even to be classed with other servants of the State, such as postmen, taxcollectors, Parliamentary clerks, etc. The police are employed for the specific purpose of maintaining order and enforcing law, of doing so in accordance with legally prescribed regulations, under legally authorized command. To suggest, therefore, that policemen are entitled to put their heads together to decide when and where and how they should choose to obey or disobey, would imply that the police are the masters rather than the servants of the State.

It is all very well for ordinary trades-unionists to coquette with the police, and to abet them to become trades-unionists like themselves; or even to attempt so to paralyse them as to secure their abstention from duty when the State requires them to repress disorder even although trades-unionists are the disorderly offenders. But no true friend of the Police will advise them to be foolish enough to be led away by any such blandishments.

I cannot give you any stronger arguments than these. I hope the Minister of Labour will not allow this matter to be decided by a board of conciliation. A matter of dispute between soldiers would be settled by a court-martial, not by a board of conciliation.

The remarks which I make are not intended to prevent men of other ranks of labour from organizing and organizing as thoroughly as possible. I do not want to prevent men of any rank from organizing and forming unions; but no policeman should take two different oaths of allegiance, one to a union and the other to the police organization. They may come in conflict. The oath of a policeman is to serve the public impartially, and to protect life and property.

With these remarks I leave the matter in the hands of the House. I hope that the discussion which has taken place will have its effect, and that we will hear no more of police bodies throughout the Dominion undertaking to form unions and become affiliated or identified with what are properly and rightly known as labour organizations. Under the present wording of the Act I am not sure whether the minister has the right to intervene in disputes of this nature. As I pointed out to the honourable leader of the Government last Friday night, the power of the minister is limited. The provision says that where in any industry a dispute arises, the minister shall have the power to form a board of conciliation within fifteen or thirty days to settle that dispute. In the absence of an application for a board, the minister may act of his own volition. That provision limits his power to an industry, and, as I pointed out on Friday, no one in his same senses will call a police force an industry. Another section of the Bill reads as follows:

Whenever, under this Act, an application is made in due form for the appointment of a Board of Conciliation and Investigation—

And such application does not relate to a dispute which is the subject of a reference under the provisions concerning railway disputes in the Conciliation and Labour Act, the minister, whose decision for such purposes shall be final,—

-shall, within fifteen days from the date at which the application is received, establish such Board under his hand and seal of office, is satisfied that the provisions of this Act apply.

That is a very wide provision, and I am asking myself, if it does not, by innuendo, by deduction, give the minister the right to interfere in matters such as I have been trying to lay before the If it does, it is the duty House. of this House to modify it, and to take from any Government, provincial or federal, the right to intervene between the superior officers of a police fonce and the men. Would the Parliament undertake to intervene between a soldier and a superior officer? They would not dream of it. They should bear in mind once and for all that the police force is maintained for security and for the defence of life and property.

Hon. Sir JAMES LOUGHEED: I think my honourable friend is needlessly apprehensive in regard to the provisions of the Bill now before us for consideration. I venture to say-although, perhaps, I have not studied the matter in all its phases-that the Industrial Disputes Act would not apply to such conditions as he has pointed out. In reference to the so-called intervention of the minister in this particular dispute, I took the liberty of speaking to him on the subject, and the impression that he left upon my mind was that he in no way intervened officially. He may have tendered his friendly offices in the event of an adjustment being desired, but it was never intended to put into operation the compulsory provisions of the Industrial Disputes Act in regard to a municipality. Furthermore, in my judgment, the Act would not extend to a dispute of this nature. It might extend to men employed on a public utility

owned by a municipality, but not under the conditions mentioned by my honourable friend.

Hon. Mr. CLORAN: I am quite willing to accept the statement of my honourable friend as furnished him by the Minister of Labour; but I have not spoken without having gone to the source for informationthe Mayor and Chief of Police. I was unable to see Judge McTavish. It is clear. not only that there was intervention, but that the minister signed an application of the twenty or twenty-five men who are still out for a board of conciliation. If that is not intervention, I do not know what is. And I may inform the House that the Ottawa Police Board are not at all pleased. and that they are considering whether they should answer it or not. I have no interest in the matter, but I do not like to see this element introduced into bodies which are formed for the protection of our lives and property.

As I said before, no man will stand up for unions or labour organizations more strongly than I will. As a matter of fact. thirty years ago I drafted the constitution for the Montreal Trade and Labour Council. which is one of the oldest in Canada, and, perhaps, one of the oldest in America. I did this under the advice of Powderly, a man who was then as great, if not greater, than Gompers is to-day. He controlled millions of men throughout the United States and Canada at a time when there was very little organization. I am the friend of these men and want to keep them out of trouble. If there is a dispute, and men are turned out, and there is any kind of a row or disturbance, I want to have them perfectly free, not bound up. I have no objection to the oath of allegiance to the union, which the men take, but when there is a difference between the union and the State, the State should command always. That is all I am asking for.

Hon. Mr. POIRIER: I was glad to hear the information given by the leader of the Government in this House. I also viewed this Bill with alarm. Holding somewhat the same views as my honourable friend from Victoria (Hon. Mr. Cloran), I would deprecate the interference of Parliament between officers and soldiers in the army, or between the chief police magistrate and the men of the police force. I have always been sympathetic to labour unions, provided that the men did not go to extremes and ask what was unreasonable; but the army SENATE

and the police are entirely different organizations. With them rests our security in times when the safety of the individual is at stake, and if soldiers or police officers knew that they were protected by some body outside of the army or the municipal authorities at crucial times, they might resort to strikes or lockouts and make things not only disagreeable, but dangerous. If there were a rebellion, or a mob just about to mobilize, we do not know what might happen. Suppose, for example, the men of the police force were to take sides with citizens refusing to enlist, serious complications might result. I believe that the police and military authorities should be left to govern themselves. I am glad to have heard the explanation of the leader of the Government: otherwise I should have made some further remarks which I will abstain from making.

Hon. Mr. POWER: I cordially endorse the sentiments expressed by the honourable gentleman from Shediac (Hon. Mr. Poirier) and the honourable gentleman from Victoria (Hon. Mr. Cloran). If the minister or other outside person is allowed to intervene between the members of the police force and the municipal authorities who govern that force in such a case as · the one which has been discussed by the honourable gentleman from Victoria, it seems to me that there will be an end to all discipline; and it is essential, in the interests not only of our property but of our lives, that the police force shall be absolutely reliable, and feel, as the servants of the public, that they are under no obligations to anybody but the public.

We did not discuss this Bill in commutee; but I should like to call the attention of the leader of the Government to one or two points in it which I think are deserving of consideration. Subsection 1 of section 2 reads as follows:

Whenever, under this Act, an application is made in due form for the appointment of a Board of Conciliation and Investigation, the Minister shall, within fifteen days from the date at which the application is received, establish such Board under his hand and seal of office, if satisfied that the provisions of this Act apply.

In the case under consideration, it appears that the suggestion for a board came from the minister. That, I think, is putting the cart before the horse. When one of the parties to the dispute asks for a board I think it is time enough for the minister to consider the propriety of granting it. In this case it seems to me that Hon, Mr. POIRIER.

the minister has departed altogether from the proper attitude of a gentleman in his position. Now, these words, "if satisfied that the provisions of this Act shall apply," might be looked upon as a proper safeguard-that is, if the minister looked at the law as he should; but if a minister comes forward and suggests to the parties that there shall be a board, if it is only he who has to be satisfied that the provisions of the Act apply, then we are in a very awkward position. I direct the attention of the leader of the House to that point. I do not suppose it will have any material effect, but I think it is my duty to do so.

Then, I direct attention to the last section of this Bill, which says:

The minister, where he deems it expedient, may, either upon or without any application in that behalf, make or cause to be made any inquiries he thinks fit regarding industrial matters, and may cause such steps to be taken by his department and the officers thereof as seem calculated to secure industrial peace and to promote conditions favourable to settlement of disputes.

It says "the minister," not the Governor in Council; it is just the minister, and we will say the present minister. It seems to me that there are certain words in that paragraph that should not be there. I think the paragraph would be harmless, or nearly so, if it read in this way

The minister, where he deems it expedient, may upon an application in that behalf,---

It should not be "either upon or without an application," because under such circumstances the minister can order an inquiry without any application from anybody; and that apparently is what the minister of the present day is disposed to do in the Ottawa case.

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

NAVAL DISCIPLINE BILL.

THIRD READING.

Bill 49, an Act respecting the Naval Discipline (Dominion Naval Forces) Act, 1911. —Hon. Sir James Lougheed.

GOVERNMENT EMPLOYEES COMPEN-SATION BILL.

THIRD READING.

Bill 51, an Act to provide Compensation where Employees of His Majesty are killed or suffer injuries while performing their duties.—Hon. Sir James Lougheed.

RAILWAY BELT ACT AMENDMENT BILL.

THIRD READING.

Bill 54, an Act to amend the Railway Belt Act.—Hon. Sir James Lougheed.

PUBLIC WORKS ACT AMENDMENT BILL

THIRD READING.

Bill 40, an Act to amend the Public Works Act.—Hon. Mr. Robertson.

CRIMINAL CODE AMENDMENT BILL. THIRD READING.

Bill B, an Act to amend the Criminal Code so as to provide for the revision of excessive or inadequate punishments.—Hon. Mr. McMeans.

DEPARTMENT OF RAILWAYS AND CANALS ACT AMENDMENT BILL.

THIRD READING.

Bill 42, an Act to amend the Department of Railways and Canals Act.—Hon. Sir James Lougheed.

WAR APPROPRIATION BILL.

SECOND READING.

Hon. Sir JAMES LOUGHEED moved the second reading of Bill 38, an Act for granting to His Majesty aid for Military and Naval Defence.

He said: The enormous sum which is proposed to be voted, and which has been voted by the House of Commons, scarcely permits of anything being said upon the subject except that this amount is required for the fiscal year upon which we have entered. The estimated expenditures for the year will amount to about \$518,000,000.

Hon. Mr. BOSTOCK: That is for the past year?

Hon. Sir JAMES LOUGHEED: No, for the present. The Bill which we are now considering is for the year 1918-19. It is anticipated, though, that the actual expenditure, when made, may possibly come within the five hundred million dollars The estimates of the Militia mentioned. Department represent about \$217,887,500, while the Overseas Forces estimate will reach \$255,162,500. In addition, there will be the estimates of the various departments of the Government in connection with which war expenditures will be incurred, making up the balance. The Government is very desirous of securing the passage of this Bill, at the latest to-morrow, so that the assent of His Excellency the Governor

General may be given to it, on account of the moneys which were voted during the last fiscal year having been exhausted. As honourable gentlemen will observe, we have entered upon the first month of the new fiscal year. It is thus rendered necessary that at the end of this month of April we should have supplies voted to permit us to meet whatever obligations may become payable, say to-morrow or the day after. It would be only a loss of time, and would be entirely superfluous for me to enter upon any explanation as to the expenditures to be made. Suffice it to say that we have entered upon this war. We entered upon it in 1914, and, unfortunately, the struggle which is convulsing the whole world seems to be at its height and may possibly continue for some time longer.

It may be of interest to honourable gentlemen to know what we have already voted in connection with the war. In 1914 we voted \$50,000,000; in 1915, \$100,000,000; in 1916, \$250,000,000, and in the Supply Bill of 1916-17, \$50,000,000; making \$300,000,000voted for 1916-17. There was voted on February 17, 1917, \$500,000,000. Thus, down to the end of the fiscal year we have voted in all \$950,000,000.

Hon. HEWITT BOSTOCK: Honourable gentlemen, it is difficult to criticize in any way the expenditure of the enormous sums that we are dealing with at the present time, because of the difficulty of going into any question of the details of the expenditures. A great deal of this money is expended on the other side of the Atlantic, and it is not easy to get the necessary information. We all realize that the Government are doing the best they can in a very difficult situation. The enormous sums of money that we are called upon to vote, owing to the expenditure on the war, are such as a few years ago we would not have believed it was possible for a country with the population of Canada to raise or to finance in any shape or form.

The desire of all at the present time is to do all that is possible to assist in the prosecution of this war; but there are certain matters on which, if we were going into committee on this Bill, we might ask my honourable friend for information. Commissions have been appointed in connection with the war, and expenditures have been incurred, on which we have not had, in this House at any rate, very much information, and on which, I think, we should, either on this or on some future occasion, receive a certain amount of information from the SENATE .

Government. One commission I would refer to is. I think, what is known as the War Commission or War Mission, at the head of which is a gentleman named Mr. Lloyd Harris. That mission, I understand, has been appointed for the purpose of dealing with matters in Washington. The gentlemen appointed to it are there representing the Government, but in exactly what capacity I have not so far been able to learn, and I am not aware that any statement has been placed before the country showing exactly what these gentlemen are doing at Washington-whether they are attached in some way to the British embassy while representing the interests of Canada, or whether this is a mission appointed independently and sent down there by the Government to look after certain interests entirely apart from the British embassy. Nor have we been told what was the real necessity for appointing a mission of that kind. I have always understood that in matters concerning the interests of the Dominion of Canada at Washington, the members of the British embassy have always been ready to do all they could to assist any representatives of the Canadian Government who have gone there, whether they have been members of the Government or officials appointed by the Government to go to Washington for the purpose of obtaining information and to meet the members of the United States Government or any of their officials. Such being the case, and those men who are members or attachés of the British embassy being necessarily thoroughly posted in all the requirements of that service and in the work that has to be done, it occurred to me when I first heard of the appointment of this mission that it was rather duplicating work, and that possibly the men appointed to represent Canada had not had the education and training necessary to enable them to perform the duties as well as they could be performed by those whom they were possibly displacing. That is one of the missions about which, I think, we should have some information in connection with this war expenditure.

Then there was appointed a short time ago, I understand, another committee or bureau which is under a Director of Public Information, and as to which so far we have not had much explanation in this House. This Director of Public Information has, I understand, an office and a certain number of clerks, and I presume that he is incurring a certain amount of expenditure. It is of course made in the public

Hon. Mr. BOSTOCK.

interest, but I think we should have some information as to just why this expenditure is being incurred. I have not myself, so far as I am aware, seen any of the papers or any information issued from this particular office. Possibly my honourable friend (Hon. Sir James Lougheed) could give us some information as to just what the duties of this Director of Public Information are, and what good object he is supposed to be able to serve in the country. We have in the past been accustomed to look to our newspapers to give us what information they could and what they were allowed by the censor to give. At the present time, it is of course necessary, in the interest of the country, to exercise a strict censorship over all the news published throughout the country, and that censorship is in the control of the Government. I presume that not only have the censors control of what the newspapers may publish, but at the same time they might place them in a position to give certain information to the people if they thought it in the interest of the country, so that the people might be kept posted as to what is going on in Europe and also in Canada. However, not having any information as to what is the actual work of this gentleman termed the Director of Public Information, it is difficult to say whether the expenditure incurred by the Government through this office is one that is justified.

I think my honourable friend (Hon. Sir James Lougheed) himself realizes that it is the duty of all members of both branches of Parliament to watch very carefully the expenditure of the enormous amount of money that we are called upon to vote for the purpose of carrying on the war, in order to see that it is properly expended and that no unnecessary waste or extravagance occurs in the spending of it. This session already we have been called upon to vote a large sum of money for the purposes of the work of the Railway Department. To the \$500,000,000 provided for in this Bill we have to add the \$50,000,-000 voted a few days ago for the railways, and the \$4,500,000 voted to the Railway Department to increase their stores account. Then we have the estimates as at present brought down to the House, which provide for an expenditure authorized by statute of \$95,100,000, and the total estimates to be voted, \$157,692,000; making a total of some \$807,000,000. That is an enormous amount of money for a country with the population that we have to be voting. I say again that we should watch very carefully all the expenditure that is being made by the

Government, and should point out any expenditure that we think extravagant or unnecessary. I am sorry therefore that we shall not have an opportunity of discussing this Bill in Committee, as we might get some further information from the leader of the Government in regard to some of these matters.

I would like to point out to the leader of the Government that we have been considering the position of the Senate with regard to Money Bills; and, although, at the present time, owing to conditions in the country, and to the fact that every one is more concerned with the carrying on of the war than with anything else, we do not want to make any trouble for the Government in this matter, I think we ought to enter a protest, maintaining our right to consider these Bills in Committee.

Hon. Sir JAMES LOUGHEED: I am not disputing that.

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

ORGANIZATION OF EMPLOYMENT OFFICES BILL.

SECOND READING.

Hon. sir JAMES LOUGHEED moved the second reading of Bill'57, an Act to Aid and Encourage the organisation and co-ordination of Employment Offices.

He said: Honourable gentlemen, this Bill, as its title indicates, is to aid and encourage the organization and co-ordination of employment offices. It is almost unnecessary to point out that the irresponsible employment bureaus that have been scattered throughout the length and breadth of Canada, and that have been operating for many years, entirely irrespective of Federal, provincial, or municipal control, have been very mischievous, and calculated very much to injure not only the cause of labour but the cause of capital. Hundreds of these offices have existed upon the credulity of labouring men who sought employment, and who, in the hope of securing employment, have repaired thereto, paying a fee for the purpose of securing such employment, and who, time and again, have found themselves deceived thereby. Of late years that condition has been somewhat remedied by the intervention of municipal bureaus and provincial bureaus. I think some five or six of the provinces in Canada have established provincial labour bureaus, and have taken the question exclusively within their own authority to license organizations of this kind. I understand that most of the

provinces carry on this class of public service entirely as provincial institutions. It is therefore very desirable that there should be a co-ordination of employment offices throughout the whole of Canada, and it is the purpose of the Government to establish what may be termed a clearing house in Ottawa, within which will be found all the available information from the different provinces of Canada, as to the state of the labour market and as to where employment can be most easily obtained, so as to permit of a readjustment of labour conditions in the event of there being a surplus of labour in one province and a dearth of it in another.

It is proposed that a sufficient amount of money shall be expended by the Dominion Government to encourage the establishment by the provinces of labour bureaus along the lines which I have indicated. The Bill therefore provides that there shall be paid to each province, say 50 per cent of the expenditure made by that province in carrying out its provincial labour bureau. There will be an organization established in Ottawa, which will be in touch with all these organizations throughout the Dominion. I think honourable gentlemen will at once appreciate the advantage of an elaborate organization of this kind for remedying the many difficulties which present themselves season after season in connection with industrial life in Canada

Hon. Mr. DANIEL: Will this do away with private employment offices?

Hon. Sir JAMES LOUGHEED: Yes. I understand that private employment offices are now practically abolished in all the provinces where such legislation obtains.

Hon. Mr. BOSTOCK: I think this is a move in the right direction, and one that. it would have been in the interests of the country to have made sooner. This arrangement should assist the distribution of labour throughout the country to those places where it is most required. It seems rather curious that in this Bill no definite sum is fixed to be paid to the various provinces. By section 6 the payments authorized are made conditional upon an agreement being made between the minister and the Government of the province. Suppose a hitch were to occur between the two, there would be no payment to that province, I presume. In addition, it might happen that out of this sum of \$50,-000 there would not be very much to go to

each of the nine provinces. Of course, the amount increases from 'year to year. My honourable friend did not tell us what was the basis used in arriving at the conclusion that \$50,000 would be sufficient for this year. Section 4 of the Bill says:

For the purposes of such organization and co-ordination, and subject to the conditions set forth in section 7, the following sums shall be appropriated and paid out of the Consolidated Revenue Fund of Canada during each fiscal year beginning with the fiscal year beginning the first day of April, one thousand nine hun-dred and eighteen, namely;—

During the fiscal year beginning the first day

of April one thousand nine hundred and eighteen, the sum of fifty thousand dollars; During the fiscal year beginning the first day of April, one thousand nine hundred and nineteen, the sum of \$100,000.

I presume that there was some method of arriving at that sum; but my honourable friend has not given us any information as to what it was. Possibly we may be able to obtain that information when we go into Committee. I understand that this Bill is along the line of legislation that has been passed in Great Britain and in New Zealand, where such labour bureaus have been in existence for a number of years and have proved of advantage to the country. It seems to me that the establishment of such bureaus would be of assistance in dealing with the question that we discussed the other day-soldier's civil re-establishment. At the present time there is no proper organization that any one can apply to for men who are capable of doing certain work or to find out what their work was before they joined the army. Committees have been formed, I think, but I have found that they were not well advertised through the country, and people have not known to whom to apply to get returned soldiers who were willing and able to do work, or to find out whether they would be available to go to certain places. I presume a lot of that kind of work will be done by these bureaus as soon as they are established.

The other sections of the Bill can probably be discussed a good deal better when we are in Committee.

Hon. Mr. NICHOLLS: Honourable gentlemen, I was very glad to see this Bill brought down, because it is a step in the right direction; but, after all, it is only a step. It looks to me like an endeavour on the part of the Government to shift its responsibility on to other shoulders by paying a very small amount to the provinces each year, thus relieving itself of the responsibility of mobilizing labour during wartime as a Federal measure. I assume that

Hon, Mr. BOSTOCK.

we shall have an opportunity of discussing this Bill in committee; but I may say now that I find no provision in the Bill for the maintenance of the clearing house to which the leader of the Government referred. As far as I can see, there is an amount of \$50,-000 to be voted, which will be distributed in the following manner:

The moneys appropriated for each year shall be allotted and paid to the Governments of the respective provinces in the proportion which their expenditure for the maintenance of employment offices bears to the total of the ex-penditures of all the provinces for such pur-DOSES.

There is no provision in that clause for the payment of the co-ordinating Federal branch at Ottawa, and, after all, if this measure is going to be of any great value, it is essential that there should be co-ordination.

I do not want to discuss this measure at any great length. It is a step in the right direction, but it looks to me very like camouflage; and, unless it is taken hold of, as I tried to point out last week, in a strong, earnest, and courageous manner, such legislation as this will have no effect.

Hon. Mr. POWER: I think the honourable gentleman who has just sat down has probably hit the bull's eye. This is really, I think, just a tub thrown to the whale. There is no question as to the desirability of having such an organization as is provided for here, or as should be provided for in this measure; but I do not think the measure is going to have very much effect.

Of course, the Bill can be discussed in committee; but there are one or two points to which it may be well to direct the attention of the Government before it reaches that stage. I call attention to section 5, which reads in this way:

The moneys appropriated for each year shall be allotted and paid to the Governments of the respective provinces in the proportion which their expenditure for the maintenance of employment offices bears to the total of the expenditures of all the provinces for such purposses, but in no case shall the allotment to any province exceed one-half the amount expended for the maintenance of employment offices by such province.

In addition to what my honourable friend from Toronto (Hon. Mr. Nicholls) has said, under that clause, as honourable gentlemen will see, no province can form any clear idea of how much is likely to be paid to that province under the operation of this Bill. Surely there is sufficient ingenuity in the Government to provide that a certain amount, which is to be decided in advance, shall be paid to each of the provinces, and

that the payment shall be made conditional upon the province doing a reasonable amount itself. Under this clause an extravagant province might use up nearly the whole of the \$50,000.

That brings one to the consideration of the very small amount that is being appropriated for the work. During the last few days we have passed without hesitation Bills creating three new departments which will involve an additional expenditure to the country of hundreds of thousands of dollars, and it seems rather a pity that the Government did not exhibit something of the same spirit of economy in dealing with those measures that it is showing in dealing with this. I think the country is more interested in this matter than it is in the question of immigration and colonization, especially at a time when we are getting almost no immigrants. Section '8 of the Bill says:

Such officers shall be appointed as are required for carrying out the provisions of this Act, and for such inspection, examination and report as are necessary to ensure the expenditure of the moneys paid in accordance with the intention of this Act and the agreements and regulations made under its authority. Such appointments shall be made under the provisions of the laws relating to the Civil Service, and the salaries and expenses of such officers shall be paid out of the moneys appropriated by Parliament for that purpose.

Now, I should like to know from the leader of the Government whether all those expenses are to be paid out of the \$50,000.

Hon. Sir JAMES LOUGHEED: The expenses of the central office.

Hon. Mr. POWER: Yes.

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Hon. Sir JAMES LOUGHEED: I cannot tell that to my honourable friend. This matter is largely, if not altogether, in a formative state, and the organization of the entire scheme will have to be brought about through conferences between the provincial Governments and this Government, and it will be some time before it will be definitely ascertained what the cost will be.

Hon. Mr. POWER: I gather, then, that those expenses are to be paid out of the \$50,000, and after the Government, which is so generous in the way of appointing officers, have got through with the work of appointing them and making provisions for inspection, examination and report, I do not think a great deal of money will go to the provinces for the alleged purposes of this Bill.

Hon. Mr. MURPHY: I feel very much like the honourable gentleman from Toronto (Hon. Mr. Nicholls) and the honourable gentleman from Halifax (Hon. Mr. Power). As was well said by the honourable gentleman from Toronto, there is no doubt that a Federal employment bureau and subsidiary branches is highly desirable in order to take this work out of the hands of the grafters who fleece the general public and labourers who are seeking employment; but to my mind the Bill is too general. It aims at something and lands with nothing. In the Maritime Provinces there is no such thing as employment bureaus, and in that case I do not see how the allotment is going to be made on the basis of the expenditure of the province for such bureaus. As was tersely said by the honourable gentleman from Toronto, the whole thing looks very much like a camouflage and a kind of residuum for some troublesome politicians who might get positions under the Bill and use up the whole of the \$50,000 before any of it would reach the provinces. Clause by clause the whole Bill seems imperfect. The amount of money is too small to do anything; it is hardly sufficient to pay for the keeping of the central bureau, the clearing house. For my part, I think that proper consultation should have been had with all the provinces before the Bill was brought down, and an allotment made either in proportion to population or by some other means, so that we would know something definite, and have something practical.

Hon. Mr. ROBERTSON: The custom largely prevailing throughout Canada is for municipalities or provinces, under their own laws, to license employment agencies, giving them certain rights in connection therewith. I think it is questionable whether the Federal Government has a right to abolish a license so granted; hence the proposition is that the Federal authorities shall cooperate with and assist the provinces in establishing a more desirable and systematic method of bringing together employers of labour and workers seeking employment. It is recognized, and was freely stated by gentlemen representing the different provinces who met at the Capital recently, that the present system of private employment agencies has in many instances worked to the disadvantage of both employers and employees, and that some other arrangement ought to be made. It was thought desirable, however, that the provincial governments should undertake to control employment bureaus within their own territory, and cooperate with the central clearing house to be established by the

Dominion Government under the control and guidance of the Minister of Labour, as indicated in section 3.

In order to encourage the several provinces in this laudable undertaking, the Federal Government proposes that financial assistance shall be given them, but only to the extent of an amount equal to that which the province itself is willing to expend upon the same undertaking. I think the basic principle of the Bill is wise. It provides for only a small expenditure during the first year; naturally so, because I think there are no provincial bureaus in existence outside of perhaps two provinces at the present time; and only to a limited extent in those two. Therefore, if the sum of \$100,000 is expended jointly by the provinces that are now-moving in that direction and the Federal Government-

Hon. Mr. BOSTOCK: \$50,000.

Hon. Mr. ROBERTSON: \$100,000-\$50,000 to be supplied by the provinces and \$50,000 by the Federal Government.

Hon. Mr. DANIEL: No, you are wrong.

Hon. Mr. ROBERTSON: It is suggested in section 4 that for the fiscal year beginning the first day of April, 1918, the sum of \$50,000 be voted by the Federal Government to assist the provinces in this work, provided that the provinces allot a similar amount; because the Federal Government shall not in any case pay more than onehalf of the amount that is expended for such employment offices.

Hon. Mr. DANIEL: One-half of the amount expended by each province, not an amount equal to what the province expends I understood the honourable gentleman to say that the Dominion Government would supply each province with an amount equal to what the province itself expends.

Hon. Mr. ROBERTSON: Yes.

Hon. Mr. DANIEL: That is not the case. Clause 5, at its close, reads thus:

but in no case shall the allotment to any province exceed one half the amount expended for the maintenance of employment offices by such province.

Hon., Mr. ROBERTSON: The Federal Government proposes to pay the money to the province, and the province expends it, with an equal amount from itself, so that my honourable friend from St. John will see that one-half means the same amount as the province would expend from its own treasury.

Hon. Mr. ROBERTSON.

Hon. Mr. DANIEL: It must have been a lawyer who drew this up so that we could not understand it.

Hon. Mr. NICHOLLS: I would ask the honourable gentleman where the payment by the Ontario Government of its proportion is provided for.

Hon. Mr. ROBERTSON: Section 3 authorizes and empowers the Minister of Labour, and I presume it would be paid out of the appropriations for his department.

Hon. W. B. ROSS: If section 5 means anything it means that if the province of Ontario spends \$30,000, all it can get out of this fund will be \$15,000.

Hon. Mr. ROBERTSON: That is right.

Hon. W. B. ROSS: Therefore, you would not spend the whole \$50,000 unless the provinces spent \$100,000.

Hon. Mr. ROBERTSON: But \$50,000 of what they would spend would be the money contributed by the Dominion.

Hon. Mr. DANIEL: It does not say that.

Hon. Sir JAMES LOUGHEED: They would have to spend \$50,000 if we spent \$50,000.

Hon. W. B. ROSS: The language is ambiguous and it ought to be cleared up. I contend, putting it in another way, that if the provinces spend \$100,000 on employment bureaus, they say: "You give us \$50,000 and we will put that in our treasury, and that leaves us with \$50,000 paid out of our own."

Hon. Sir JAMES LOUGHEED: Yes, it is fifty-fifty.

Hon. Mr. ROBERTSON: May I point out that section 5 provides: "the moneys appropriated for each year shall be allotted and paid to the governments of the respective provinces," and that the amount that the Dominion shall contribute, as the last two lines indicate, would not exceed one-half of the amount expended by such provinces. Therefore, it means that half of the expenditure made by the provinces would be paid by the Dominion.

Hon. W. B. ROSS: It will stand that construction, but it will stand another one also.

Hon. Mr. NICHOLLS: May I ask the honourable member from Welland if this is the sum total of the efforts of the Federal Government towards the mobilization of labour during war-time?

Hon. Mr. ROBERTSON: Not by any means. The Federal Government is preparing, as I think honourable gentlemen are aware, to take an inventory of all our available man-power in Canada, and our expenditure will necessarily cover a considerable amount in obtaining that information, which it is anticipated will very materially assist the work of the provincial bureaus when established, and will also be available to the central clearing house referred to in section 3. Therefore, the appropriation of the sum of \$50,000 does not by any means represent the total money expenditure and the effort of the Federal Government in attempting to assist in the mobilization of the labour energies of Canada.

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

INDIAN ACT AMENDMENT BILL.

SECOND READING.

Hon. Sir JAMES LOUGHEED moved the second reading of Bill 64, an Act to amend the Indian Act.

He said: The provisions of this Bill have largely to do with the domestic regulation of the Indians, on their reserves and elsewhere, by the Government of Canada. It is not necessary for me to say that the Indian is the ward of the Government, and consequently the administration of Indian affairs has to be carefully guarded by the Government, involving matters of detail such as are set out in this Bill. The Government of Canada has been peculiarly fortunate in its dealings with the Indians of Canada, and has always exercised a conciliatory influence over them, and administered their affairs with all the care and protection of a guardian. This Bill deals with the testamentary devises of Indians; makes provision as to the release or surrender of lands in transactions affecting Indian reserves; and makes further provision as to the enfranchisement of our Indians. It is very gratifying to be able to point out that, owing to the educational institutions which have been established throughout Canada on the Indian reserves for the benefit of the Indian, he has reached a state of intelligence and civilization where it is desirable to extend the franchise to him. Of course, we have been doing that for some years past; but it is being enlarged to some extent, and the Bill embodies provisions to assist him in that direction. There are also clauses in the Bill placing in the hands of the Government wider powers

in the way of administering Indian affairs, so that in matters in which the Indians may not deliberately choose to have the Government intervene, if it is in the moral or social interest of the Indians, the Government will have power to enter on the reserves and carry out certain reforms which obviously will be desirable. I therefore move the second reading of the Bill.

Hon. Mr. BOSTOCK: My honourable friend the leader of the Government has dealt with the question of the enfranchisement of the Indians. Is this question one that was discussed with the provincial premiers when they were here in Ottawa on the occasion of their last conference with the Government? I have not personally heard anything of a desire on the part of the provinces in that direction. I think there is a special provision in the British Columbia Franchise Act excluding Indians from the exercise of the franchise. If the policy outlined in this Bill is to be carried out, some cooperative action on the part of the provinces is necessary. I am not at present aware whether legislation such as that in British Columbia exists in other provinces, but I presume the Federal Government has discussed this question with the provincial governments before dealing with it in this way. I understand that clause 4 of this Bill enables the Government to direct the expenditure of the capital of the band, and to lease lands in reserves if the band or the individual neglects cultivation. I presume that power is taken for the purpose of increasing production, but I suppose that the Indians will have to be consulted before they agree to have their lands leased to white men who are to live on the reservation; otherwise there might be considerable objection.

In British Columbia I think the Indians themselves would do a great deal more to increase production on their reserves if they were properly encouraged, but unfortunately the Indians in my province have not received such encouragement. I think one of the troubles has been that the Indian agents have not been farmers, or men capable of giving the Indians the necessary instruction to improve their farming work and show them how they could improve the land and other work on their reserves. In a great many cases the Indians, if they received the necessary encouragement and instruction, would be very good farmers. I know of one or two exceptional cases. One Indian especially has proved himself to be a very progressive man. He leased, I think from the other

S--23

REVISED EDITION

members of his band, a large portion of a reserve, with the result that he has an extensive herd of cattle and quite a large band of horses. He has gone in for pure-bred stock, and is improving the quality of both his cattle and his horses up to a standard that is well known all through the province, with the result that this particular Indian has put himself in a very strong financial position. The same thing, I, think, might be done with a number of Indians on other reserves. But of course there is one difficulty about it. In certain parts of the province the necessity of irrigating the land on the reserves requires a large expenditure, and unfortunately in years gone by an insufficient quantity of water immediately available has been recorded in connection with some of these reserves; and if a further supply of water is to be obtained for the purpose of irrigating the land and thereby making it more productive, a considerable expenditure of money on the part of the Government will be required. I draw the attention of the House to that matter because such an undertaking is one for which the Indians themselves are not competent. It requires engineering and considerable experience to skill manage successfully the problem of putting water on the reserve. But the Indians would, no doubt, be quite prepared to supply the labour necessary for building ditches and flumes if they received encouragement, and I hope that in this matter the Indians will receive the first consideration at the hands of the Government before any of their reserves are leased to white men, so that the Indians may not be placed in the position of having no land to cultivate.

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

FISHERIES ACT AMENDMENT BILL. SECOND READING.

Hon. Sir JAMES LOUGHEED moved the second reading of Bill 63, an Act to amend the Fisheries Act, 1914.

He said: Honourable gentlemen, this is very largely a matter of departmental regulation. It deals particularly with the protection of salmon in British Columbia waters and the licensing of fishermen in boats. Probably one of the more important features of the Bill is the prohibition which is being placed upon fishermen from fishing outside of territorial waters when the catching of fish is forbidden in those waters. This provision is not intended to come into operation until a like provision

Hon. Mr. BOSTOCK.

is adopted by the Government of the United States. These are the chief provisions in the Bill.

Hon. Mr. BOSTOCK: This Bill, as my honourable friend has said, deals in section 3 with the question of fishing in British Columbia. I do not undersand why this clause is introduced. Up to the present time the fishermen in British Columbia have had a license for fishing on the coast, a certain number of licenses having been supplied to the canneries and others to individual fishermen. That, as I understand, is the policy which has been followed in years gone by, and I believe it is also the policy in force at the present time: The honourable gentleman from Westminster (Hon. J. D. Taylor), whom I do not see in the House, probably has better information about this matter than I have. But under section 3 of the Bill some new form of license seems to be provided. I do not know whether or not the Government has found that there is some objection to allowing persons to go out and fish for salmon in the waters of British Columbia and sell their fish afterwards. It would seem that section 3 is aimed at prohibiting that.

Hon. Sir JAMES LOUGHEED: It aims at an abuse very largely indulged in by the Indians. They sell their fish to unlicensed boatmen, who sell them to the canners, and so on.

Hon. Mr. BOSTOCK: But I have always understood that the Indians are licensed just the same as the other fishermen.

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. BOSTOCK: There have been Indians and Japanese and white men carrying on the fishing at the mouth of the Fraser river.

Hon. Sir JAMES LOUGHEED: I refer particularly to fishing in the closed season.

Hon. Mr. BOSTOCK: It is not contemplated making any alteration in the fishing regulations to allow persons to catch fish out of season?

Hon. Sir JAMES LOUGHEED: No. This section particularly affects those boatmen who may not have a license and who may buy fish that have been illegally caught.

Hon. Mr. BOSTOCK: I was trying to point out that, as I understand, all persons engaged in fishing have heretofore had a license—either a cannery license, owned by

the cannery itself, or an individual license, owned by the man owning the boat; and, therefore, I do not see who else is going to be brought under this regulation and required to take out licenses under this clause. To me it is rather confusing, but possibly my honourable friend (Hon. Sir James Lougheed) will be able to explain more about it when we go into committee.

Section 2 of this Bill repeals certain sections of the Fisheries Act of 1914. On looking at those sections it seems to me that the Government are going to do away with all the clauses of the Fisheries Act of 1914 that deal with the labelling of lobsters. The policy of the department in that matter is apparently to be changed. Those who are engaged in lobster fishing and have been putting up lobsters in cans are now to be allowed to do that without labelling or marking the cans in any way—unless the Government have adopted other regulations which are not shown in this Bill.

Hon. Sir JAMES LOUGHEED: I cannot say anything about that; but when we go into committee I will have some one from the department here.

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

GOLD AND SILVER MARKING BILL.

CONSIDERED IN COMMITTEE AND REPORTED.

On motion of Hon. Sir James Lougheed, the Senate went into Committee on Bill 50, an Act to amend the Gold and Silver Marking Act, 1913. Hon. Mr. Gordon inthe Chair.

On section 1—assay office certificates prima facie evidence of ingredients, etc., in article:

Hon. Mr. BOSTOCK: I presume that the Government have appointed officials for the purpose of enforcing the regulations under the Act. An Act was passed some years ago, and I think another Act was passed in 1913 repealing the original one. The Act of 1913 is practically the one under which we are working at the present time. Can my honourable friend give us any information as to how the Act of 1913 has worked out? What prosecutions have been made under it?

Hon. Sir JAMES LOUGHEED: I cannot tell that to my honourable friend; but this is not necessarily an amendment for the purpose of assisting in or dealing with prosecutions. It is purely a matter of estab-

S-231

lishing what shall be receivable in evidence. Let us assume for the moment that a trial is being held in which the Government is in no sense interested. The matter at issue may be an assay of a particular mineral. The question is, what constitutes evidence under the Canada Evidence Act? By the legislation now on the statute-book we have made receivable in evidence the official certificate of the Ottawa branch of the Royal Mint, but not a similar certificate from any branch of that Mint outside of Ottawa.

Hon. Mr. BOSTOCK: There is no branch of the Mint outside of Ottawa. There is an assay office, but it is under the Mines Department, not under the Mint.

Hon. Sir JAMES LOUGHEED: Well, it is a Dominion Government assay office.

Hon. Mr. BOSTOCK: Yes, under the Mines Department.

Hon. Sir JAMES LOUGHEED: It is very much the same thing so far as the assay is concerned. The Ottawa branch of the Royal Mint, or the Dominion Government assay office, may issue an official certificate as to the contents of any particular mineral, and the certificate of that assay, which may be made by either office, will be receivable in evidence. It is a purely formal question of what shall be receivable in evidence in the trial of any case before a court of competent jurisdiction.

Hon. Mr. NICHOLLS: Does not this provide for procedure similar to that which obtains in Great Britain, where what is called the Hall-mark on an article is official and is good evidence in any court? As far as I know, we have at the present time no Hall-mark or no procedure which would apply in determining the value of any article sold as of a certain value, except the assay made of the article when the dispute arose.

Hon. Mr BOSTOCK: My honourable friend apparently is not aware of the Act of 1913, which provided all those marks.

Hon. Sir JAMES LOUGHEED: The Gold and Silver Marking Act.

Hon. Mr. BOSTOCK: Yes; and that is the Act we are amending at the present time. That Act provided that in this country nothing less than 9 karats should be allowed to be marked as gold. Section 8 of the Act deals with the question of the marking of gold. The first subsection deals

with the marks, and the third subsection says:

There shall not be applied to a gold article any mark indicating or purporting to indicate the gold in the article to be of less than nine karats in fineness.

As I understand it, the Bill we are dealing with is for the purpose of providing a certificate that can be produced in court to show whether the gold is of that value or not.

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. BOSTOCK: And it is for the purpose of helping the work of the inspector under this Act. When he is out at the coast, if he doubts the mark placed on any gold or silver by the companies or persons doing business in gold or silver, he can take it to the assay office and get it examined and tested there, instead of sending it all the way down to the Mint at Ottawa.

Hon. Sir JAMES LOUGHEED: That is the object.

Hon. Mr. BOSTOCK: Of course, as my honourable friend from Toronto (Hon. Mr. Nicholls) has said, the difference between this country and England is that, as I understand, the Government in England get all such work done by what is called the Gold and Silver Smiths Company. They undertake the work on behalf of the Government and put on the Hall-mark.

Hon. Mr. NICHOLS: That is true, but as far as my knowledge goes, no mark put on by anybody else is considered as satisfactory evidence, and it is compulsory when any gold or silver marking is put on that it shall be done by the goldsmith company or the representatives of the Government.

Hon. Mr. BOSTOCK: Yes, but in this country we have adopted a different practice apparently. The principle in this country apparently is that the silversmiths and goldsmiths are allowed to put on a mark, and then the Government have an inspector, or more than one inspector-I do not know how many-who go around inspecting the gold and silver. If the inspector is suspicious that the mark is not correct, he can take the article to the assay office or to the Mint and have it tested, and he should prosecute if he finds that the marking is false. I asked my honourable friend (Hon. Sir James Lougheed) if he had any information as to prosecutions that had been made in that wav?

Hon. Mr. BOSTOCK.

Hon. Sir JAMES LOUGHEED: Not as to the number. I understand that prosecutions are made from time to time in the enforcement of the Act.

Section I was agreed to.

The preamble and title were agreed to.

The Bill was reported without amendment.

INSPECTION AND SALE ACT AMENDMENT BILL.

FIRST READING.

Bill 20, an Act to amend the Inspection and Sale Act (Hay and Straw Inspection). --Hon. Sir James Lougheed.

COMPANIES ACT AMENDMENT BILL.

FIRST READING.

Bill 65, an Act to amend the Companies Act.—Hon. Sir James Lougheed.

PRIVATE BILL.

SECOND READING.

Bill E, an Act respecting the Fire Insurance Company of Canada.—Hon. Mr. Dandurand.

At six o'clock the Senate took recess.

The Senate resumed at eight o'clock.

WOMEN'S ELECTORAL FRANCHISE BILL.

SECOND READING.

Hon. Sir JAMES LOUGHEED moved the second reading of Bill 3, an Act to confer the Electoral Franchise upon Women.

He said: The object of this Bill is to confer the electoral franchise upon women. It purposes amending the Dominion Elections Act, thus placing women upon an equality with men in the exercise of the franchise. There is not much difficulty in applying the provisions of the Bill to those who are born British subjects. Very naturally, owing to the large foreign population living in Canada, it has become necessary to work out rather elaborate provisions and restrictions as to the exercise of the franchise by women who are foreigners either through birth, marriage or otherwise. We have on the statute-book at the present time two Acts which have to do with the Bill before us, namely, the Dominion Elections Act and the War-time Elections Act. As honourable gentlemen know, the latter Act was passed last session, and automatically ceases to remain in force or opera-

tion after the demobilization of our troops takes place. Upon that time being reached -I hope it will not be far distant-we will have to deal only with the Dominion Elections Act, of which this proposed Act will practically be a part. It seems to me that every condition has been fairly safeguarded in this Bill, so as to prevent the exercise of the franchise by foreigners who possibly might be alien enemies. This condition could not arise while the War-time Elections Act remains in force. The restrictions embodied in that Act would necessarily become incorporated in this Act. and that Act would be broadened to the extent to which provision is made in this Act, that is to say, the new class of voters to whom the franchise has been or under this Act will be extended, could exercise their franchise under the War-time Elections Act. The restrictions of that Act as to naturalized subjects usqualified from voting would automatically come into operation under that Act. Hence we have to consider what the application of this Act will be to the Dominion Elections Act rather than to the War-time Elections Act. It seems to me that the situation is so safeguarded under the War-time Elections Act as to remove from our minds all apprehension as to the broadening of the franchise, as provided for in this Bill. Consequently the attention of honourable gentlemen will possibly be directed to furnishing those safeguards which are so necessary, particularly at the present time and for some years to follow, to prevent the exercise of the franchise by any class of foreigners who would not be in sympathy with British institutions. In drafting this Bill the Government felt that they had fully protected the situation which I have just pointed out. We cannot be too cautious in safeguarding the exercise of the franchise in Canada so that we may be assured it will be exercised only by those who. are loyal to our institutions.

I need scarcely say that there has always been more or less prejudice on the part of a very large section of the community towards extending the franchise to women. We sometimes dignify our prejudices by terming them opinions; but, after all, most of the opinions which we form on general subjects are really the result of prejudice or sympathy, as the case may be. We arrive at conclusions or opinions on nearly every great subject in consequence of our environment, or the associations which exercise more or less influence upon our minds, and we are ever slow to acknowledge that our conclusions are the result of sympathy or prejudice.

It must be conceded that, entirely irrespective of analyzing the subject in its many phases, a large section of the public have a predisposed judgment upon this subject. It may be conceded that the Government has been somewhat premature in introducing this measure. I need not point out that the question of according to women equality with men in the exercise of the franchise has largely if not altogether passed the academic stage. It is no longer a theory; it is a matter of practical politics. It has been long introduced into the state. In no less than forty countries or states in Europe and in America the franchise has been extended to women, more largely in Anglo-Saxon countries than in any other. This franchise has been granted in some twelve or fifteen states of the American union and in many of the states of Europe; and all the evidence is that ere long the exercise of the franchise by women will be as universal as that by men.

Very strange it is to us, when we come to consider it, that for centuries, woman has been asserting her right to recognition by the state. We need not go back to those centuriesthey are not many-when women were recognized simply as chattels, where they had no legal existence separate from that of the husband. But by-and-by woman got into the common law and was given recognition before the different courts of the realm. By-and-by she got into the statute law and eventually became recognized as a "feme sole" and became entitled to hold property in her own right and to exercise the right of contract. It is almost within the recollection of most of us when many statutory reforms took place, enlarging the sphere of woman in the state and acknowledging her right to hold property separate and apart from her husband, to enter into contracts, and to be liable for her financial responsibilities just the same as men.

Growing out of that evolution there was gradually reached the stage when women as holders of property became taxpayers. Local municipalities in course of time taxed women for different purposes the same as men. In due course successively they were given representation in local councils, they qualified themselves to sit on council boards, and the subordinate states of the country gave them more or less recognition. As I have already said, we find some twelve or fifteen states of the American

union according them the franchise. In the Dominion of Canada I think five of the provinces have granted the franchise to women and placed them upon an equality with men. In fact, in my own province two members of the legislature are women, and in the province of British Columbia there is a female member of the legislature.

Thus it cannot be said, honourable gentlemen, that the Dominion of Canada, in extending the franchise to women by this Bill, is adopting anything unique, or is premature, or shows any disposition to pioneer this very important question. We are simply following in the wake of the provinces. It seems to me that the Federal Government is not doing more than we are practically compelled to do; for it must become quite obvious to honourable gentlemen that it would be very inconsistent to extend the Dominion franchise to women in certain of the provinces of Canada, as we · are bound to do in those provinces where they exercise the franchise, and to withhold that franchise in the other provinces of the Dominion. It goes without saying that there should necessarily be uniformity on this very important subject.

Entirely apart from the statements which I have already made as to other states granting to women the franchise, let us for a moment view the situation as to her fitness to exercise the franchise. All the learned professions to-day are open to women-the legal profession, the medical profession; in many cases the church has thrown open its many avenues of religious activity to women. At the present time we find women engaged in great commercial and financial transactions, many of them occupying as high and conspicuous positions in the commercial and financial affairs of the state as men themselves. At the present time, in this war which has precipitated devastation and bloodshed throughout the civilized world, we find woman taking her place as conspicuously and as usefully as man himself. Not only do we find that in the shambles of Europe, where the blood of armies is flowing in streams, woman is there to administer to the sick and to the wounded, but she is accepting practically the same risks as the troops themselves, in placing herself in as much jeopardy as they have assumed. Particularly is she noticeable today in all the industrial activities of every country at war. We find her in all European countries practically performing the industrial work formerly performed by men, and as the war proceeds the demand for

Hon, Sir JAMES LOUGHEED.

this class of service will become even greater. So, if woman is qualified to enter the learned professions, to occupy in the world of commerce and finance as conspicuous a position as that of man, to take her part in the struggle which is convulsing the whole of civilization and perform duties as hazardous as those of men, exhibiting the same gallantry and heroism as are being shown by men, no one can say for a moment that we should withhold from her the exercise of the franchise.

On these grounds, honourable gentlemen, I think it goes without saying that this measure is one which not only should be accorded to woman at the present time, but should have been accorded to her long since. Under these circumstances, I have very great satisfaction in moving the second reading of this Bill.

Hon. HEWITT BOSTOCK: Honourable gentlemen, I have listened with a great deal of interest to the remarks of my honourable friend the leader of the Government on this matter. He has gone very fully into the history of the enfranchisement of women down to the present time. I do not think it is necessary for me to say any more in that respect. We all realize the important part that women are playing to-day in the work of the world, not only in connection with work at the front and other war-work, but also in every other walk of life. Women to-day are taking a much more prominent and active part than they have done in the past.

My honourable friend has not gone very fully into this Bill. I have some criticism to make of the way in which this Bill is brought down at the present time. I do not myself see the necessity of dealing with this matter just now, especially as in one of the clauses of the Bill it is provided that, in the event of there being such a thing as an election before the 1st of January, 1919, the lists that are to be used are those which were used at the last election. Apparently the Government is not in a hurry to give the ladies the vote, in case there may be a by-election.

The question of the franchise is one that has been fought out from the time of Confederation down to the present. The question has been whether there should be what my honourable friend terms uniformity and the retention of control of the franchise by the Dominion Government or whether the question should be left to be dealt with by the provinces themselves. There have been in the past no less than seven occasions on

which a franchise Bill has been introduced in the Parliament of Canada, and on one occasion the fight was a long and very severe one, the contest being as to whether the Dominion should provide its own lists or whether the compilation of the lists should be left to the provinces. Now, inasmuch as five of the provinces, as has been stated by my honourable friend, have already seen fit to give the women the vote, and four of them have not as yet decided what they shall do about this question, it seems to me that it would certainly have been very much better for the Government to have departed from that idea of uniformity which my honourable friend has put forward, and to have allowed the women to have a vote in those provinces in which. the question is decided and have left the other provinces to deal with the matter as it might suit them and to give votes to women when they came to the conclusion that that was a good thing to do.

It is a question, I might almost say, of education. People who have moved about the world perhaps more than others are more inclined to take the view that women are entitled to the vote. We find that the movement has very largely come from the West. In Canada the western provinces have been the first to move in the matter. Whether the influence of what took place in New Zealand and Australia had any effect on the opinion of the people of Western Canada, I am not prepared to say. I think I am right in stating that New Zealand was one of the first countries in the world to deal with the question of giving women the vote.

The question of votes for women in Canada was raised last year, and the view was taken by some gentlemen in Parliament that under the Dominion Elections Act women were really entitled to vote. It was a question of interpretation of section 10 of the Dominion Elections Act, which reads:

The qualifications necessary to entitle any person to vote at a Dominion election in any province shall, except as herein otherwise provided, be those established by the laws of that province as necessary to entitle such person to vote in the same part of the province at a provincial election.

The question was whether the word "person" included a woman as well as a man. It was contended that it did, but the Government took the other view of it, considering that the word "person" meant simply a male person; therefore, the Government refused on that occasion to adopt that reading and extend the franchise to women.

Now they bring before us this Bill, and it also is subject to the War-time Elections Act. The War-time Elections Act gave certain women the vote and placed restrictions on a large number of voters throughout the provinces. It is probably advisable that certain people who have come to this country and do not understand the conditions or have not the necessary qualifications should not receive the franchise as freely as British subjects; but I think that the Government would have been better advised had they let this matter stand until later and taken the whole subject of the qualifications for the franchise into further consideration. The Government by that War-time Elections Act deprived of the vote a large number of people who had come to this country and in previous years had exercised the franchise, both at provincial and Dominion elections; and 1 believe that even at the present time they are entitled to exercise their franchise at provincial elections. The fact that they are not allowed to vote at Dominion elections and their women are not to be allowed to vote, and that this condition may perhaps continue for some time, will create a feeling of distrust of the Government on the part of those people. It would probably have been a great deal better. therefore, for the Government to have left this matter alone, for the time being at any rate, and to have waited until they could consider the whole question of the franchise. If then, after considering it thoroughly, they concluded that some of the people of this country were still not qualified to vote. on account of their antecedents, they could possibly have dealt with the matter in a way that would not affect the feelings of those people as I fear they may be at present affected.

There is another point regarding the franchise which I think applies not only to women but also to men. There are throughout this country a large number of people who are not fully qualified, not having the necessary information or knowledge, to exercise the franchise in an intelligent manner. The matter of qualifications for voting is one which requires very serious consideration in a country like Canada. It is a question whether the elector should not show, before being allowed to exercise his vote. that he realizes what the franchise means and has some knowledge of the history of the country and of the constitution under which he is

voting. In years gone by, when people had a considerable struggle to attain the franchise, the majority of the voters appreciated the value of their votes; but I fear that at the present time throughout a great part of this Dominion, there are a number of people who are entitled to vote under our election laws who do not really appreciate the value of that vote. They do not realize what the effect of their vote is, or what a privilege it is to be able to take a part in the government of their country, and to say whom they will send to represent them either in the provincial legislature or in the Dominion Parliament. The difficulty has always been to find a proper means of testing the qualifications of an elector. But I think it would have been very much better for the Government to have taken this whole question into consideration. I quite realize that under present conditions we have a great many other things to consider. I therefore regret that the Government has seen fit to deal with this matter now, and I very much regret that they are dealing with it by an Act which will affect the whole Dominion, and will give the franchise to women in provinces where I do not consider they have worked for it. The agitation for women's franchise has been worked up in provinces where they have the vote at the present time because a large number of the women considered that they were entitled to it, and were anxious about it. But there are some provinces in this Dominion where I do not think the women have considered this matter to any great extent, and where I do not think they are at all anxious to receive the vote. The Government is practically giving them something that they do not want; and therefore they may not value it at all. The women will be put in the position of receiving something that they do not appreciate, and consequently very probably they will not exercise their right to vote.

One of the great drawbacks to our franchise system is that individuals do not appreciate the vote as I think they ought to. The percentage of votes that ought to be recorded at the time of an election are not recorded. Statistics show that in those portions of the world where the women have taken an active part and have shown their desire for the franchise, when they have received it they have taken more interest in the casting of their votes than the men. But when the novelty has worn off, and they find that the holding of a vote has not accomplished all that they thought it would, I think it has been found that they have fallen off, and have not voted to

Hon. Mr. BOSTOCK.

the same extent as even the men have done. I think, therefore, that in the case of those provinces where the women have not shown a desire to obtain the vote, the probability is, even when they receive it under this measure which the Government has brought down, they will not go to the polls, and the advantage of giving them the vote will to that extent be lost. Under the War-time Elections Act provision was made whereby a certain number of women, throughout the country, having certain qualifications, were given the vote; and, on the whole, in those cases I fancy that a very large percentage of the vote was polled. But the vote at the last election was given under a considerable degree of, I may say, excitement, and people were very much worked up over the situation that then prevailed. Therefore I do not think the vote then given would be a fair sample of what we may expect on another occasion. The whole question is one that requires careful consideration, and I should have much preferred to have seen the Government consider the whole question of the qualifications of voters thoughout this country, and to have left this matter of extending the franchise to women until a , future day, except in those provinces where, under the law of the provinces, they now are entitled to vote.

Hon. Mr. A. BOYER: Honourable gentlemen, the question of votes for women is as old as the world. Prohibition existed in the garden of Eden. A vote was taken; Eve voted yea, and, as in the last election, the male vote was swamped, and here we are. A French writer, commenting on the occasion, wrote the following verses, which I will say first in French, and then attempt to translate into English:

Un jour Adam, maussade, ayant mal déjeuné de fruits pas assez murs et d'eau pas assez fraîche, somnolait sur le bord d'un ruisseau gazonné, mécontant et grognant comme un célibataire. "Seigneur," dit-il à Dieu, "que ce séjour me paraît suranné. Cette fleur qui ce matin sût me plaire est déjà fanée. Du chant des oiseaux je n'ai que faire. Je voudrais un jouet, plus blanc que le lys, plus léger que la brise, si beau, si doux, qu'à l'aimer, Seigneur, je puisse te rendre jaloux." Dieu sourit et lui donna Eve, et depuis ni Dieu ni l'homme n'ont eu de repos.

Which, translated into English, means this: One day Adam, having ill breakfasted on unripe fruit and water that was not quite fresh, was dozing on the grassy bank of a stream, when to the Lord he addresed the following prayer: "O Lord," said he, "this flower which only this morning was so sweet and fresh is to-night faded; the song of the birds is getting monotonous; I want a toy

brighter than the lily, lovelier than the breeze, a thing so fine and so nice that to love her will, O Lord, make thee jealous." And the Lord smiled, and Eve was created —and a crusty old bachelor added, "And ever since neither God nor man have had rest."

Now, honourable gentlemen, if we look through the pages of the history of the world, we find that the eminent women who ruled the world in past ages, and even in our own time, never dreamed of elevating the rank of their fellow-women. One of the first that comes to my mind is, Arsinoë, Queen of Egypt. The first thing she did when she married one of the Ptolemies was to have all the children by a former husband slaughtered, so that no mixture could take place with the new race. What she did for Egypt was marvellous. She originated the great race of the Ptolemies, which for centuries ruled Egypt, and left monuments which are the wonder of the world to-day.

Next comes Semiramis, the great queen who founded Babylonia, who left those wonderful ruins which have puzzled the most eminent men of our age. The famous gardens of Babylonia were due to her talents. But never did the thought enter her head to elevate her own sex.

Next we come to the great Cleopatra, of whom Pascal said no finer woman ever was made, but had her nose been but an eighth of a centimetre smaller or larger, the face of the world would have been changed. She changed all the possessions of Rome in Egypt. The battle of Actium was lost through love of Cleopatra. Antony was under her sway and lost his kingdom: but nothing was ever done by this marvellous woman to elevate her fellow women.

We next come to that great national saviour, Joan of Arc, an uneducated peasant girl of France who in 1429 rose and saved her country from invasion. She inspired everybody throughout France; she inspired even her enemies; and it was only through a traitor that she was at last captured and led to the gibbet.

Coming down to our own time, we have Queen Victoria, of whom we are so proud. She reigned over the British dominions for sixty-seven years; and she never made a single effort to raise the standard of women throughout the colonies by granting them what to-day the Government is offering.

Strange to say, the woman suffrage movement is due to Frederick Denison Maurice, a wealthy man of London, who in 1848 founded Queen's College. From Queen's College was derived the great store of inspiration of the women of England. Owing to the education which Queen's College gave them, the women of England asked for equal rights with men, which to-day the Government is ready to give them.

The struggle in England has been amusing but it is worth while looking over all the troubles the ladies in England went through before they were recognized as able and fit to vote. As I said before, it is due to the foundation of Queen's College for the higher education of women, where one of the first teachers was Charles Kingslev. It was there that the great schools for women throughout the world originated, and to that college we owe the creation of what the Americans have in latter years called "the schoolmarms," who have done wonders in teaching, because they proved that they could stand on an equal footing with men as far as knowledge was concerned, and could inspire mankind to higher levels. All the great colleges and universities not only in England, in Scotland, in Ireland, but throughout the world, joined hands with Queen's College, and granted degrees to women. The two great universities of Oxford and Cambridge alone, although they had a special examination for women over eighteen years of age who graduated in Arts, would not grant them a degree. It. was due mainly to the efforts of Mrs. John Stuart Mill, who in a very clever and witty article written in the Westminster Gazette advocated the principle that women stood on a par with men,-that woman by her writing, by her thought, was the equal of man; and, she asked, as woman owns property, why should she not vote? In 1864, her husband, John Stuart Mill, followed suit. In his election pamphlet-he was then running for the constituency of Westminster-he made votes for women one of the planks of his platform. The cry was launched. Such eminent men as Mr. Chamberlain and a host of others, backed up by such great women as Florence Nightingale and Harriet Martineau steadily advocated votes for women. In a great meeting held at Birmingham, at which Joseph Chamberlain spoke, a resolution proposed by Mr. Chamberlain himself, giving women throughout the British possessions the right to vote, was carried by an enormous majority. The Bill was presented to Parliament in 1870. The second reading was carried by a majority of 53. When the Bill went to the committee, Mr. Gladstone brought all his influence to bear against it, and it was defeated by

116 votes. But the fight kept on. The women were not to be subdued because they had failed to carry the day, and they kept right on.

And now we come to the great days of the suffragettes. If we have not heard of the suffragettes, we have read about them. While living in London in 1911, every Sunday I made it a point to go to the foot of Nelson's monument in Trafalgar Square, where the suffragettes held forth. I am not a lady's man by any means; but if they want the vote, and if they won't be happy till they get it, let them have it; but I may say that they convinced me that they should not get it.

I remember one Sunday witnessing one of the saddest sights that I could possibly be present at. An elderly lady with a lovely face, groomed as all English women are, was raised to the platform, and she started and held forth. In front of her stood a good-faced old Englishman with a long white beard. He was continually laughing at this lady. She got excited during the argument: first, one hairpin came out, and a small lock of her hair fell down. Then she made another big move, and another hairpin came down, until they all came down, and for all the world she looked like one of the witches in Macbeth. That convinced me that if ever we gave women the right to vote, and they came on the hustings, the best thing they could wear was a net, so as to avoid such accidents.

But to come back to my old friend who stood in front of this lady and disapproved of everything she said. At last, as a final argument, she asked him, "You don't believe in votes for women?" He said, "No." Then she looked at him as cross as possible and said: "Sir, if I were your wife I would poison your tea." And what do you think the gallant old gentleman did? With a smile he said, "Madam, if I were your husband I would drink it."

Have we considered what will become of this vote? Have we fully gone into it, and seen what advantages and disadvantages will result? How, for instance will it affect the sacred tie of matrimony? When, after the courting, we have won the fair one, and we stand at the foot of the altar and swear to love and protect, and she swears to love and obey—

Hon. Mr. DANDURAND: Does she?

Hon. Mr. BOYER: And suppose we differ on the election day, and I say, "You have got to vote a certain way," where is the sacred vow? Is it not cast to the wind— Hon. Mr. BOYER.

that most sacred union of man and woman? Is it not bringing disunion into matrimony? In all the great empires of the world, in all the great kingdoms of the world, be they as mighty as you please, one man is king and head—in a great empire, the emperor; in a republic, the president; and in the humble republic of our own families the father of the family was supposed to hold supreme sway and be the head of the community. What will be his lot in the future? I leave the benefit of the doubt to my honourable friends who have introduced the Bill.

Then there is another condition which to me is very much to be feared. Of course, in the Senate we have not to run in elections; but what about the poor candidate of the future? Will he not have to go canvassing and courting at the same time? Will he not have to travel throughout his constituency with a smile on one side and a bouquet on the other-with a host of promises on the right side, and sweet flowers on the other side? Be that as it may, of course we are above that, for we have not to seek re-election. We may have to help them. Of course, we are all well-behaved, sedate old gentlemen, and we may carry the day for them; but I pity the poor men who will have to go canvassing, I remember in my young days when I was in the election business and canvassing on my own hook. The first election I ran was in 1884. I was given a list of the different houses where the ladies of the house carried the day; whatever they said went. I came to a house; they told me: "It is no use going there, for they are all against you." I said I would go there; so I rapped at the door, and an old lady opened it, and asked me what I wanted. I said I wanted to see So-and-so. She asked, "Are you the candidate?" I said, "Won't you allow me to go in?"-it was in March, and the weather was cold. She allowed me to go in, and we talked it over. I don't know what she saw in me, for I saw nothing extraordinary in her; but before I left she said, "My husband and my three boys are going to vote for you.'

Hon. Mr. MURPHY: A tribute to you.

Hon. Mr. BOYER: But she played me a bad trick, and I never forgot it. She was celebrated throughout the country for making a certain kind of wine, and she insisted on my taking a glass. O Lord, it made me ill for a fortnight. But I won that election; and it was strange to see in how many houses, to use a French expres-

sion, "La femme porte les culottes." There are a great many English people who understand the expression, and I would not like to translate it, but if you insist upon it I would say, "The women wear the trousers." The poor man has been knocked off his throne, and there is nothing left for him but to obey.

Well, on this question of the vote for women, why not give it to them? They were carried away in the election of November last by the word "union." It had a great effect on them. They thought, you know, that this marriage of Liberals and Conservatives was a great union, and they voted for it en masse, being allured to it by the word "union." They thought it would be a great thing. But I am very much afraid, as Mr. Gladstone remarked in one of his speeches against the vote for women, "They are so impressed that whoever can influence them will carry the day." This has happened with us once; but let us be liberal; let us give them what the Government has promised it would do, and in this I see only future misery for the Government, because having first tasted of the vote, the women will inquire from this identical Union Government, "Why don't you give us the right to sit both in the Senate and the House of Commons?" As my old French author said, "Ever since then there has been no rest, neither for God nor for man." The day they get the vote there will be no rest for any Government that is in power until they get the right to sit in both Houses.

Hon. Mr. POWER: I rise to speak now just because I have given notice of an amendment. Honourable gentlemen will realize at what disadvantage I am speaking, following my honourable friend from Rigaud (Hon. Mr. Boyer). I cannot say anything as interesting or poetical or amusing as the things he has said. With respect to the question of women voting, I do not propose to say anything. My amendment does not deal with that part of the question at all, but is really a sort of preliminary amendment, so to say, to the effect that this measure which deals with the franchise should be left with the various provinces instead of being introduced here. I am not going to discuss the subject at any length.

Honourable gentlemen will bear this in mind—and I noticed that in a report from one of our committees, of which the honourable gentleman from Middleton (Hon. W. B. Ross) is chairman, there is some reference to the principle—that one of the chief

objects in creating the Senate and making it the body that it is, as expressed by the gentlemen who were concerned in framing our constitution, was that the Senate should protect the interests of the provinces. I think that in the present instance the Government are going out of their way to interfere with the rights of the provincial legislatures. In the United States the constitution itself provides that the franchise for the House of Representatives shall be the same as that for the State Legislatures. That was the practice in Canada from 1867 to 1885. In the latter year a measure was introduced which made a change, and under it the Dominion took charge of the electoral lists. There was a great fight over that in the session of 1885; but the law continued in operation until 1896. That law, under which the revising barrister was the most conspicuous figure, was repealed after the change of Government in 1896, and from that year until 1911 we went on the same general principle as the United States: the voters at Dominion elections were those who were entitled in the several provinces to vote for members of the provincial legislatures. The law under which we worked up to 1911 is found in Chapter 6 of the Revised Statutes. I think the honourable leader of the Oppisition read the particular section which deals with the matter. That law on the whole worked satisfactorily, though there may have been abuses in some parts of the country. You cannot make any human law which will not be abused in certain cases; but on the whole, under the provincial franchise system, the will of the people prevailed, and that is the main point.

In 1911 the Liberal Administration were defeated, and their opponents were placed in power. That was under that old franchise. The Commons, which sat from 1911 to 1917 were elected by persons qualified to vote at the elections for the various provincial legislatures. The mandate of the men who voted the Liberal Government out in 1911 and voted the Conservative party in, was a mandate from voters whose names were on the provincial lists; and it seems to me that it was the duty of the men who had been sent here as delegates, so to say, of the provincial electors-the men whose mandate came from the provincial electors-to have handed back that trust to the men from whom they got it. But they did not do that. We all know that, instead of doing their duty, the Government passed the

War-time Elections Act. I am not going to discuss that measure; but there is just this about it, that it bestowed the franchise on several thousands of persons who were not qualified to vote at provincial elections, and it took away the vote from other thousands. I do not proposed to discuss that War-time Elections Act further than to say that it could not have been passed in any provincial legislature in the country, because the voters of a province have a much keener eye on the doings of their provincial legislature than they have on the doings of this Parliament, and because the representatives are anxious not to lose the respect and confidence of their neighbours.

The Bill before us is unnecessary, for the reasons given by my honourable friend on my right (Hon. Mr. Bostock). Further, it is unnecessary because the War-time Elections Act covers elections up to the demobilization of our armies, which is not likely to take place for some time, judging from the character of the news we get from the war front: so that this action is premature. If the amendment I propose is adopted, there is no necessity for this Bill at all, because all the provinces except three have given or are giving women the right to vote. I understand that the province from which I come has passed a Bill in favour of female suffrage. It is almost impossible to tell how this Bill is going to work out. One of the remarkable features of the War-time Elections Act was the manner in which it not only allowed the soldier to vote, but also his mother and his wife; and if he had half-a-dozen sisters, it allowed all his sisters to vote. One would think that that was enough. But this Bill before us, which it may be supposed will run on all fours with the Wartime Elections Act, provides that-

a married woman or an unmarried daughter living with her father or mother shall be deemed to have any necessary qualification as to property or income if the husband or either of the parents is so qualified.

You will observe that a woman to have the suffrage does not require the same qualifications as are required for a man; and the truth is that the man is in a position as humiliating as that of the man mentioned by the honourable gentleman from Rigaud (Hon. Mr. Boyer).

As I say, this Bill is unnecessary; it is a violation of the principle upon which we conducted our elections for a great many years; it is going to involve confusion and expense; and I think that the correct thing is to avoid expense and dissatisfaction by Hon, Mr. POWER.

providing that when the War-time Elections Act expires the provision of chapter 6 of the Revised Statutes shall come into force. I have the honour to move the amendment of which I gave notice, seconded by Hon. Mr. Farrell, as follows:

That the said Bill be not now read a second time; but that it be resolved:

That for the purposes of any Dominion election held within the limius of a province, the voters' lists shall be those prepared for the several polling divisions, and which on the sixtieth day next preceding the day fixed for the nomination of candidates for such Dominion election, were in force, or were last in force, under the laws of that province for the purposes of provincial elections.

Of course, that includes the women.

Hon. H. J. CLORAN: Evidently this question of female franchise is a fascinating topic of discussion. The honourable leader of the Government presented the Bill to the House in the most flowery lauguage-a tribute to the fair sex. He recalled the services that woman has rendered to society at large, and especially to the Empire at the present time. I suppose that argument would apply to the women of enemy nationalities as well as to cur own. The honourable leader of the Government mentioned how women were controlling many institutions in walks of life which had been up to the present time under the control of men. Well, yes. Probably the greatest engine of destruction in the world to-day is controlled and manned by a woman. She has been an instrument of the destruction of human life more than any other woman that has ever existed-Bertha Krupp. And to-day, if people are killed in the city of Paris, 78 or 80 miles from the shooting point, it is due to Bertha. The gun is called by the French "Bertha." Is it a reason to give the woman a vote that she controls a manufacturing establishment which turns out the most deadly instrument of human destruction? If it is not an argument for her it cannot be an argument for any other woman, in any other walk of life to which women in the past have not been accustomed.

Oh, the theme is a very fascinating one. When one wants to throw bouquets at a woman or a girl—and especially at his mother-in-law—he says: "You will get the vote; we will give you the vote." The honourable leader of the Government has stated two or three times in his very clever presentation of the Bill that some 17 or 18 states of the American union and some of the western provinces of Canada had

passed legislation granting the franchise to women, through their provincial or state legislatures. Why did he not reveal the fact that the fellows out in those backwood states and up in the western provinces are simply enticing the women into those states or provinces? They have very few women there as compared with the number of men. The men say: "There are no girls here, there are no women coming We will give them the vote and they in. will come in." There is the argument used in the West. There are three men to every woman up there, and naturally those men want the women to come in and will give them anything on earth-anything off the top of the earth-to come into Alberta, Saskatchewan and British Columbia. It is the same in the backwoods states of the United States. It is not a central state like Massachusetts, or Pennsylvania, or New York, or any other cultivated state, that has voted the franchise to women; it is the state of Wyoming or Dakota-in the wilderness. The men want the women to come in-I do not blame them-and the bait thrown out is the vote. Can't you see that? Even the Creator found that poor Adam should not be left alone, and He said: "I will create somebody to come and live with you." And He did; but that' somebody was not the master of the garden.

Hon. Mr. BOYER: And then the trouble began.

Hon. Mr. CLORAN: My friend from Rigaud says the trouble began then. It began then and has not ended yet.

The honourable leader of the Government made a very able, floral, pathetic presentation of the case on behalf of the women. But has not the honourable senator from Rigaud (Hon. Mr. Boyer) given in brief terms, but in poetic language, practically the full history of womanhood since the creation? Notwithstanding that all those eminent women controlled during their lifetime the destinies of their countries, they never sought to extend to the mothers of the country the right to vote. The honourable gentleman quoted probably one of the noblest women of our times, who reigned on a throne for 67 years, the mother of the British Empire, Queen Victoria. She sided with Gladstone in this matter and thought it would be a scandal to coax women into the maelstrom of dirty, low-life politics. The field of politics in this country and wherever else there are grafters, where there are legislators who care not for the public

weal, but for their own interests, and where in election time there are ward-heelers and others carrying on elections, God knows the political situation is bad enough without bringing beauty, motherhood, sisterhood, into that dirty stream. Let the woman remain queen of the household and mother of her children. The glory of a woman is not in her beauty, is not in her meddling with affairs of this kind. The glory of a woman to-day, especially in Canada and in the Empire, is in her maternity. Not only is it glorious for herself, but it is of use to a depleted Empire whose blood is flowing in streams on the battle front. We want women at home to replace that blood. We want that blood replaced by women who will be free to stay at home and take care of their progeny on behalf of the Empire and on behalf of this Canada of ours. There is woman's glory; there is her usefulness. A vote to a mother against her son? A vote to a wife against her husband? A vote to a daughter against her father? What kind of legislation is that? That is what this legislation means. A vote to a mother who wants to vote on a certain line of policy against that of her son: division between the mother and the son. A vote to the wife who wants to vote Tory or Unionist again the husband, who wants to vote Liberal: division, disunion. Right in the household, where the mother is queen. A vote to the daughter against her father, on whom she must depend for her living-for her clothing, for her food, for her set-up in life? The daughter says to the father: "You are going to vote Liberal; I am going to vote Tory." That is the kind of life you want to establish in this country by this legislation: division all along the line. Ah, remember the old axiom: "The house divided against itself is bound to fall." What will cause more division in a household than for the mother, in the heat of an election, to be against the son, or the wife against the husband, or the daughter to be against both brother and father? That is what this means.

I would not deprive my wife, or my mother, or my daughter of any right that would bring them comfort, or ease or emolument. No, I love them too much for that; but I love them more by not exposing them to disagree with me, who had to provide for their maintenance, for the roof over their head, for their education, for their uplifting in life.

And the true women, who understand the situation, who take into account the needs and the necessity of family and maternal

life, do not want the vote. You may find some exceptions, but they do not want the vote. / Man is there to provide for them, to protect them, and they are to return all that with love and consideration for his feelings. I say, honourable gentlemen, that this legislation is not calculated to advance the best interests either of the nation or of the home. I am not going to resort to abuse on this question. I am speaking from a high standard of morality and of obedience to divine law. I will not even call it Christian morality, because the divine law existed before Christianity was established; Christianity came on earth only to corroborate, endorse and emphasize the divine law. In this legislation we are violating both the divine law and Christian morality. We are putting into the family the brand of discord. Discord must necessarily occur, as it did in the last election.

The honourable leader of the Government almost apologized for the introduction of this Bill at this late hour, saying that the Government did not present it prematurely. Well, allow me to tell the Government, and the honourable leader of the Government in this House, that it is a belated measure, it is not premature. When the Government undertook, nine months ago, during the session of 1917, to grant the franchise to the mother, to the mother-in-law, to the aunt, to the sister or sisters, of the soldier, they should have granted it to women who would be less interested in the vote and more competent to vote. Why did the Government of that day refuse to Lady Borden the right to vote? Why did the Government of that day refuse to Lady Laurier the right to vote? To Lady Foster? To Lady Flavelle? I could mention if. I had the volume before me, thousands of women who were refused the right to vote, while it was given to women who were no more fit to vote than a common school child, because they knew nothing of the politics of the country. All they knew was what the canvasser or the enumerator told them: "You vote Union Government and you will get a bigger allowance. You will be sure of an allowance. Vote for the Union Government and your son, or your brother, will be allowed home on furlough." What I am stating here I am stating as facts, learned from officers themselves who have come home. That was the kind of vote that was cast on the 17th December last. If the rest of the women of Canada had the franchise at that time, that irresponsible vote would have been overlapped by the honest vote of the honest women of Hon. Mr. CLORAN.

this country of ours. But the Government tied up these poor girls, these desolate mothers, with the promise of a furlough, the promise of an allowance, and so on. Oh, wait until history writes up the events of this war. The events-the social events and the family events-caused by this Government during the past year or two will throw no credit on the name of Canada. Its name was defamed by the atrocious acts committed on behalf of this Government. or through this Governement, for its own purpose. History will relate all these facts. We have only a small fraction of them. It was due to the Government's so-called War-time Elections Act of last year. Honourable gentlemen, that kind of petticoat government-and the Government to-day is nothing but a petticoat government, unduly frocked-that kind of Government cannot stand, especially in a country like Canada. I hold that this legislation cannot be productive of any beneficial result.

I admit all that has been said by the leader of the Government in regard to the tremendous work performed by the women of Canada, the women of the Empire-in fact, the women of the world; but that work will not justify a Government in creating a condition of discord and disunion in the family circle. They cannot justify it. Oh, "give women the vote" is a catching phrase. It is a fad. Half of our lives are made up and occupied with fads and cat-cries, there is not the slightest doubt about that, and this is one of them. Some good minds are in favour of votes for women-I do not deny that; but it is up to the rest of the good minds and sound hearts to prevent a condition of things which will lead neither to honour, to usefulness, nor to credit to the home.

I shall support the amendment of the honourable gentleman from Halifax (Hon. Mr. Power) on constitutional grounds. As he pointed out, the Senate is here to protect the rights of the provinces; and one of the rights of the provinces, according to our statutes, and according to tradition, is that they shall control their voting powers. There is not the slightest doubt about that, and we have no right, according to our notions of the British North America Act, to interfere with the provincial lists. They are a safer basis upon which to build a democratic form of Government than the system created under the Franchise Act of last year, a system of enumerators who were unfair, who were partisan, who looked for the interests not of the country, but of the party who put them on the job. That was

the condition of things at the last election, and I for one do not want it to become permanent. The provinces will furnish, irrespective of party or partisan interest, voters' lists which will form a solid basis for as honest a democracy as can be found in any democratic country.

Under these circumstances, I fail to see why the Government should insist upon putting this measure through this session. There is ample time to, consider it. This is a measure of vast importance to the people at , large. It is of vast importance to our family ties, to our households, to our mothers, our wives, and our daughters. I appeal to the Government not to destroy these ties for the sake of paltry party. Have your Government built on morality. Have your Government built on protection of the home. Do not divide the home in order to constitute a so-called Union Government, a Conservative Government, or a Liberal Government. Build up this country on a consolidated, unified home and family; and then you will have a happy and peaceful and I am sure, in God's providence, a prosperous country.

Hon. L. McMEANS: Honourable gentlemen, at this stage of the debate I do not intend to take any part in the discussion of this measure; but the honourable gentleman who has just resumed his seat (Hon. Mr. Cloran), if my hearing is correct, made the statement that the women of Canada were bribed to vote in favour of Union Government—that they were induced to vote for it by the promise that larger pay would be given to their husbands, their brothers and their sons, and that they would be brought home to them.

Hon. Mr. CLORAN: That is true.

, Hon. Mr. McMEANS: Lest it go unchallenged in this House, I desire to state that the statement is a gratuitous insult to the noble women of Canada who sent their sons to the front.

Hon. Mr. CLORAN: It may be gratuitous, but it is true.

Hon. Mr. McMEANS: I tell the honourable gentleman it is not true, and I stand here and say to him that when he makes that statement he is stating what is absolutely untrue. I tell the honourable gentleman that he should go into the West, into the city of Winnipeg, and see the work and the devotion of those noble women in the great cause. I can tell him instances of women in Winnipeg, living on very small amounts, who refused to take one dollar from the Patriotic Fund because they thought the Patriotic Fund would need it. Does the honourable gentleman tell me that women whose sons have fought and died in the trenches could be bribed by anybody to send to the men in the trenches the help and the reinforcements which they were seeking? If he wants to know why the women voted for Union Governmen't, I will tell him. It was so that those boys should not be deserted-that they should receive reinforcements in the name of Canada, but the honourable gentlemen on the other side voted that reinforcements should not go. Let me tell him further, that when this great war is over, and when future historians have written down the acts of this Senate, and when they come to the statements made by the honourable gentleman on the Military Service Bill and on the Bill before us, his name will go down with infamy, and he will be held up to public scorn. Is there a man in this honourable House who is not proud, who does not hold up his head at the name of Canada? Is there a man who is not proud of the women of Canada, who have been called the mothers of a race of heroes? And will the honourable gentleman in his seat gratuitously insult those noble women?

Hon. Mr. CLORAN: I don't do it.

An Hon. SENATOR: You have done it.

Hon. Mr. CLORAN: Your statement is is not true.

An Hon. SENATOR: A moment ago you said it was.

Some Hon. SENATORS: Not true.

Hon. Mr. McMEANS: While I am on my feet I want to say that if there is one thing the Canadian people can be proud of it is the Canadian women who have sent forth the greatest soldiers the world has ever known. I have seen these women, and when they voted for Union Government they voted so that the cause should not be lost, so that the soldiers in the trenches crying out for aid should get it. And what was the honourable gentleman doing?

Hon. Mr. CLORAN: I sent my sons there.

Some Hon. SENATORS: Order, order.

Hon. Mr. CLORAN: And they are going yet.

Some Hon. SENATORS: Order.

Hon. Mr. CLORAN: All my blood is in the trenches.

Some Hon. SENATORS: Order.

Hon. Mr. McMEANS: And I have seen the honourable gentleman in this House record his vote against sending reinforcements to the front. Why, when the honourable gentleman takes a position of that kind, what regard can he have for the noble women of Canada who sent their sons? None whatever. Now, I have said this because I would not allow such a statement as the honourable gentleman has made to go throughout Canada unchallenged. I must rise to my feet and contradict the statement, and brand it as an infamous lie.

Hon. Mr. CLORAN: Order, order.

The Hon. the SPEAKER: Order.

Hon. Mr. CLORAN: I want the Chair to decide.

Some Hon. SENATORS. Drder, order.

Hon. Mr. CLORAN: I rise to a point of order. I want the Chair to decide whether the statement of an honourable senator in this House can be dubbed as an infamous lie.

An Hon. SENATOR: It was, anyway.

Hon. Mr. CLORAN: I will get you afterwards. I want a ruling on that, or you will get what is coming to you.

Hon. Mr. McMEANS: I will take what is coming. If you are willing to take what is coming to you, so am I. We will both be satisfied. When I got up and made the statement that the women of Canada were not bribed and induced to vote, the honourable gentleman said they were. I said they were not, and the man who says they were is saying what is untrue.

Hon. Mr. CLORAN: That is better.

Hon. P. POIRIER: Honourable gentlemen, let us come down to a more peaceful discussion, and let not the woman question bring war to us as it has been the cause of most of the wars that have devastated the world.

I well remember the time when woman suffrage was introduced into the Senate and defeated. To give a man a vote simply because he is a man, a human being, was considered monstrous. Property qualification was deemed the essential requisite. What would the shades of old-time Tories say? (I say Tories because a great many

Hon. Mr. CLORAN.

of the Tories were recruited from among the ranks of the Conservatives then, just the reverse of what obtains to-day.î What would those honourable shades say were they to see in the Minutes of the Senate a Bill purporting to give women the electoral franchise? Incredible as it appears, such legislation is actually propounded. It is fathered by the Unionist party, and foster-fathered by what was once upon a time the great Liberal party. The Torres Vedras lines behind which we poor men thought ourselves secure, are about to be shattered by what has no doubt been invented by modern culture-womanhood suffrage. When this Bill has become law, we, the stronger sex, will be brushed aside, or rather, we will be delivered into the hands of the mild sex; and, just as Samson was shorn of his strength by Delilah, and sent to turn a grindtone, so shall we be cast aside and sent to the kitchens, possibly to the backyards to saw wood, or we may be allowed the privilege of the nursery to take care of the babes.

'Honourable gentlemen no doubt infer from what I am saying that I oppose this legislation. Far be it from me. If I did, I know what would happen to me. I have enough tribulations just now without any more being heaped on my devoted head. I will vote for this Bill, not because I greatly believe in the necessity of it, but because a group of maids born pretty well down the last century want it desperately, and have rallied to it a large number of their fairer and more companionable sisters. I would be untrue to the blood that runs in my veins if I did not rise to the occasion and live up to the French adage: "Ce que femme veut Dieu le veut;" which may be freely translated into English: "Thy will be done, O thing of frailty whose name is woman." We have to come to it sooner or later; we are bound to come to it. The ladies, or a large part of the ladies, want it; they insist upon it; and what the ladies insist upon they are bound to get-and, let us be honest about it, we are glad to give to them. It might have been worse; they might have asked for something else. They might have asked for the whole ship, hull, keel, and rudder, and sent us somewhere with the bowsprit on top of the mast. The pity of it all is that when this legislation has become law, and when the women get what some of them are moving Heaven to getequality with us in things that are materialistic-they will have come down somewhat instead of having gone up. The serene atmosphere where they hold queenly sway

will have been changed, and possibly the ladies will have exchanged a sceptre for a vote, a crown for a scrap of paper. However, let their will be done. I will cast my lot with the ladies, although, I must confess it is with some misgiving, and will give my vote and support the Bill that is before us.

Hon. Mr: DANDURAND: If I had had a share of responsibility in the framing of this Bill, I confess that I would perhaps have stopped half way, and that I would have first allowed the provinces where women are already entitled to vote to use their own provincial lists, with the conviction that the evolution would have proceeded very rapidly and would have proceeded very rapidly and would have covered the provinces that are yet without woman suffrage. But the Bill is with us, granting the suffrage to all women of Canada.

Events are passing so rapidly that we view this legislation without surprise. For the last twenty years we have seen in Great Britain a campaign carried on by the women suffragists. I for one felt that that country, from which we often take our inspiration and legislation, would first lead the way; but apparently Canada is destined to lead the mother country in this matter, although we are not leading all parts of the Empire, for Australia and New Zealand have women suffrage.

I intend to approach the solution of this problem by simply asking myself the question, have women a right to the suffrage? If the answer is in the affirmative, then the drawbacks which we may see or fear should not impede our way. I have always felt that woman had an equal interest in the welfare of the state; that she was as capable as the average elector of expressing her opinion upon the affairs which are submitted to the electorate every four years. For that reason I have always been disposed to say that if women wanted the vote, wanted to express an opinion with the men on national matters, it was not our part to deny them the exercise of that right and privilege. This being my opinion, it is useless to discuss at length what effect that vote may have upon the family and the whole community. I recognize the right of women to exercise that function if they want to do so. It may have some perturbing effects in the family circle, and sometimes a damaging effect, generally speaking, electorally speaking, in bringing the women down into the electoral pit.

Now, the question is, do the women want the vote? Speaking at all events for that S-24 part of the country which I represent here, I am unable to answer that the majority want the vote. Is there even a majority in all the provinces which have women suffrage who would go to the poll on a referendum and vote for extending the suffrage to women? I am not in a position to say, for no such referendum has ever been taken, and we must decide for ourselves to-night. I have sometimes asked myself whether such legislation should not be preceded by a general referendum throughout the country, asking the women to come to a poll and express their opinion as to their desire to vote.

There is no question, however, that a very respectable minority among the women have been heard in Canada, as in England, in favour of the suffrage. We must concede that that minority comprise the elite among women. In that group you will find most of the better-educated women and most of the university women. All forward movements have been led by small groups, and mostly by intellectuals. In Quebec the group of women agitators has perhaps been smaller than in any other part of Canada, and the call for women suffrage has been less pronounced among the French Canadian women; but must admit that some prominent I women among them have joined the movement. Although few in the province of Quebec have asked for the vote, a very large majority are keenly interested in political and electoral questions, and I am convinced that the vast majority of the women in my province will vote as intelligently as their husbands have done in the past.

Now, we may put to ourselves the question: will there be any pronounced change in the country through the extension of the suffrage to women? Will there be any pronounced change in the politics which will be adopted by the State? I hardly believe it. We must all recognize that the judgment or verdict of the people is not always infallible; yet we all recognize and admit the superiority of a democratic over an autocratic system: first, because the people, being masters of their destinies, are those who take the consequences of their actions; and, second, because they can periodically pass judgment upon their representatives. The democratic system is not perfection, and will not bring infallible legislation; but for all those who have read history, and who are looking at events as they pass, there seems to be no question that the democratic system is the best that

REVISED EDITION

history of past times and the present has known. The electors are called upon to express their will once every four years. Women will join with them in the selection of the representatives who will administer the affairs of the country for a term. Will that vote improve the quality of the representation, or bring greater wisdom in the solution of our national problem? I have stated, and I must repeat, that I have my doubts. In Australia and New Zealand, I am told, the division has been practically on the same lines; the opinions held by the men have been shared by the women of the family. While the number of votes has been duplicated and triplicated, the results have not been very different from what they were before. Yet, as I have declared, with the right of representation of women admitted, I accept the situation as it is; and since the women, and the more intellectual among them, desire and ask the vote, I feel that we should give it.

My honourable friend from Victoria (Hon. Mr. Cloran) has said that the vote may disrupt family ties. I doubt it. He has spoken of woman accepting and enjoying the tutelage of man, and has said that, being the queen of the household, she should not come down from her pedestal; but this is not the whole Must we not admit that situation. our present system has shown the failure of the men in taking care of the women? Are we not witnesses to the hundreds and thousands of women who are thrown upon their own resources, and who must go through the world struggling for their existence unaided by man? At all events, the argument which I have heard from the lips of my honourable friend from Victoria does not apply to that group, and I must fall back upon the affirmation that the woman is as well qualified as a man, and has as much right to express her opinion on the affairs of state.

It has been said that the fact that women could not bear arms in the defence of the country incapacitated them from participating in the direction of our national affairs. The answer can easily be made, that the charge of maternity and childbearing is a much heavier and much more dangerous one than that of military service, and that on that score the women are fully entitled to claim equality with the men. Women will vote or they will not; they will be free to go or not to go to the poll to exercise the franchise.

Hon. Mr. DANDURAND.

I readily confess that there may be drawbacks in having women drawn into politics; but these drawbacks would be largely removed if another measure were adopted by this Parliament, and I hope that before Parliament is over the question may be taken up and fully discussed. If proportional representation is ever passed, much of the strenuous and damaging features of political contests will disappear. The majority system of election tends to corrupt good manners and often the morals of the people, in all counties where the result is in doubt. If we witnessed an election to-morrow where women would vote, in a county where a large majority favoured the policy of one candidate or party. I am quite sure that when the poll closed everyone would have only to congratulate himself upon the behaviour of the women, and upon the fact that they did not lower themselves by going to the poll. But I fear that that would not be the case if an election took place in a county where a few votes could decide the result, because then you would have a formidable effort to bring every voter to the poll with all those modes and means of running elections which, as we know, are depressing and corrupting.

Electoral contests under the majority system, where even one of a majority suffices to elect a candidate, will always make for the lowering of the morals of the people. Proportional representation would wipe out this obligation of carrying an election by one vote, as it requires the grouping of four, five, or six counties, and the allocation of the ballots under a system by which any minority is assured of a fair representation, thus avoiding the need of the effort which is always made for one man to outvote his opponent by one or a few votes. That is why I say that in order to maintain an atmosphere as pure as possible, in which we are asking women to come and meet us, we should hasten to study the question of proportional representation. It is making headway everywhere. It was nearly carried in Westminster a few months ago. It was carried by three hundred or four hundred majority in the Legislative Assembly in France during the two sessions that preceded the war. As it is logical, as it is fair, as every shade of opinion has a chance to be represented, and as minorities have a means of fair representation, I am convinced that this is a policy that will avail throughout the world. Since we are asking women to come down to our level in the fights we carry on in

order to assert the importance of our respective policies, it seems to me that we should make a purer and better atmosphere, by introducing proportional representation and thus securing the representation of minorities.

There is another measure which I have always advocated, that of compulsory voting, but which I think will have to be adjourned indefinitely now that women will be on the list, for many years will pass before they will get into the habit of going to the polls. Proportional representation, I repeat, should be the next step, and with the hope that that reform may follow this one, I declare that I will support this Bill.

The amendment of Hon. Mr. Power was negatived, the main motion was agreed to on division, and the Bill was read the second time.

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

THE SENATE.

Tuesday, April 30, 1918.

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

Prayers and routine proceedings.

PRIVATE BILL.

FIRST READING.

Bill I, an Act respecting the Church and Manse Board of the Presbyterian Church in Canada.—Hon. Mr. Mulholland.

TRADE CONDITIONS AFTER THE WAR. DISCUSSION.

Hon. FREDERIC NICHOLLS rose in accordance with the following notice:

That he will call the attention of the Senate to the folowing subjects: 1. The vital necessity of preparing for after

 The vital necessity of preparing for after the war trade conditions;
 The responsibility of the Government in

2. The responsibility of the Government in connection therewith;

and will inquire: 1. If the report of the Special Committee of the Senate on the Conservation of Canadian Trade was transmitted to the Government and whether any consideration has been given thereto; and

2. If the Economic Commission appointed by the Government has disbanded or if said Commission has submitted a report, and if so, is such information available?

He said: Honourable gentlemen, I make no apology for calling the attention of this House to these questions, as I feel that we are guilty of an entire lack of preparedness

S-241

for after-war conditions, which I consider very essential at the present time. All the other nations of the Allies, and also those nations with which we are at war, are making strenuous preparations to take care of conditions as they may occur after peace is declared; but, so far as I have been able to ascertain, 'nothing has really been accomplished in Canada. It is true that the Government of the day are a very busy Government. They have been doing good and faithful work; but, after all, it is essential that they should attend to every aspect of public affairs that may come up for consideration, and I feel-and I think this House will feel-that as the representatives of the people they are obligated, busy or not busy, to give proper attention to every phase of the economic situation. which may have much to do with the future welfare of this country.

I suppose that such a question comes properly under the control of the Department of Trade and Commerce, and yet I have been unable to ascertain that any definite or constructive action has been taken. Last year, in discussing the matter with the honourable the Minister of Trade and Commerce, I was told that he had under contemplation the calling together of a considerable body of the foremost business men and thinkers in Canada to study the whole situation, and that out of that large delegation a smaller one might be selected to advise with him as to the adoption of a policy that would take care, or at all events endeavour to take care, of the situation as it might exist at a time when we in common with every other nation would be engaged in the scramble for after-war business.

So far as I am aware, Canada is the only country that has paid no attention to this question. I consider it very vital, because, unless some policy is adopted, our unpreparedness is going to be a serious menace to our national wellbeing. I think our experts during the last three years have increased \$1,500,000,000 over the exports of the previous three years. Nearly the whole of this vast volume of trade has been exported for war purposes, at high prices. The farmer and the producer have received the highest prices known in history; the wage-earner has obtained the highest wages known in history; and the manufacturer, the wholesaler and the financier are making larger profits than have heretofore teen obtained. That is all very well. We are passing through a period of great prosperity, and therefore we have been able

to assume the burden to which we have had to submit on account of war expenditures. It was only at yesterday's session of the House that we passed in very short order a budget of \$500,000,000 for war expenditure for Canada alone for the current year, which means at least the sum of \$30,000,000 in interest for this year's war expenditure. We are quite able to take care of that at the present time, because, as I have pointed out, we are passing through a period of great prosperity, and we have the warprofits tax, the income tax and various other measures to enable us to raise the revenue. But you cannot tax your war profits that are not existent; you cannottax incomes that have become shrunken. If we have no prosperity in this country, we shall not have the wherewithal either to raise additional revenue or to pay the interest on the expenditures that have already been made.

Therefore, honourable gentlemen, I repeat, I make no apology for calling the attention of this honourable House to the utter supineness of the authorities in making no preparation for taking care of the serious condition with which we shall be faced. I am not a pessimist; I am not an alarmist. I am a born optimist; but nevertheless I have no hesitation in saying that we may look forward to being confronted with a period of reconstruction which may be very serious in its financial aspect to this country. We must make an effort to replace the vast volume of business which we are now enjoying with other business after the war is ended. Individual effort will accomplish a great deal; but the Government of the country are supposed to conserve the prosperity of the country, and it is up to them to take the first step. They are the leaders, and they will find that if they lead, the business and other interests will follow.

, Last year the Senate unanimously adopted recommendation to the Government in connection with trade matters; they adopted the report of the Special Committee on the Conservation of Trade. I am not aware whether that report has received any consideration. I have no doubt that the honourable leader of the Government will inform the House in answer to question 1.

Earlier than that a far more important committee was appointed, the Economic Commission, of which the honourable leader of this House was Chairman, and in which he was aided by very able coadjutors. I have not heard of any report having been

Hon. Mr. NICHOLLS.

made by that commission, which was appointed in 1916. I have every confidence, and this House and this country have every confidence, in the honourable leader of this House to push through anything which he undertakes. Therefore the country looks forward with a great deal or interest for the report of the Economic Commission, because we have felt that public affairs would be treated by that commission in a thoroughly judicial and comprehensive way, and that recommendations would be made, which, if followed by the Government, would be productive of great results. The honourable gentleman will no doubt tell us presently whether that commission has reported. If so, what has become of the report? If it has not, then why not? I think it is a very important question; and I can hardly discuss the report, or the lack of it, until I receive a reply to the question on the Order Paper as to what has been done in that matter. If the commission has made any report, or if the report has been suppressed, I think we ought to have a thoroughly frank statement from the honourable leader of the House in that respect.

I feel that time is slipping on. Germany, notwithstanding her war budget, is making great efforts—you can read of them in the press every day—to take care of conditions after the war. Australia is doing it; Japan is doing it; the United States is doing it; Great Britain is doing it; and I believe Canada is the only country that has shown no constructive effort from Government sources to attempt to prepare for the conditions that I have outlined.

I do not want to take up the time of the House unnecessarily. I have placed these questions on the Order Paper simply from a sense of public duty, and I believe that if we were given the privilege of reading the report of the Economic Commission, if such a report has ever been made, it would elucidate a great deal and blaze a trail which we could follow with advantage to ourselves and to the country.

Hon. Sir JAMES LOUGHEED: Honourable gentlemen, I regret to say that I have not the same confidence in reports as has my honourable friend from Toronto. In fact, I am rather surprised that a gentleman of his enterprise and energy should place so much confidence in them. If there is anything for which this Government, and other governments, have been condemned, it is the multiplicity of reports in which they have indulged. Hon. Mr. BOYER: Orders in Council, not reports.

Hon. Sir JAMES LOUGHEED: I can further assure my honourable friend that if the preparation of reports by the Government would give him any encouragement along the lines which he has pointed out this afternoon, there should not be very 'much difficulty in dealing with the subject. We in Canada are to be congratulated on having a number of such enterprising captains of industry as my honourable friend is, and I would say to them with all due deference that instead of relying too much upon the Government, if they exercise that genius which the Almighty has given them, they will accomplish a great deal more for Canada than will any government. I have always felt that we place too much dependence on the paternalism of the Government in Canada. I do not know why it is; yet it appears to me that Canada, more than any other country of which I know, has placed a reliance upon the Government of the day, which, to a very large extent, has superseded and destroyed that initiative which should always be exercised by the individual citizens of a country. A government, undoubtedly, through political and other conditions which I need not point out, is handicapped and encumbered in such a way as to be unequal to meeting the great exigencies which arise out of such a condition of affairs as we are to-day facing. Therefore, it seems to me that the great captains of industry in Canada, who have invested millions, and upon whom we depend very largely for the development of our resources and the promotion of our commercial and financial enterprises, should rely upon their own devices to a greater extent than they have done, and they should to a corresponding extent dismiss the Government from responsibility for placing in motion activities for the promotion of our trade, whether foreign or domestic. There is the greatest interest on the part of the Government to assist trade, not only at this time, but during the reconstruction period upon which we shall shortly have to enter. But, as I have said, governments lack that ability to grapple with a great situation ` which individuals possess, and I hope my honourable friend will not overlook this very important fact when he is considering this question.

I beg to give the following answers to the questions which my honourable friend has placed upon the Order Paper: The answer to the first question is yes. The report of the Special Committee of the Senate on the Conservation of Canadian Trade is now before the Reconstruction Committee of the Cabinet for consideration.

In answer to question No. 2, the Economic Commission has prepared reports on different subjects coming within the scope of its inquiry, but these reports have not been yet printed, and the information, therefore, is not at the present available. It will be for the Government to decide upon the printing thereof.

Entirely outside of the question asked, it may be said that the Economic Commission acted largely in an advisory capacity. on several questions dealt with by the Government; but, owing to the many extraordinary conditions which have arisen during the war, necessitating the appointment of special committees to deal therewith, it was thought it would be superfluous work for the Economic Commission to make investigations along parallel lines with those special committees, and, therefore, with a view of not conflicting with or overlapping the work of a somewhat similar character, the members of the commission thought it better that they should disband, and accordingly they have handed in their resignations.

Hon. HEWITT BOSTOCK: Honourable gentlemen, we are much indebted to the honourable gentleman from Toronto (Hon. Mr. Nicholls) for bringing this matter before the House. The committee for which he moved last session was a step in the right direction. It dealt with this question, bringing it to the attention of the Government. We are, of course, all anxious that such a condition of affairs as he has outlined as liable to happen after the war is over if some steps are not taken, should not come to pass, and that something should be done to prevent such a condition arising.

Last session we had two committees dealing with this question: one moved for by the honourable gentleman from De Salaberry (Hon. Mr. Béique) to consider especially the condition of farming throughout the country. That committee collected a large amount of very valuable information, which I presume honourable members of this House have studied, and of which they have realized the value if it were placed in the hands of farmers and others to show them what is necessary and poscible to assist in the work that so urgently needs to be done.

My honourable friend did not refer to the necessity of the Government doing things at the present time. I think they should be urged to take more active steps in this matter at the present moment. We all hope for the time when this war will come to an end; but I fear the progress of events at the front cannot justify us in expecting to see the termination of the war at any rate during this year.

Canada, as we all know, is faced to-day by very serious problems, and there is a strong feeling, I think, on the part of our people that the Government is not facing the situation as they should. They have appointed several commissions. My honourable friend the leader of the Government says that the Government has been criticised for the number of reports made; but I think the criticism that is being made more than any other is that the Government is not prepared to act on advice given to them. There has been given to the Government a great deal of advice, which, if my information is correct, they have not seen fit to adopt; and the feeling of some of the gentlemen who volunteered their services to assist on some of these commissions is that their services have been of very little value to the country.

A short time ago it was announced in the papers that the Government were proposing to deal with the question of motor cars coming into this country, and I for one, expected to see some action taken. I thought that it was a movement in the proper direction, because we in this country should cut down a great deal of the expenditure and should limit the amount of money that is being sent out of the country to purchase goods which could be bought in the country. We should do all that we can to keep the money in Canada. This doctrine may not appeal to my honourable friend from Rideau (Hon. Mr. Edwards), but I think he will agree with me that as a war measure it should be adopted. I do not know that I would have advocated this view some years ago; but on account of present conditions and the war, some measure of that kind ought to be taken. There are some other luxuries, such as early vegetables and fruits, which I think the country could very well do without. If I understand aright, we are to-day sending out of Canada a large amount of money for the purpose of buying these goods, which money, with a little self-sacrifice on the part of the people, could be kept in the country. I understand that recommendations along these lines have been made to the Government, but apparently up to the present the Government have not seen their way to Hon. Mr. BOSTOCK.

dealing with the matter. I take this opportunity of impressing upon the leader of the House that he should bring this matter more strongly to the attention of his colleagues, with the view of inducing them to take immediate action upon it.

Hon. Mr. NICHOLLS: I believe it is my privilege to say a few words in reply.

The honourable leader of the Government in answering the questions which I asked, said that I was at liberty to read the reports of a number of commissions which had already been made. I beg to draw his attention to the fact that it was the report of only one commission that I wanted to read, because I considered that that report would be of the greatest possible value by reason of the fact that the chairman of it was Sir James Lougheed. But apparently that report which I looked forward to has been still-born. Whether it can be revived by a pulmotor or by any other method, I do not know; but I am quite sure that if it ever sees the light of day it will be of great interest and value to the public.

The leader of the Government says that the great captains of industry should be self-reliant and should not look for government assistance. I desire to say to him and to the House that I do not know any class of business men in any country who are more self-reliant than the captains of industry in this country, and whenever an opportunity is offered for them to show their public spirit, their patriotism, their ingenuity, or their manufacturing ability, they always seize upon the occasion. I need only instance what has been done by them in regard to ships, munitions, shipbuilding, the dyestuff industry, and everything else that appeared to be in the interest of Canada and would help in the conduct of the war. It is all very well to talk about individual effort; but, as I pointed out last year—and I am not going to repeat anything that I said then-every public movement must have a leader. In this case it is the Government that must lead. and the others will cooperate. It is absolutely necessary, if we are going to fight abroad for export trade which will take the place of the export war-trade that we have to-day, that we should have the prestige, direct or indirect, of government assist-ance or approval. Other governments, including the British Government, which has been our model at all times, are not hesitating to give that, and why should we hesitate to follow along similar lines? I am quite satisfied that the whole trouble is that the department of the Government that is charged, or should be charged, with the prosecution of such matters as these, have too much on their hands, or, for some reason or other, are not showing the initiative which the country has the right to expect.

Hon. Mr. CROSBY: Honourable gentlemen, I did not know this discussion was going to be held so quickly. I wanted to say a word or two, having been absent for two or three days, and being anxious to say something to some one.

The Hon. the SPEAKER: You have not the right without the leave of the House.

Hon. Mr. CROSBY: I ask the leave of the House. I have no desire to interfere with the rules of the House, and if I were to say anything respecting them, I would say this was a very bad rule and should be changed as soon as possible.

What I want to say is that my honourable friend from Toronto (Hon. Mr. Nicholls) has brought before the House a very important question, dealing with the arrangement of a trade policy for Canada; but, if I understand aright, we are to-day a war Government and a war Parliament, with war only in our minds.

Hon. Mr. DOMVILLE: And blood in our eyes.

Hon. Mr. CROSBY: You cannot come into this Parliament to-day and advocate any trade policy, say 8 national policy or a free-trade policy. The minute you do that you interfere with Government which is in power. the The Government now in power is purely and simply a government for the conduct and the winning of this war and nothing else. Therefore, while it may be well for us, individually and collectively, to take into consideration matters which will come up after this war is over-and I trust that may not be long-yet, even if a committee were appointed and presented a report to this House to-day advocating a great national policy for the Dominion, we would be at once divided. Many of us would find that the policy proposed was not the kind of policy we wanted and we would desire some other policy; and we should at once be engaged in a discussion of the details of that question instead of discussing the matter which is of paramount importance, the matter of victory in this. war.

The honourable leader of the Government said a moment ago that much should be left to the people of the country. That is

true; but any man who observes the struggle that is going on to-day in Europe must come to the conclusion that the Government of Germany had given its attention wholly and solely to this war for very many years. It was not the people. I do not mean to say that our Government should be occupied in a similar way; but I refer to that in order to show that governments must lead, and in all countries they will lead and continue to lead. That is their purpose. So it is always a good excuse to say that the people should undertake to do a certain thing. They do not need to have any representatives in Parliament either; they could get along very well without the expense. The policy to be followed by the country must be determined in the Parliament of the country, which has charge of the country's affairs; but I do feel that it would be unfair to ask the present Government, a Union Government, composed of men on both sides of politics, who hold different views on the subject, to bring down a policy as to what shall be done after the war. While I am pleased to agree with my honourable friend from Toronto. who is one of the champions of industry in this country, and of whom we are proud, as we are of other men like him, who are doing so much to build up the country, and while I agree that industries must have encouragement at times, yet the present does not seem to be an opportune time to determine the question of policy. It is true that the country is to-day prosperous. The tariff is not at present of much im-portance. We might put on whatever tariff we pleased and we would get what we want. My honourable friend referred a while ago to garden products. We pay on them a duty of 42¹/₂ per cent. I do not suppose he wants to have the duty put any higher than that. I do not know what more my honourable friend could do to keep them out. According to his contention, and I think that of a good many of his friends, the tariff rates are too high.

So I say that if we undertook to formulate a policy for the period after the war, we would certainly be imposing on the present Administration. I feel that the time is not quite ripe to deal with such a question. It may be well to discuss it among ourselves, so as to have before us all phases of the situation, in order that we may be able to decide what is most suitable for the country after we finish with this war, but in God's name let us get through with this war first. Let us all be as united as possible. We cannot be too strongly united in the one great task of winning the war. When the war is successfully finished-and Canada has already played a great part in it-then we can consider the policies advocated by my honourable friend and other honourable gentlemen in the interest of the country.

Hon. W. C. EDWARDS: Honourable gentlemen. I think the idea that we should simply maintain the status quo and that nothing should be considered or done until this war is over, is a mistake, and I agree with my honourable friend from Toronto (Hon. Mr. Nicholls) that serious consideration should be given to what Canada's position may be after the war is over, and to what Canada shall do to meet the very serious obligations with which we shall be confronted in consequence of this war. But I agree with one remark made by my honourable friend who has just sat down (Hon. Mr. Crosby), namely, that after the war the world will be a new world. No one living to-day can tell just what the ramifications of trade and commerce will be after the close of the war; no one knows what the purchasing powers of the various countries now engaged in this war will be. But there is no doubt that the world will require certain commodities, and I think that we in Canada would do well to make a study of what Canada's resources are, how we can compete with other portions of the world in the production of those resources, and what we had better do to promote the development of our natural resources for that purpose.

Now, agriculture is our first and primary resource. On agriculture Canada depends more than on all her industries together, and anything that can be done to enable the agriculturists after this war is over to produce more economically and efficiently than is done at present, will be a great benefit to Canada. At the moment labour is very scarce, but it is astonishing what a tractor will do in our western prairies to replace labour.

. There was one remark made by my honourable friend who leads the Government (Hon. Sir James Lougheed) with which 1 most thoroughly agree, that if the Government of this country-in fact, the government of every country-would just leave the various industries to themselves and not hamper them in any way, they will give their best results.

Next to agriculture comes, I think, the trade in which I am myself engaged-that Many lumbermen have of lumbering. given considerable study as to what may Hon, Mr. CROSBY.

be done in our industry after the war is over, but really we are at sea. There is not one of us who knows what is going to happen. If the portions of Europe which have been devastated will use lumber to any appreciable extent in reconstruction, an inquiry on the part of the lumbermen as to what kinds and descriptions of lumber will be required in those various parts of Europe and what the lumbermen can do to meet those requirements, would be a highly desirable one to undertake.

Coming to our mineral resources, which are next in importance, I will at once admit that Canada does not stand in the foremost position in the production of steel. Other countries have advantages over Canada; but, after all, some industries are so placed that they can perhaps compete. The question of the development of our mineral resources should also be investigated.

As to our fisheries, I need not say anything, because in the production of food that industry will perhaps take care of itself. But my humble opinion is that an inquiry should be made regarding our natural resources, and I think it had better be made by the business men themselves.

Hon Mr. DOMVILLE: And the banks.

Hon. Mr. EDWARDS: And perhaps the banks, in order to determine what our resources are, how they can be best and most economically produced, and in what products we can compete in the markets of the world with similar products from other countries. Inquiry might also be made as to what the requirements are in various countries, in order that we may prepare to meet them.

Hon. Mr. DOMVILLE: Honourable gentlemen, I agree thoroughly in what has been said as to non-paternal government. I think we have had too much paternal government in Canada for the good of this country. On that point I concur entirely in what has been said by my honourable friend the leader of the Government; but I will admit that it is the first time I have heard a minister of the Crown make that statement. I agree with the honourable member from Toronto (Hon. Mr. Nicholls), and I concur in the academical declarations we have had from others in this House, but they are not to the point. The greatest question is that of farming. If you do not feed the people they cannot live; if you do not raise sufficient crops they cannot survive. It is the crops which provide us with the food we must eat. Guns and gunpowder will not keep us alive. There is where the question

APRIL 30, 1918

of agricultural production comes in. How are we going to increase the production of crops without the use of fertilizers? I suppose some of you honourable gentlemen know something about fertilizers. I know a little about them. From 800 to 1,200 pounds of fertilizer to an acre are required. Of what is that fertilizer composed? Oxygen, nitrogen and carbon. From 2 to 4 per cent of nitrogen is required in every ton of fertilizer. Where in Canada are you going to get that nitrogen to grow your crops? Nobody has enlightened us on this question. Potash is very scarce at the moment. Nitrogen aids in the growing of wheat and grain of every kind. Here we have been discussing the question of the future development of Canada; we are all so much concerned as to what shall be done in the future; but right under our eyes are the beds of Nova Scotia and New Brunswick which can supply sulphate of ammonia such as cannot be got anywhere else. Why has nobody said a word about Nova Scotia in this respect? Honourable gentlemen have made kindly reference to Nova Scotia's resources in fish. Well, Nova Scotia's resources are not all fish; some are fish and some are flesh. Until you develop in Canada your resources of nitrogen, your crops cannot be kept up to the requirements. The Maritime Provinces are the only part of Canada we know of at the moment from which a supply of nitrogen may be obtained. I do not say anything about New Brunswick, where we have the biggest field in the world. We have done all we could to get the Government to take this question into consideration, but it was regarded as too unimportant. The Ross rifle and everything else to destroy life were given attention, but nothing which would aid in supplying us with the food which the Almighty destined us to have.

I do not want to take up the time of the House; but if only one committee were ever appointed, I would beg the Government to get an agricultural committee to see where the sources of fertilizer are and to help the districts which are able to produce it, instead of allowing our resources in this respect to lie dormant year after year

I brought up a certain matter the other day. Something will be said about it presently. My purpose in bringing up the question was to enlighten this House and the country as to one of its golden resources.

Hon. Mr. CASGRAIN: In what form is that nitrogen in New Brunswick?

Hon. Mr. DOMVILLE: The nitrogen is in ammoniacal water. This is treated with sulphuric acid, by lime precipitated, which results in sulphate of ammonia crystallized, a certain percentage of which goes into the fertilizer, according to the strength of ammonia you want to give to it. This question is a very serious and important one, and I hope it will have the attention of the Government. I do not want to be unfair to the Government. We have not yet had a reply from them. I have no doubt that to-day's discussion will strengthen their hands to do something. I am not sure that members of the Government understand thoroughly what fertilizer is. My honourable friend may want to know what is sulphate of ammonia. It comes from the air-from the oxygen and nitrogen and hydrogen. It comes down as dioxide of carbon first of all; then it throws off the oxygen and the carbon goes into the stem-or whatever it may be.

- Now, I would ask my honourable friend the leader of the Government if he would give the Maritime Provinces a chance. We will send you our experts. We have plenty of women there too, and they will give you a great many votes as they did in the last election, when ten, eleven or twelve members of the same family voted for the Union Government. They will do like that again, especially when the honourable gentleman from Victoria (Hon. Mr. Cloran) puts through his resolution. Our women are ready to help in food production, and our fisheries resources are of great advantage.

Hon. G. LYNCH-STAUNTON: Honourable gentlemen, the honourable leader of the Government (Hon. Sir James Lougheed) was very frank in stating that the Minister of Trade and Commerce and the Government would not, even if expected to do so, take very much part. A principle which has been adopted in the legislation of Great Britain and her colonies is to let matters take their natural course. The principle is that the state should do nothing for the subject; that the subject should take care of himself and let-the devil take the hindmost. That had always been the policy of the Empire But when this war came we saw a great revolution in the habits of the animal called government. We saw the government, for instance, really taking an interest in obtaining contracts for munitions for the people of this country. Huge industries were establishedtransitory ones, of course-and great quantities of munitions have been produced from the beginning of the war to date,

such as could never have been produced by private initiative. I quite agree that the present Government of Canada has been elected only for the purpose of seeing this war through, but incidental to this war there are many questions that are only of secondary importance. One of these is the problem of seeing that those of us who survive the war shall not perish from the land when the war is over. To that end statesmanlike efforts must be made to reconstruct the trade of this nation, which has fallen into the most chaotic state, or will do so as soon as the arms of the fighting nations are laid down. A man who has a sore will get well some day perhaps, if he has the strength to throw off the poison; but a skilled physician can restore his health in very much less time than nature left to herself. So it is with the Government. The Government can help in maintaining the trade of Canada and in promoting its growth, and in my humble judgment one of the duties which the Union Government has thrown upon it by the election of the people of this country is to take care lest our trade fail after the war. The Government is doing this very thing now. It has announced a policy of taking a new census of Canada. For what purpose is that census to be taken? I am told by a member of the Government that it is to be taken for the purpose of supplying labour 'to the industries of this country. The manufacturers are invited to knock at the door of Parliament, of the Government, and ask: "Where can we find the necessary and diversified labour that we require?" The Government, in order that they may be able to answer this question, proposes to spend half a million dollars-in my humble judgment, most unwisely-in taking a new census, which I believe will be about as much good as the last one that was taken. But it is to be done; a great effort is to be made and millions of men are to be registered and catalogued. Surely if the Government has time to do that for the benefit of trade, it ought to have time to do other things for the same purpose. I submit, therefore, that this report should receive careful and serious consideration at the hands of the Government.

Hon. C. P. BEAUBIEN: I understood clearly what the honourable gentleman from Toronto (Hon. Mr. Nicholls) was driving at. I did not quite clearly understand the objections that were thrown in his path. From one honourable gentleman I hear that this is a question of policy, and there-

Hon. G. LYNCH-STAUNTON.

fore that it may be introducing into the united effort of this nation, which is so much required, a disturbing element. I do not think very much argument is required to dispel that danger—or fear rather than danger. This is not a question of policy in the sense in which we have hitherto been accustomed to regard political issues as that of free trade, for instance.

Another objection is that the effort required is not that of the nation, but that of the individual. We have now overseas 400,000 men. They have done for the protection of our country and the world more than any other men that have stayed here. When they return, it is the duty of individuals, or the duty of the nation, to see that they get employment? How will they get employment unless the wheels of industry are kept going? And is it not the paramount duty of the nation, that is to say, of the Government, to see that industries are kept alive and active after the war? This is a duty that has been recognized by all the nations that are at war.

May I tell you what has been done, to my knowledge, in France? The whole male population of that country is in the trenches; but what are they doing behind the trenches? They are preparing industries for the time when their men come home; they are preparing for the aftermath of war, so that the French nation will be able to carry the increased load of debts and obligations incurred during the war. Are we so rich, or is our country so developed, that we can dispense with such preparations as are being made to-day by France -yes, and by that greatest and richest country in the world, England? Can we dispense with such preparations? What will happen, then, after the war? Do you want to have your men go back to their own industries and find them closed, and on meeting the proprietors of those industries have them say: "We have given all our energies to the manufacture of munitionsthat is, what was required at the time; now that the war is finished our industries are closed; we are sorry, but you will have to look elsewhere for work." Are they doing that in France?

Allow me to tell you of Citroën, whose work has been cited the world over, because, without having anything to his name —nothing but his genius, nothing but the towering power of energy—he one day left the ranks of the army as a mere lieutenant. He asked for three days' furlough. He went to the Minister of War and told APRIL 30, 1918

him that within three months he would build up in the centre of Paris a manufactory that would produce 50,000 shells a day. He had the genius; he was believed; he had not a cent; but he went to a bank. and with his contract he raised over 2,000,-000 francs. He set to work, and like magic this marvellous monster industry rose in the centre of Paris; and on schedule time, after three months, he gave to the army 50,000 shells a day. This is perhaps the largest manufactory of shells the world over, built in three months. Do you think that the Government of France has allowed Citroën and his genius to stop on the way? No, he is now making 50,000 shells a day. Not only that, but he is nursing in its infancy one of the greatest industries that France has ever known. When the farmers whose sons have been slaughtered in the war turn to the Government for help, through the genius of Citroën, who is now not working for himself, but for the nation and for the French soldiers, they will get cheap tractors, and so replace in their fields the men who have given their blood to the soil of France.

Well, honourable gentlemen, why should we not do the same? After all, did not the member for Toronto urge the Government to do that? And is it not the paramount duty of the Government to do it? We must look our duty in the face and not flinch. The load is a heavy one, and ministers may very well be forgiven if they do not accomplish everything suggested by people who have time to reflect and make suggestions and complaints; but the preparation of industry after the war is one of the essential duties which the Government must not be allowed to forget.

In France there are to-day 3,500 municipalities completely razed to the ground, and there will be as many in Belgium, and a great many in Italy. Why could not the Government select the best brains that can be found, not only in this country, but if necessary in the United States, France or anywhere in the world, and ask those men to devote all their time, ingenuity and genius to ascertaining how Canada after the war can utilize the plants now busy manufacturing shells, and also the immense advantage we have in natural products in rebuilding these devastated areas? How is it that we cannot standardize our methods of construction when we are faced with the necessity of rebuilding areas three times as populous as Canada? If our Canadian industries were given a chance of rebuilding this whole

country, rebuilding it entirely, re-equipping it entirely, refurnishing it entirely would our industries have to complain? How is it that we cannot contemplate the tremendous amount of work that will be required to be done in France, Belgium and Italy after the war, in building thousands and hundreds of thousands of houses, or in the iron industry, or in using our asbestos? In France to-day enormous amounts of asbestos are being used in temporary buildings. There is not a pound of rail that will be worth while in France; there is not a wheel in machinery that does not cry aloud to be renewed. Why cannot we, with the best talent we can find in our country or elsewhere, ascertain what product we can now prepare, standardize, produce cheaply -more cheaply perhaps than anywhere else in the world-and then go to those industries that are now working exclusively for the war and say to them: "This is what you can do after the war; so you must now prepare to transform your machinery, so that when the time comes this article required in Europe can be manufactured; we will select it for you, as we have done the shells; we will finance for you, if required, as we have done for war purposes; and we will sell that product for you in Europe, as we have done the things you have produced in connection with the war."

Our trade has been or will be crippled by the war. Why should not the Government see to it that it is cured of that ill, given new sources of strength, new methods, and a new lease of life, so to speak, after the war? We will have to bear after the war a load of heavy taxation. You can take from the ground the gold that is in it, or its products; but unless you can sell the latter outside the country they will not help you to bear your burden; and unless you organize now for the disposal of such products you will be too late. The United States have not waited till this late hour to do that; they have been doing it for more than one year and a half. Are they poorer than we are? Are they more dependent than we are on new industries, new sources of profit, after the war? Has their Government less to do than ours?

These are matters which, it seems to me, it is not only pertinent for us to talk about, but it is our duty to think about, because the time is coming when our industries must have new life. If they lack that, you and I, as well as the Government, whose duty it is to look after the real, the big welfare of our country, shall be held to account. Surely it belongs to the Gov-

ernment to lead the way. If this movement is led by the honourable leader of this House, so well chosen as the head of that special commission created for that 'very purpose more than anything else, you will see an army of captains of industry rising to cooperate with him. They will not be lacking either in number, in courage, or in initiative. But first let them be led, and if they are led you will not be disappointed in the result.

Hon. P. A. CHOQUETTE: The honourable gentleman from Toronto (Hon. Mr. Nicholls) drew the attention of the Government to the necessity of preparing for conditions after the war. It is a very great question, and I think it will be well for the Government to answer it in another way, because I am sorry to see that the leader of this House tried to throw cold water on the proposition of our honourable friend, saying it is not for the Government to do things of this kind, but for the captains of industry to look after them. The honourable member for Halifax (Hon. Mr. Crosby) also said that this Government was elected especially to carry on the war and finish it, and that if we disturbed the mind of the Government by discussing trade conditions, the war would not go on so well as it should. I do not think that that is a fair position. This Government has been selected to carry on the war, and will, I hope, do it successfully. Everybody expects that, but the Government has also to look after the business of this country.

Now, I have a suggestion. When the Government went to the country it contained about 20 ministers, a larger number than ever before, because it was said that a greater number were required for the business of the country and the war. Since the election the Government have added other ministers, so that now they number about 25. My suggestion is that one of those ministers should give his whole time, and have all the authority necessary, to prepare for conditions after the war. Such a minister could take the place of the special committee of the Senate on the Conservation of Canadian Trade, and also the work of the Economic Commission which was appointed by the Government. The question that the member for Toronto asked was whether the reports of those two bodies had been made, and, if not, why not. I am of the opinion that the reports of the committees of this House or of the other House do not amount to much. Committees meet during the session to take evidence, and no one sees their reports. I

Hon. Mr. BEAUBIEN.

think that if a member of the Government were specially charged to deal with after-war conditions, that would be the solution of the problem; because, after all, production is not the only thing. We must find a market for the sale of our products in order that the business of this country may go on.

I will go further. The leader of the Government has said that the honourable gentleman from Toronto is one of the captains of industry. That is quite true, and I would suggest that the honourable gentleman from Toronto be offered a seat in the Government and be charged with the administration of this important question. I am sure that the honourable gentleman would accept, perhaps even without remuneration, and I am convinced that he would be a proper man to carry on that work, and I would have more confidence in him as a member of the Government than I would in any those committees. He should be given the authority possessed by the special Committee of the Senate on the Conservation of Canadian Trade and the Economic Commission. He should have authority to call for witnesses and send for reports and papers, and I am sure that with such a minister in charge of such a department a great deal of good would be accomplished. Though I believe we have enough cabinet ministers now, I would be prepared to endorse one more, if it would pay to have him, to take charge of this special department of trade conditions after the war, and I hope that this suggestion may have effect.

I was sorry to hear the leader of the Government excuse himself in the way he did by throwing cold water on the proposals of the honourable gentleman from Toronto, and I was especially sorry to see one of his colleagues come to his rescue by saying: "Do not say anything about that; we are here to deal with the question of the war."

The honourable gentleman from De Salaberry (Hon. Mr. Béique) was going to move the adjournment of the debate, and in his absence I move that the debate be adjourned until next Tuesday.

The Hon. the SPEAKER: The discussion which took place after the reply of the honourable gentleman from Toronto was out of order.

Hon. Mr. CHOQUETTE: I understood that it was by leave of the House that the debate was reopened, and that my honourable friend from Toronto would have . the right to close the debate later. With the leave of the House, I would move that the debate be adjourned.

Hon. Mr. CLORAN: How can you adjourn what is out of order?

Hon. Sir JAMES LOUGHEED: I will assume the responsibility of objecting to the adjournment of the debate. No good purpose can be served by discussing this question at length and postponing other business.

The discussion was concluded.

PRIVATE BILLS.

FIRST READINGS.

Bill 24, an Act respecting the Montreal, Ottawa and Georgian Bay Canal Company.—Hon. Mr. Belcourt.

Bill 36, an Act respecting Ottawa and Montreal Transmission Company, Limited. —Hon. Mr. Belcourt.

Bill 44, an Act respecting the Kettle Valley Railway Company.—Hon. Mr. Watson.

Bill 46, an Act respecting United Grain Growers, Limited, formerly the Grain Growers' Grain Company, Limited.—Hon. James H. Ross.

Bill 47, an Act to confirm an agreement between Vancouver, Victoria and Eastern Railway and Navigation. Company and Northern Pacific Railway Company.—Hon. Mr. Shatford.

DOMINION ELECTIONS ACT AMEND-MENT BILL.

FIRST READING.

Bill J, an Act to amend the Dominion Elections Act.—Hon. Mr. Bradbury.

WAR APPROPRIATION BILL.

THIRD READING.

Bill 38, an Act for granting to His Majesty aid for Military and Naval Defence.—Hon. Sir James Lougheed.

GOLD AND SILVER MARKING BILL. THIRD READING

Bill 50, an Act to amend the Gold and Silver Marking Act, 1913.—Hon. Sir James Lougheed.

IMPORTS OF PETROLEUM OILS AND SPIRITS.

DISCUSSION CONTINUED.

The Senate resumed from April 25 consideration of the motion of Hon. Mr. Domville: That an order of the Senate do issue for a return giving a statement of imports of petroleum oils and spirits (gallons, value and duty) during each of the following fiscal years ending March 31: 1909-10-11-12-13-14-15-16-17, and for each month of the unexpired year ending March 31, 1918.

Hon. E. L. GIRROIR: Honourable gentlemen, notwithstanding the divergence of ' opinion that was expressed here to-day upon the proposition. I think that eventually we shall all come to the conclusion that it is one of the fundamental, one of the principal duties of Governments to assist in the development of the resources of the country. The countries which have forged to the fron't in recent years have done so because of the fact that their Governments have given much time and money to scientific research and investigation. They have studied the resources of the country which they governed; they have appointed eminent men of science and have given them authority and assistance to make a thorough investigation into all the resources of the country to which they belonged. They have done more: they have endeavoured by financial assistance and other means to establish in those countries industries arising out of this research and investigation, and they have fostered those industries and have helped them while they were young and tottering, until they reached the estate of manhood, and thus have given employment to their people, have widened their commerce, and have placed themselves in such a position that, when engaged in any great struggle of war or commerce, they would have available all their resources, so that they could be placed at the disposal of the generals in war as well as the generals in the co.nmercial life of the nation, and of the world at large. Germany, whom we despise because of the principles of morality and law for which she stands, has made tremendous advances in science and development, because of the fact that she has not stayed her hand, but has gone on and on assisting in the development of the resources of that country by every means in her power. That she is so powerful in arms in the warfare which is taking place to-day is largely due to this fact. Cut off her supplies in one respect, and she immediately turns to the men whom she has educated in her universities, to whom she has given practical experience in the work of scientific investigation, and she is able very readily to produce from some means hitherto unknown the very thing that we have taken away from her. All through this deplorable conflict, we know,

Germany's arm has been strong because of this fact. To-day we are engaged in a struggle the like of which the world has never before seen. It is a struggle for domination in this world. To-morrow, when the war ends, we shall be engaged in the greatest commercial struggle that this world has ever seen. Then it will be necessary for every country engaged in that struggle to be in a position to place her resources, and to aid her people in placing her resources, where they will be most effective in that commercial fight.

The development of a country depends upon two things, in my humble opinion: it depends upon the enlightenment with which the chosen representatives of the people, the Government of that country. has used its powers to assist in the development of the country; and it depends upon the response which the people of that country give to the encouragement of the Government. To tell us that the development of a country must be left entirely to the people is, to my mind, wrong in principle and wrong in practice. We have established in this country, and all governments do establish, schools. They begin the education of their people in the primary schools. Then they establish scientific schools and schools of research and investigation. There are in Ottawa branches of different departments which are devoting their energies to an investigation of the resources of this country. We have the Geological Survey, which is, I believe, under the Department of Mines, and which is doing a great work -sending experts throughout the country to ascertain the nature of the different deposits and resources which this country contains. The Mines Branch is engaged in a similar work. It is not my opinion that these and other departments of the Government have done too much along these lines; my opinion is that they have done too little.

Therefore, Sirs, I make no apology for bringing this matter to the attention of the House. The honourable member for Rothesay (Hon. Mr. Domville), who spoke the other day, has devoted a great part of his life to the study of this important question, and he is in a better position to deal with it intelligently than I could hope to be. In my own province there are large deposits of oil shales. From my reading of the subject I find that the time has come in the history of this country when, if we wish to do our duty to Canada, we should look in this very direction for one of the resources from which we can Hon. Mr. GIRROIR.

help to build up the industries of this country and give employment to our boys when they return after a glorious victory. This is a new subject to me. I have had to delve into books in order that I might be able to give an intelligent version of what is proposed in this regard. Mr. Guy Elliott Mitchell, of the United States Geological Survey, in an article in the National Geographic Magazine for February, says this:

The output of petroleum has not yet begun to diminish. Statistics show that it is still increasing. Yet the downward trend of production from the present oil fields is plainly in sight.

I applied to the Mines Department for information upon this subject, and I have here a letter from Mr. John McLeish, Chief of the Division of Mineral Resources and Statistics, in which he furnishes me with the following information. He has given the statics showing the annual production of crude petroleum in Canada, covering the years from 1881 to 1917. What do we find? We find that the annual production of crude petroleum in Canada has been steadily decreasing. In 1899 we were producing annually 808,570 barrels. In 1917 the production had dropped to 205,332 barrels; yet, as you know, the demand for this product is increasing day by day.

Let us look at the statistics from the United States of America. What do we find there? We find the very same thing happening, but in a different way The old oil fields of the United States are petering out. It is true that the volume of production is keeping up, but only by the exploitation of new oil fields. 'The state of California in 1914 produced 99,775,327 barrels, and in 1915 its production had fallen to 86,591,535. Pennsylvania and New York in 1891 produced 33,009,236 barrels, and in 1915 their production had fallen to 8,726,483 barrels. Ohio in 1896 produced 23,941,169 barrels, and in 1915 its production had fallen to 7.825.326 barrels. I have the figures for the other states, and they all tell the same tale. In Texas in 1905 the production amounted to 28,136,189 barrels, and in 1910 it was only 8,899,266 barrels. New fields are being opened in Missouri, Oklahoma, Wyoming and Louisiana, and the people in those states are considering how they can keep up with the enormous demands for crude oil and offset the decrease in production which is taking place in the wells that are at the present time operating. That is one point in my argument-the falling off in the production of crude petroleum .

from the oil wells of the United States and Canada.

Let me call your attention for a few moments to the uses to which oil is put at the present time. The Government of the United States, as we know, has equipped its ships of war to use oil alone. We know that aeroplanes require oil for their propulsion. There are motors and motor trucks and automobiles that need supplies of oil. Railway engines in the United States are operated with oil as their motive power. The farmers of this country need oil to run their tractors, which, as has been pointed out, will before long be used generally, and the fishermen now equip their boats with gasolene engines. Only a few years ago you would not have seen the boats of the fishermen of this country propelled by gasolene, but to-day they almost all use gasolene.

There was a great shortage of coal in this country during the last year, because thousands upon thousands of tons of coal had to be used on our railways and in other places where oil might be substituted. Let me quote from a very excellent publication by Ernest H. Peabody, an American engineer, who is connected with the Marine Department of the United States, a man of wide experience, and who knows what he is talking about. This book, entitled, "Oil Fuel," was published not very long ago, and it seems to me is of inestimable value to any person who wishes to study this subject. At page 10 he says this:

However great the incentive may be for vessel owners to adopt oil as fuel, there will be no universal use of it, as opposed to coal, until the supply is assured and distribution points, or fueling stations, are spread over the earth. where steamships may replenish their bunkers, In Naval service the wonderful advantage which oil possesses of ability to "fuel" ships at sea by hauling a hose aboard from a tanker at safe towing distance, will be an added reason for the use of oil, and will facilitate the operation of the fleets in any waters. The merchant ship must, however, depend upon shore stations.

Again, at page 18, he says:

The question whether or not it "pays" to use oil depends on many things. There may be reasons which make its adoption imperative at practically any cost—certain military advantages for instance, such as smoke prevention, speed of vessels, etc.,-but the merchant owner will be influenced by:

(1.) Comparative cost with coal, wood or other fuel, delivered on board.

(2.) Relative heat value of these fuels.(3.) Relative capacity and efficiency in steam production. This may result in running natural draft instead of forced draft, thus saving the cost of installing and operating blowers or in the installation of less boiler power.

(4.) Expenses or fitting up for oil including suitable storage provision on the vessel.

(5.) Saving in labour cost due to reduction in number of firemen, elimination of coal passers and the expense of removal of ashes.

(6.) Increased life of the boilers and lower maintenance charges, both in the fire and engine rooms and hull of vessel.

(7.) Increased bunker capacity and longer steaming radius, or otherwise, on fixed routes between fueling points, saving in dead weight and cargo space by carrying only sufficient oil for the trip.

(8.) Time saved on voyage due to steadier steam pressure, and possibly time saved in fueling ship.

Coal may be figured at 42 cubic feet of bunker space per ton and oil at 36 to 40, according to the gravity. Thus, there is a saving of approximately 10 per cent in space in carrying the same weight of oil, while pound for pound more than 40 per cent more steam will be produced with oil—so that there is an increase of approximately 40 per cent in steaming radius for the same weight of oil or nearly 55 per cent for the weight of oil carried in the same bunker space, or on the other hand, a saving of over 35 per cent of bunker space or about 30 per cent in weight for the same steaming radius.

Then, at page 19, he works out an algebraic problem and draws this conclusion:

Thus, approximately, when the cost of coal in dollars per ton is double the cost of oil in cents per gallon, the fuel costs of producing steam will be equal. Mr. Walter M. McFarland is the first to point out this simple relationship in the cost of producing steam by coal and oil.

In round numbers, as a steam producer, a pound of oil is equal to a pound and a half of coal, or approximately one ton of coal is equal to four-and-a-half barrels of oil--or to quote another approximate but handy rule, one ton of coal equals 200 gallons of oil.

At page 20 he gives a table showing the average performance of a vessel for a period of ten consecutive voyages, operating under the same general conditions in the same trade, using both coal and Mexican crude oil, as follows:

Using coal as fuel, she was 277.89 hours at sea; revolutions made, 65.72; horse-power de-veloped, 3,420.5; coal consumed during trip, 767.4 tons.

Using oil as fuel, the average time at sea was 270.76 hours; revolutions made, 67.64; horse-power developed, 3,\$72; consumption of oil during trip, 134,000 gallons. consumption of oil

He also save:

"It will be moted from the above figures that the running time and average revolutions of the vessel are much more uniform when using oil than when using coal. This condition would oil than when using coar. This contactor the fact be more particularly marked but for the fact that the vessel is operated on schedule and It is possible not at the maximum speed. It is possible, however, with oil fuel to obtain maximum speed continuously, whereas with coal there is a perceptible falling off in speed due to adverse steaming conditions, cleaning fires and excessive temperature in the fireroom."

"The difference in crew as between an and coal burning vessel of 1,500-2,000 H.P. would be about as follows: Required for coal—6 firemen, 6 coal passers— 12 men. Required for oil—3 firemen, 2 wipers—5

men. "The saving in crew in connection with an

oil-burning installation increases rapidly with an increase in horse-power."

Then on page 22 he shows the estimated saving by using fuel oil.

"The following is the estimated saving effected on a coastwise vessel of 5,000 Gross Tons and 3,800 I.H.P. per annum, exclusive of the fuel oil, and covers the following items: "Wages and subsistence of crew.

Maintenance of vessel's structure in bunkers and fireroom; including painting and renewal of floors, reverse bars, keelsons, tank tops, bulkheads, wooden ceiling, etc.

Grate bars, liners and furnace fittings.

Ash ejectors, ash ejector pipes and pumps and ash hoists. Fire doors, furnace fronts and ash paus.

Protection plates.

Fireroom floor and supporting angles.

Fire shovels, fire tools and cost of dressing fire tools.

"Estimated saving, \$9,000.00.

"All repairs to oil pumps, piping, etc., in connection with the fuel oil installation, have been deducted from the total saving and the above amount is net."

Canada has entered upon a shipbuilding programme, and in connection with that it would be well to study carefully the subject which I am discussing. I have endeavoured to point out some of the advantages of oil, and the constant and growing demand for it, especially in the shipbuilding industry. I have endeavoured to show how advantageous it would be over coal. In connection with the increase of our commerce we must provide ships to carry the output of our industries overseas, and in order to make that trade successful we must equip our ships in the most efficient way, otherwise we will fall behind in the race with other nations, which are adapting oil as the means of propelling ships.

I was struck to-day with the statement made by the honourable gentleman from Rideau (Hon. Mr. Edwards) that farming was the most important industry in this ecuntry; if we would keep pace with the advance of other nations, we must first prepare to feed our people. We realize what a valuable heritage we have in Canada in our farming lands. In the West it would appear as if we could go on cropping and tilling the soil from year to year without the application of any fertilizer; but in the eastern and central provinces, in order to produce the best results we must fertilize the soil. Farmers throughout this country, when speaking of increasing production, tell us that while there is a shortage of labour they can over-

Hon. Mr. GIEROIR.

come it with the aid of machinery, but the difficulty has been to obtain sufficient of those fertilizers which agricultural experts advise them to use.

One of the great products of oil shale is sulphate of ammonia, an ingredient which is used very largely in the preparation of fertiliser for the soil. The use of this byproduct of the oil shale will be of great advantage to our farming industry, and if the proposition of the honourable gentleman from Rothesay (Hon. Mr. Domville) is encouraged, as I believe it should be, this ingredient will be available in large quantities.

I have some statistics here to show that oil shales, from which crude oil is obtained, produce a very large percentage of ammonium sulphate as well. In this report made by Dr. R. W. Ells, an engineer of great prominence, I find an important statement. I take this from an analysis of the oil shales of New Brunswick, made by W. A. Hamor, in the laboratory of the College of the City of New York, under the direction of Dr. Charles Baskerville:

New Brunswick shale retorted in Scotland— Imperial gallons of crude oil per ton, 40; pounds of ammonium sulphate per ton, 77.

Baisley farm, Baltimore—Imperial gallons of crude oil per ton, 54; pounds of ammonium sulphate per ton, 110.

Now let me cull a few figures from the statement with regard to the oil shales in. which my honourable friend (Hon. Mr. Domville) is specially interested. Here are the showings at Albert Mines, from assay made by H. A. Leverin, of the Mines Branch:

Sample No. 1.—Imperial gallons of crude oil per ton, 48.5; pounds of sulphate of ammonia per ton, 82.8.

Sample No. 6.—Imperial gallons of crude oil per ton, 112; pounds of sulphate of ammonium per ton, 65.4.

I am only giving these few examples to show that while we may look forward to obtaining quantities of oil from the oil shales of Canada, we can also secure one of the principal elements of all the fertilizers which are used in the farming industries of this country.

I have pointed out that the demand for oil and gasoline and other petroleum products is steadily increasing; that the oil wells of America are petering out, and it seems to me the most logical course to develop the oil shales of Canada, in order to supplement the shortage that will very soon accrue. I will just give a few figures to supplement those produced the other APRIL 30, 1918

day by my honourable friend, giving some idea of the increasing demand for petroleum in Canada alone. In 1908 we imported into Canada 24,886,963 gallons of crude petroleum. In 1916 our import of this article had reached a figure nearly ten times as large, namely, 200,765,174 gallons. Of gasolene we imported in 1908, 3,340,081 gallons; but in 1916 the total was nearly ten times as great,

being 28,078,205 gallons. These figures show that the demand for crude petroleum and products thereof has increased in this country by leaps and bounds.

I have a statement furnished by Mr. J. McLeish, B.A., F.S.S., Chief of the Department of Mineral Resources and Statistics, in which he gives me the following statement showing the increasing demand:

	1916.		1917.	
	Quantity.	Value.	Quantity.	Value.
	Gal.	\$	Gal.	\$
Crude oil for refining. Petroleum and gas oils Illuminating oils Lubricating oils Gasolene Other oils, products of Petroleum	253,093,270 8,080,107 5,466,076	8,459,882 542,893 973,253 3,624,931 1,003,577	$183,105,102\\142,455,582\\13,457,096\\5,315,811\\15,369,172\\18,521,983$	8,411,730 4,521,854 1,093,560 1,209,930 3,293,760 2,708,513
Total oils.	292, 426, 121	14,604,476	378,224,746	21,239,347
Paraffin wax, lb Paraffin wax candles, lb	1,061,112 220,264	70,308 30,539	1,620,634 513,338	140,722 75,257
		14,705,323		21,456,326

Imports of Petroleum and Petroleum Products.

Division of Mineral Resources and Statistics, Department of Mines.

J. McLeish, B.A., F.S.S., Chief of Division of Mineral Resources and Statistics, Ottawa.

Thus it will be seen that in 1916 the total quantity of oils we imported was 292,426,121 gallons; and in 1917, the very next year, the importation had risen to 378,224,746 gallons.

Now, honourable gentlemen, that is the demand in Canada, and it follows that we should endeavour to find out whether we have oil shales in this country, and, if so, in what quantity, and where they are to be found. I have here a statement from Mr. Louis Simpson, an industrial engineer who lives in Ottawa, who has made a special study of the oil shales industry. He has looked into the oil shales in Nova Scotia, New Brunswick and other parts of Canada, and he has been in Scotland investigating the industry there. He has a very wide knowledge of this subject-and I may say that in my preparation of this matter I have received most valuable assistance from him. He tells me that there is at Albert Mines, New Brunswick, at least 400,000,000 tons of shale; there is at the Baltimore, Turtle Creek, in Albert county, and sundry deposits in Westmorland county, about 200,000,000 tons. In Pictou county, Nova Scotia, there is about 200,000,000 tons; at Lake Ainslie there is about 200,000,000 tons; and in Antigonish, in Nova Scotia, there is probably 100,000,000 8-25

tons. In Saskatchewan, as I understand from a western member, there is a very large deposit of shale. It occurred to me when we were discussing the shale question the other day that that shale deposit, if it were developed as I believe all the shale deposits in this country will be developed. would be of the very greatest advantage in producing motive power for the Hudson Bay railway, if that railway is ever completed. The Ells report, from which I have read, furnishes valuable information with regard to the shale deposits of the Dominion; but any one reading that report will come to the conclusion that there is much more to be ascertained, much more to be investigated, and much more information that should be obtained with regard to the shale sil deposits of this country. The province of Quebec has also oil shales. I think I am safe in stating that we have in this country probably fifteen hundred million tons of oil shale, which is sufficient to supply works retorting probably twelve or thirteen thousand tons per day for the next two hundred and twenty years.

That we have large deposits is one thing, but it is important to know the value and the cost of production of these products. With regard to the latter item, I may say

REVISED EDITION

SENATE

that the cost of production in New Brunswick and Nova Scotia, at least, will be very much less than the cost in Scotland, because in Scotland they have to obtain their shale by deep mining, whereas in New Brunswick and Nova Scotia much of the shale is near the surface, and can be taken up with steam shovels, thus saving the cost of sinking pits, and of the machinery that is necessary to mine underground. While wages in this country are greater than they are in Scotland, the advantage that we derive from the fact that so much of the shale is exposed, and can be obtained so readily, will. I believe, overcome altogether and overbalance the advantage of lower wages. The Scottish industry dates from 1848; and, if you look down through the years through which that industry has progressed towards the position which it holds to-day, you will find that it was engaged in a tremendous struggle owing to the fact that, after it got well onto its feet, great oil wells were struck in the United States and in other countries; but, notwithstanding that, the industry has been making good, and is to-day producing 18 per cent on the investment, and thousands upon thousands of barrels of oil every year. Accord-ing to a table at page 27 of Mr. Ells' report. I find that in Scotland during the year 1873 they produced 524,095 tons of shale, whereas in 1896 they produced 2.435.555 tons. The increase appears to be gradual, which shows that the industry is a strong and healthy one. There has been no great boom in any one year in the production of oil shales or in the retorting processes. The growth has been steady and healthy, which shows that the industry has firmly established itself during its process of development.

I wish now, just briefly, to institute a comparison between the Canadian oil shales and the Scottish oil shales. I have to rely somewhat on my friend Mr. Simpson for information on this subject, and also upon the different reports that have been published from time to time. In a letter which I have from Mr. Simpson, he states that the Scotch shale deposits, as worked in the year 1913 according to the report of a United States engineer who was sent over to Scotland specially to investigate and report upon the Scotch oil shale industry, gave the following results. By the Dalmeny Company the average yield per ton shale of imperial gallon was 22. These are the different specimens of the shale which were retorted and analyzed. By the Young Company, Addie Hill, the average yield per ton of shale was 33 imperial

Hon. Mr. GIRROIR.

gallons. The average of all the Scottish shales included in this report was 22¹/₂ gallons per ton.

Now, when we come to the New Brunswick shales, what do we find? We find the average very much higher. No. 1 sample gave 41 gallons of oil per ton; No. 2 gave 42 gallons per ton; No. 3 gave 52 gallons per ton; No. 4 gave 43 gallons per ton.

No. 5 gave 32 gallons per ton; No. 6 gave 34 gallons; and No. 7 gave 42 gallons per ton. The analysis of the New Brunswick shales was made by the Mines Branch of the Department of Mines at Ottawa, and has been checked time and again by the chemists of the Imperial Institute, London, England, and by industrial chemists in New York, London and Glasgow. So, you will see that the oil shales of New Brunswick are very much richer in oil than are the shales of Scotland.

I have here also a report of Ronald Johnstone & Son, who, I believe, are Scottish engineers. This is a report on the New Brunswick shales, and is dated May 28, 1914. They state that a sample marked A yielded 39 gallons per ton of crude oil; sample B, 40 gallons per ton; sample C, 50 gallons per ton; sample D, 32 gallons per ton. So we find that the shales of our own country are richer in oil than are the shales of Scotland.

Now, if it is true that with a small demand for oil, as compared with the demand of the present day, great industries have been built up in Scotland, surely we in Canada will be able to take hold of this industry and bring out of it a development that will stand good for this country and for our people in the days that are to come.

I wish to quote from the report of Mr. Ells with regard to the Nova Scotia shale oil. At page 35 he says:

The following extracts, taken from Professor Henry How's Mineralogy of Nova Scotia, 1868, may be also quoted: "Concerning the oil-coal of Antigonish county, Mr. J. Campbell reports a five foot seam of curly cannel, which will yield at least 40 gallons of crude oil per ton, and fifteen feet of oil shale, which will yield at least 20 gallons per ton."

In the same volume, he refers also to the shale deposits found in Hants county, thus:

"The non-productive coal-measures of Hants county afford large quantities of shale, which have led to expectations of finding coal."

At page 39 some further information is given with regard to the oil shales of Nova Scotia and New Brunswick, which shows that they are inestimably better shales than those of Scotland. The report says:

At McLellan Brook, Pictou, the Frazer oilcoal gives 40 gallons crude per ton; at Coal brook, the Frazer oil-coal and oil-batt together

give 53 gallons per ton; at McCulloch brook, the Frazer oil-coal gives 77 gallons per ton; the Albert coal or Albertite gives 100 gallons per ton; the Torbane Hill coal gives 125 gallons per ton.

It will thus be seen that in Pictou county, where these shales outcrop at several points and are in large extent, the possibilities of successful development are such as to warrant exploitation.

I feel certain that I have made my point that the Scottish shales are not as rich in oil as are those of Canada. If, as I have said, the industry could be made a success in Scotland, it can be made a success here. The opportunities for success to-day in an industry of that kind are tenfold what they were when the Scottish industry was established. We in Canada are engaged in a war, it is true, but we are engaged in a war from which we expect to come forth victorious. and after the war we have to develop this country to provide for a great population which will have to live in this Canada of ours, and it is up to us to develop this country in such a way that we may provide not only employment for all our people, but the motive power at low cost through which and by which great industrial development may be possible. Honourable gentlemen know as well as I do that during the great war Germany has not been idle in this respect. She has made it a point to secure for herself the rich oil wells of Rumania. The United States are investigating this most valuable product, and, as was pointed out the other day by my honourable friend who introduced this question (Hon. Mr. Domville), only this spring an agent of the United States Government appeared in New-Brunswick with a proposition to take hold of the oil shales there. All countries are reaching out in this regard. England, realizing the value of oil, has by Act of Parliament subscribed for the whole bond issue of the Anglo-Persian Oil company, of London, England, and has also purchased one-half the common stock at a cost of \$15,000,000. All over the world people realize that oil is going to be one of the great motive powers in the future. One has merely to open his eyes to realize that fact.

We in Canada, a year or two ago, were much distressed because the nickel industry had not been developed in this country because the product of our nickel mines was being taken to another country and was being manufactured there, and we were losing not only the value that would accrue to our people from the establishment of that industry in our midst, but also the S-251

control of that very valuable product. There was a great cry raised throughout this country that the Germans were getting hold of our nickel. If we are going to allow this country to act in the same manner with respect to this important product, we shall, I think, be making a very great mistake. After the war our boys will be returning to us, and we desire to provide industries in this country in which they can find employment. They are not all going back to the farm; they are not all from the farm. Of those who are from the farm, I suppose, many will go back; but there will be a large number of men coming home, and, unless this country is prepared for development, unless we are able to provide industries that will interest them and afford them employment, what is going to be the result? Let me give you a few more figures. Before the war the maximum quantity of shales mined in Scotland was 2,500,000 tons. So that Canada is now importing each year in crude oils and the products of crude oils, the products of shales, a quantity double that mined in Scotland each year prior to the war. The late Dr. Ells of the Geographical Survey estimates the cost of mining and retorting, chiefly wages, at \$1.40 per ton. To-day the cost would be higher; but at \$1.40 the annual wages cost for 5,000,000 tons would be no less than \$7,000,000. The sum of \$7,000,-000, at an average weekly wage of \$25, would pay 6,730 men, making, with sundries, about 7,000 men.

No other industry exists, perhaps, that is so suitable for the employment of returned soldiers, as all the work is done by machinery that operates slowly, and the work required can be easily and quickly learned.

To settle the returned soldier upon the land will cost the Government \$1,500 to \$2,000 cash per man. Therefore, to settle 7,000 men at \$2,000 per man would cost the Government in cash \$14,000,000. Of this sum a portion at least will never be repaid to the Government, and the collecting of the interest and the overlooking of the settlers will require the expenditure annually of large sums of money in salaries and expenses.

I need not point out that, were fuel oil always obtainable, so that the vessels coming into and leaving Canadian ports could be sure of finding supplies when required, the oil shale industry of Canada ought to provide employment for 10,000 men, which means a population of 50,000 persons.

The Maritime Provinces, and the whole of Canada, look to the Government to give the lead in this matter, and I have every confidence and fully believe that they will not fail in doing this.

Just a word as to the commercial value of oil shales. Says Dr. Ellis in his report, at page 34:

The commercial value of the oil-shale can be best inferred from a study of the prices and quantities obtained by distillation. Thus in the case of the shipment made from New Brunswick as per results already stated, the yield of crude oil was found to be 40 gallons imperial, or 48 United States gallons, and of sulphate of ammonia 77 pounds. These, it may be mentioned, are practically the two most valuable substances obtained from the first distillation . . . Assuming then the value of crude oil at present prices, per barrel, to be 0.025 per gallon—

This was published in 1910.

Hon. Mr. POIRIER: The selling price has more than doubled since.

Hon. Mr. GIRROIR: That makes my argument all the stronger. (Reading):

\$4.15

own feet.

That is with regard to the commercial value of oil shale. What is the cost of mining? It will not exceed \$1 or \$1.25 per ton; perhaps it will be less. For a long time it will be less, because this shale is exposed; it is near the surface; and it surely would not cost \$1 to mine one ton of shale by means of an up-to-date excavator.

Hon. Mr. DOMVILLE: Steam shovel.

Hon. Mr. GIRROIR: The retorting of shale per ton would probably cost—what? An average of 40 cents per ton. The manufacture of the sulphate of ammonia, one of the other valuable products to which I have referred, would cost probably 46 cents per ton of shale. The cost would be, in all, \$1.86. There is an expenditure of \$1.86 to produce at least \$4.15, as shown in the figures I have given, or perhaps it would be \$6 or \$7 at present prices—a very large margin of profit, perhaps larger than occurs in any other industry that I know of.

I know this is a very dry subject, but it is perhaps fully as important as it is dry. I have endeavoured to place before you the desirability of governmental aid to this industry.

I have shown in the first place the growing decrease of the supply of oil in the world, and especially on this continent. I have

Hon. Mr. GIRROIR.

pointed out that the uses to which oil is applied are rapidly increasing and that the demand is 50 times what it was 20 years ago. I have shown you that in Canada we have immense and valuable deposits of oil shale; that they exceed in value very much the oil shales of Scotland, where a splendid industry in this branch of mining and retorting has been built up. I have pointed out what other countries are doing- Britain, Germany and the United States. I have shown you the commercial value of oil shales-how valuable they are and how easily they can be mined in this country, and what a splendid profit there is over the cost of mining. I have also indicated what in my opinion can be done to provide employment for our soldiers and develop our interests generally in this country. I repeat what I said at the beginning, that I think it should be the duty of any government, that has at heart the interests of the country which it governs, to do its utmost to see that the resources of the country are thoroughly developed, that every opportunity is given for research into the value and quantity of these resources, and that, when the time comes when development is undertaken and the manufacturing processes are begun, the young industries shall be assisted until they are strong enough and old enough to stand on their

I believe, Sirs, that we have a great future before us in this country. We have a country teeming with resources. Only the mere fringe of our resources has yet been touched. All over the country evidences are being furnished day by day that undreamedof treasures in natural resources exist in this Canada of ours. This country is peopled by the strongest and most virile people in the whole world. This northern climate in which we live makes us energetic and forceful, and all that is necessary is that the Government give the people a guiding hand and such assistance as can be given only by governments in this regard, and this ccuntry will go on and on accumulating wealth, developing industrially, and growing in population, until it becomes one of the foremost countries in the world. It is useless to think that private enterprise can solve a problem as large as this. It requires too much capital; it requires too much investigation and too much study. It can be dealt with only by a government with its organization and its capital and authority. I look with great confidence and hope to the future, because I believe that the Government we have in office today will look into this matter, will send out men to investigate, to see what we have, and to make experiments, and that when the time comes the Government will be ready to stand powerfully and energetically behind the establishment of this industry, so as to make it what it must be, and what it shall be, one of the greatest industries on this continent.

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

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

THE SENATE.

Ottawa, May 1, 1918.

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

Prayers and routine proceedings.

DIVORCE BILLS.

FIRST READINGS.

Bill K, an Act for the relief of William Leo Walpole.-Hon. George Taylor.

Bill L, an Act for the relief of Mary Claire Dawson Hislop.-Hon. Mr. Mitchell.

Bill M, an Act for the relief of Martin Hafner.-Hon. Mr. Talbot.

PRICES OF NOVA SCOTIA COAL. INQUIRY.

Hon. Mr. TANNER inquired of the Government:

1. What are the current prices of coal to the public from each colliery in Nova Scotia at present approved by the Fuel Controller? 2. Are such prices for long or net ton?

3. Does the Government propose to make immediate engineering and other investigations of coal mining conditions in Nova Scotia to ascertain if cost of production is excessive and prices to the public should be reduced?

Hon. Sir JAMES LOUGHEED:

1. Acadia Coal Co., \$6.60 screened coal, \$6.35 run of mine; Nova Scotia Steel and Coal Co., \$5.50 and \$5.25; Inverness Railway and Coal Co., \$5.75 and \$5.50; Bras d'Or Coal Co., \$5.75 and \$5.50. All other prices remain as agreed to at conference held at Halifax, N.S., July 14, 1917, namely, Mainland Collieries screened coal \$5; run of mine \$4.75; Cape Breton Collieries screened coal \$4.75 to \$5; run of mine \$4.50 to \$4.75. Examination by Fuel Control Auditor has been made into the cost of producing coal for the following coal companies: Intercolonial Coal Mining Co., Maritime Coal, Railway and Power Co., Cumberland Railway and Coal Co., Springhill Mines (working under lease by Dominion Coal Co.), and Dominion Coal Co.; and further variations may be made in their prices at any time.

2. All prices quoted are for net ton of 2,000 pounds.

3. This proposal is now the subject of negotiations with the provincial authorities.

WAR LOAN ADVERTISING.

INQUIRY.

Hon. Mr. BRADBURY inquired of the Government:

1. What are the names of the five advertising agencies or firms who were charged with the duty of writing "copy" for and placing the advertisements for the last War Loan?

What rate of remuneration was each agency or firm to receive from the Government for the

services so rendered? 3. What sum was paid to each agency by the Government for the last War Loan services?

4. Was the stipulation expressly made with these agencies that in no case were they to charge to newspapers a commission for de-livering to them this particular Government advertising?

5. Is the Government aware that in several instances this condition was violated by one or more agencies?

If the answers to questions 4 and 5 are in the affirmative, will the Government insist upon the offending firm or agency making a refund to the newspapers so improperly mulcted?

7. If the answer to question 5 is in the negative, will the Government endeavour to ascertain whether any agency contravened its agreement with the Government, with a view to it being disciplined?

Hon. Sir JAMES LOUGHEED:

1 and 3. A. McKim, Limited, \$3,222.51; J. J. Gibbons, Limited, \$3,423.90; McConnell and Ferguson, \$3,399.58; Morris and Patterson, Limited, \$3,688.49; Desbarats Advertising Agency, \$2,817.53.

2. 10 per cent on advertising.

4, 5, 6 and 7. The Victory Loan organization handled all advertising in connection with the loan.

VICTORIA HARBOUR WORKS.

INQUIRY.

Hon. Mr. BOSTOCK inquired of the Government:

1. Did the Government call for tenders for the construction of the breakwater and wharves at the outer harbour at Victoria, B.C.?

2. If so, how many tenders were received? 3. What were the names of the tenders

3. What were the names of the tenderers and the amount in each case? 4. What was the name of the successful tenderer and the amount of his tender?

5. What has been the total cost of construc-

tion, not including the sheds?

Hon. Sir JAMES LOUGHEED:

1. Yes.

2 and 3. Victoria breakwater, 5 tenders received:

Sir John Jackson (Canada), Limited, \$1,-797,801.88; The J. McDiarmid Co., \$2,461,-590.95; Norton Griffiths and Co., Limited, \$2,525,393.20; Public Utilities Construction Co. of Canada, Limited, \$2,956,705.10; Roger Miller and Sons, Limited, \$3,138,725.25. Victoria wharves, 4 regular tenders received: Grant Smith and Co. and McDonnell Limited, \$2,244,745.15; Sir John Jackson (Canada), Limited, \$2,410,883; Armstrong, Morrison and Co., Limited, \$3,043,206; Foley Bros, Welch and Stewart, \$3,062,282.50.

4. Victoria breakwater: Sir John Jackson (Canada), Limited, \$1,797,801.88 (schedule rates); Victoria wharves: Grant Smith and Co. and McDonnell, Limited, \$2,244,745.15 (schedule rates).

5. Breakwater: the Sir John Jackson (Canada). Limited, \$2,206,036.02. Wharves: Grant Smith and Co. and McDonnell, \$2,421,830, of which \$23,760 (including drawback of \$7,040) is held in abeyance, \$2,398,070. Total amount paid, \$4,604,106.02.

NEWSPAPER ATTACK ON THE SENATE. On the Orders of the Day:

Hon. P. A. CHOQUETTE: I feel it my duty to call the attention of the honourable leader of this House, and the attention of the Senate as a whole, to an article published on April 27, in the paper called Saturday Night, published in Toronto. As I understand, it is a good Unionist paper supporting the Government. The article, which is headed, "Put the Axe to the Senate Next," reads as follows:

It was sheer effrontery for Sir James Lougheed, the Government Leader in the Dominion Senate, to declare that this discredited legis-lative body "stood as a bulwark against the the clamour, the agitation and the caprice of the public." This high-falutin' utterance was made in defence of the action of that vast majority of Senators which insisted on handing over the streets of Toronto to a gang of electric ringsters. If it had been any other muni-cipality in Canada whose interests were in-volved, the decision would have been the same. The Senate of Canada is unquestionably a "bulwark," as Sir James Lougheed says, but a bulwark for the defence of every selfish cor-porate group which desires to exploit the natural resources of Canada for their private benefit and for every enemy of public ownership of public utilities.

"Upon what meat is this our Caesar fed, that he has grown so great?" What is the history of Senatorial appointments in this country? Those Senators, who are not political "has-beens," put out of the way because they were dead wood that clogged the party machinery, for the most part purchased their Hon. Mr. BOSTOCK.

appointments by contributions to party funds. Their elevation in some instances has been the reward for being defeated at the polls as candidates for the House of Commons. Having been rejected by the public, they are placed in office to defy the "clamour and caprice of the public!" The Federal Senate is, without doubt, the most irresponsible, the most unrepresentative and the most incompetent legislative body in the world. The Senatorial abuse is in reality a much greater menace to the well-being of Canada than that in connection with titles. Some fine day it will be rectified, just as the latter abuse is in a fair way to be curbed. The public is in no mood to tolerate such pretentious bombast as that which emanated from the lips of Sir James Lougheed, who unquestionably voiced the egotism of most of his colleagues.

I will add only this, that I have been personally very often slandered in newspapers, and I have never taken notice of it; but when I see such an article in a Government organ, slandering the honourable leader of this House and the Senate as a whole, especially those Senators appointed since this Government came into power, I feel it my duty to call the attention of the leader of the House and the Senate in general to this utterance.

Hon. Sir JAMES LOUGHEED: The only thing I have to say to my honourable friend is that it is news to me to learn that the paper in question is a Government organ.

Hon. Mr. CHOQUETTE: This paper has been slandering Quebec as it slanders the Senate in this article, and has always supported the Union Government.

Hon. Sir JAMES LOUGHEED: No, no.

Hon. Mr. CHOQUETTE: That is my information, and if honourable gentlemen will read it they will see that that is the Case.

Hon. Mr. CLORAN: I think the honourable leader of the Government should go further. Notwithstanding that the paper is not a Government organ, I think that on behalf of himself, and especially on behalf of the Senate, he should repudiate the whole article. I should think that ought to be done, especially as the honourable leader says the paper is not a Government organ. If I were in his position, I certainly would denounce the scribbler who wrote that infamous article. I believe the word "infamous" is almost parliamentary. But anyhow, on my own behalf-I am a nobody -I protest against the twopenny-halfpenny scribbler who wrote that article in the public press of Canada.

JUDGES ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. ROSS moved the second reading of Bill C, an Act to amend the Judges Act.

He said: This Bill relates to the judges, and any Bill relating to the judges of the country must always be of some importance. The difference between a civilized country and an uncivilized country is perhaps mainly in the administration of justice. Where there is a good administration of justice there is some chance of advancement and prosperity. In a country where justice is not well administered there is no chance. So many things relating to the judges must be matters of importance.

To guard against mistakes. I may say that, so far as I know-and I have been at the bar for 40 years all but about two months-there is a general confidence in the judges of Canada, extending all the way from the Atlantic to the Pacific. I can say personally of the judges of the province of Nova Scotia that I have never known religious, political, or mercenary motives to enter in any degree into the administration of justice in that province; and the same thing is probably true of every other province in Canada. So I have nothing at all to say in the nature of a general attack upon the judiciary; on the contrary, I wish to say that I myself have every confidence in them, and I know the people of this country are proud of their courts and of their judges. But certain things are creeping into the administration of justice that I think it would be wise to look to, and, one or two of them especially should be headed off; otherwise in a few years we may not have the same respect for our judges that we have to-day.

Section 1 of this Bill deals with a subject that is entirely distinct from the rest of the Bill, and may be dealt with entirely by itself, without reference to any other part. Everyone knows that there are at present two systems for superannuating the judges of the country. I need not classify them now. There are the superior courts and the county courts, and then there are certain circuit and district courts in Montreal; but they are practically all in the same position with regard to the question of superannuation.

Under the old system, a judge who had served for 15 years was entitled to apply for superannuation and to receive a retiring allowance of two-thirds of his salary. If he was receiving a salary of \$9,000 he could apply for and retire on a pension of \$6,000 a year. There were qualifications or what might be called exceptions. If the judge had not served the whole 15 years, but had become physically incapable and presented a doctor's certificate, he was classified as a 15-year man. I need not go into the details. Speaking generally, the old system was that of retiring the judges after 15 years' service on two-thirds of their salary.

In 1905, an Act was passed, which is chapter 138 of the Revised Statutes of Canada, known as the Judges Act, under which another system of pensioning the judges was adopted. It was provided that when a judge attained the age of 70 years, after so many years of service, or 75 years, with a lesser number of years of service, or in some of the circuit or district courts of Montreal, when he was 80 years of age, he might be retired upon full salary. There is no secret as to why this second system of pensioning the judges was put upon the statutes. There were some judges who, though 70 years of age and physically incapable of properly performing the duties of their office, still persisted in retaining their positions in order to draw the full salary. Under our constitution, the British North America Act, which provides that the judges shall hold office for life or during good behaviour, there was no way of retiring a judge who had become physically unfit, if he chose to remain in office after reaching the age of 70; so it was thought that by giving him his full salary, such a judge, 70 years of age and unfit to do his work, would retire. But the new Act brought in a new evil, and the cure was worse than the disease. We all know that some men are old at 65, some are old at 70, while others may be still capable at 75, and occasionally a man who is over 80 is capable. The result was that a number of men who should have taken advantage of the 15-year system of getting a pension. who should have retired at the end of 15 years, taking a retiring allowance of twothirds of their salary, persisted in holding office until they were 70 years of age in order that they might retire upon the full salary.

I am speaking of the judges, but what I say applies also to railway commissioners and to the judges of the circuit and district courts of Montreal. There is a slight difference in a matter of detail, but that will be clear to any person who reads the section.

Section 1 provides that, after the passing of this Act, the second system of pension that I speak of—retiring men of a certain age on their full salary—shall cease, and that we go back to the old system of pen-

sioning the judges on two-thirds of their salary after fifteen years of service. Section 1 simply wipes out all those sections that give the full retiring allowance. Any judge on the Bench, or any man who fills the position of railway commissioner, shall not get a retiring allowance amounting to full salary, but, if he has given fifteen years' service, he can retire on two-thirds. That is section 1, with this proviso in it:

But this repeal shall not affect the pension of any judge or commissioner, who, before the passing of this Act, had retired from or had been appointed to office.

That will save that vested right that a retired man will have.

Hon. Mr. CLORAN: It is not retroactive.

Hon. W. B. ROSS: No, and further than that, any man who has gone on the bench can say: "I made a contract with the country on the basis of receiving my full salary on retiring at full age, and have been guaranteed it by legislation."

Hon. Mr. TESSIER: Is there a pension now for the railway commissioners?

Hon. W. B. ROSS: Yes.

Hon. Mr. TESSIER: I thought they were appointed for a certain number of years, not for life.

Hon. Mr. THOMPSON: They get no pension.

Hon. W. B. ROSS: There is a pension for those who have served part of the time as judges. Suppose a judge serves ten years and then becomes a railway commissioner, his whole time is credited to him. A special clause in the Act deals with that.

Hon. Mr. CLORAN: That is why the legislation of 1905 was passed.

Hon. W. B. ROSS: Section 21 of chapter 138 answers what the honourable gentleman refers to:

If any chief commissioner of the Board of Railway Commissioners for Canada, having been at the time of his appointment as such chief commissioner a judge of the Supreme Court of Canada, or of the Exchequer Court of Canada, or of any superior court in Canada, or having resigned his office as such judge for the purpose of accepting appointment as such chief commissioner, has continued in office, etc.

Hon. Mr. THOMPSON: He is the only one; the other commissioners do not get any retiring allowance.

Hon. W. B. ROSS: The assistant chief commissioner does too. If these were judges Hon W. B. ROSS. they would. That is the principle of the first section of this Bill. The object in view is to abolish the second system of pensions, and to return to the previous system that lasted so many years, at the same time saving all vested interests.

Hon. Mr. BELCOURT: If we adopt this Bill, how will the law stand in regard to judges who are incapacitated by reason of illness?

Hon. W. B. ROSS: It leaves the old fifteen-year system intact. I want now to pass to section 2, which deals with the duties of the judges. That matter was discussed at a good deal of length, and I think with a great deal of intelligence, by honourable gentlemen on both sides of the House last winter. Prior to 1906, the year of the Revised Statutes, which contain the Judges Act, judges in the province of New Brunswick, for instance, received \$4,000 a year, but by the Judges Act of that year their salaries were raised to \$6,000. A corresponding increase took place all over Canada. It was a very large increase; I am not saying it was too large, but a 50 per cent increase is very substantial. There had been complaints made that the judges were underpaid, and that here and there they were engaging in outside work and neglecting the regular duties of their office; hence it was provided by section 33 of the Judges Act, part of the same Act that raised their salaries, that the duties of a judge's office would occupy his whole time. I am sorry to say there are cases of individual judges who are not devoting to their judicial duties their whole time, but are drawing salaries outside their judicial salaries, and I am told that in one or two of those cases this outside work is interfering with the proper discharge of their judicial duties

Hon. Mr. TESSIER: Were those cases reported to the Minister of Justice?

Hon. W. B. ROSS: I do not know, but if so there was nothing done.

Hon. Mr. POWER: That is the usual thing.

Hon. W. B. ROSS: This practice continues from year to year; and in one or two cases where judges have been spoken to on the subject, they have been quite independent about it, saying they did not care anything at all about the Act of Parliament, and were going to do as they pleased.

Another thing that has caused a good deal of complaint, not only on the part of the general public but among the judges themselves, is the growing habit of appointing judges to commissions. Here and there a judge is appointed chairman of a commission to revise the statutes of a province; in another place one is appointed to investigate question A, another to look into question B, etc.

Hon. Mr. CHOQUETTE: The Canadian Northern railway stock.

Hon. W. B. ROSS: That custom, besides taking judges from the regular work of their office, has delayed and impeded the administration of justice.

Hon. Mr. CLORAN: There is no doubt about that.

Hon. W. B. ROSS: But it has done more; .it has created very considerable discontent among the judges themselves. Take the Supreme court, consisting of five judges; it may be that those five are just able, by working hard, to overtake all the duties of the court, but one of them is appointed to a commission, say, on the work of revising the statutes, and goes off for the greater part of three years. The effect of that is to throw the judicial work on the four remaining judges. There are judges who say that while they are willing to do their share, and even to do extra work provided all the judges are working, they object to sitting up at nights in order to overtake the extra work imposed on them when one of their number is off on an easier job, and, in addition to drawing his full salary as judge, is also in receipt of a large salary as commissioner, so that, while doing less work than the remaining judges, he is drawing more than double the pay. That practice cannot continue without producing dissatisfaction. One judge who mentioned it to me said: "From this time on I am going to stop doing extra work in overtime, for here is a man who is drawing double salary and having very easy work." Now, it is time that that custom ceased.

Hon. Mr. BELCOURT: Would my honourable friend tell us whether the proposed amendment of section 2 is in exactly the same words as the section that we adopted last year?

Hon. W. B. ROSS: It is not quite the same. You will remember that last year the honourable gentleman from Welland (Hon. Mr. Robertson) complained that the wording of the amendment we had at that time would prevent the appointment of a judge as arbitrator in a labour dispute, and he said that labour men would not accept anyone but a judge as umpire. I worked on what we did last year, but the language is reconstructed so as to meet this objection.

Hon. Mr. BELCOURT: But provision was made last year to allow judges to act on a board of conciliation and investigation under the Undustrial Disputes Investigation Act. You deal here with both the Conciliation Act and the Industrial Disputes Act. They are two different Acts. Was either of them excepted in the provision we adopted last year?

Hon. W. B. ROSS: No. Last year I thought there was another general Act relating to labour which would enable the Government to make the appointment irrespective of the legislation we were passing; but on checking it over this year I concluded that I was perhaps mistaken in that, and that we had better insert here the names of the Acts.

Hon. Mr. BELCOURT: For my part I am not satisfied to make that exception; and, unless my honourable friend has some very good reasons to advance, it is in my mind to oppose it. I do not see why a judge should be appointed as umpire under either of those Acts.

Hon. W. B. ROSS: Of course, it would be for the House to decide.

Hon. Mr. CLORAN: What is your opinion on it?

Hon. W. B. ROSS: Of course, the question of settling labour disputes is one of paramount importance to the people of this country; and if it be a fact, as stated by the honourable gentleman from Welland, that labour men will not listen to any man other than a judge being appointed, we may have to bow to the circumstances of the country and the importance of the subject and allow an appointment of that kind to be made.

Hon. Mr. BELCOURT: But we must exercise some independent judgment about the matter, and if my honourable friend has some good reason to support the exception created in section 2, I should like to hear it.

Hon. W. B. ROSS: I have stated the only reason I have—that the labour unions of the country will not accept anyone other than a judge as an umpire in settling a trade dispute. If that is the fact, I think it is of sufficient importance to make the exception. I may be wrong, but that is my reason, and the only reason I have. Hon. Mr. DAVID: Last year I insisted on having the exception inserted in regard to commissions appointed to investigate municipal matters, because there is a daw in our statutes providing that on a petition signed by twenty-five citizens a judge will be authorized to make an investigation into the matter complained of in the petition. I mention that in order to justify the position taken by the honourable gentleman (Hon. W. B. Ross).

Hon. Mr. CLORAN: Would the honourable gentleman tell me whether he is in favour of the dictum of the labour unions in regard to this matter—that they will not accept any other arbitrator?

Hon. Mr. THOMPSON: Whether he is in favour of the position they take?

Hon. Mr. OLORAN: Whether it is a proper demand to put up to an independent Parliament—that they will not accept any arbitrator but a judge? Suppose I am a labour man, and I am in a union, and looking over the bench I can see nobody whom I would select.

Hon. W. B. ROSS: You can go outside.

Hon. Mr. CLORAN: No; you have just stated that the labour unions have put it up to the Government, that they will accept nobody but a judge.

Hon. W. B. ROSS: No, I did not say that the labour people had put anything up to the Government. I said that the honourable member for Welland, representing the labour men, stated that to his knowledge labour men would not accept as an umpire any man other than a judge. It is not a matter of compulsion to them to take a judge; if the labour men wish a merchant, a doctor, or some other man to act as an umpire they can choose one. We are only giving the judge liberty to act as an umpire if he is asked 'for, and if the Government assent.

Hon. Mr. CLORAN: I am with you in that regard, but I cannot understand labour unions telling this Government or any Government—

Hon. W. B. ROSS: They are not telling the Government; it is simply a state of mind.

Hon. Mr. CLORAN: The honourable member from Welland has stated that the labour unions would accept nobody as umpire but a man on the bench?

Hon. W. B. ROSS: Yes. Hon W. B. ROSS. Hon. Mr. POWER: I rise to a question of order.

Hon. Mr. CLORAN: This is a family discussion about this Bill.

Hon. Mr. POWER: The honourable member for Middleton has the floor. He is making a speech on the second reading of the Bill, and I think he should be allowed to proceed.

Hon. Mr. CLORAN: I am looking for information, and the honourable gentleman is trying to give it. He is not complaining, and why should the honourable member from Halifax get up? It is not a question of order at all.

The Hon. the SPEAKER: Any honourable gentleman can ask a question from the gentleman who has the floor, but cannot make a speech.

Hon. Mr. CLORAN: I am not making a speech; I am looking for information.

The Hon. the SPEAKER: No other question is to be raised.

Hon. Mr. CLORAN: That is exactly my position. I am only looking for information, and I think the honourable gentleman from Middleton is giving the House a fair explanation. I agree with all he is saying. Why the honourable senator from Halifax should raise a point of order when we are in a family discussion is more than I can understand.

Hon. W. B. ROSS: Section 33 of the Judges Act is headed "Judges not to engage in business," and reads:

No judge of the Supreme Court of Canada or of the Exchequer Court of Canada or of any superior or county court in Canada shall, either directly or indirectly as director or manager of any corporation, company or firm, or in any other manner whatever, for himself or others, engage in any occupation or business other than his judicial duties; but every such judge shall devote himself exclusively to such judicial duties.

A large number of judges have gone onto the Bench with that statute before them, and there are others who accepted an increase of salary, amounting to 50 per cent —in some cases to more—and I think that we are entitled to expect more perfect loyalty both in the spirit and in the law to the Act of the Parliament from the judiciary than from any other class in the community.

Section 3 of the Bill proposes an addition to section 33 of the Act. It is put in with a view of keeping tab on those judges who do not obey the provisions of section 33. Subsection 2 of section 33 is to read:

MAY 1, 1918

Every such judge shall, in the month of De-cember in each year, file with the Minister of Justice a statement to the effect that he has complied with the terms of this section or, if not, the manner in which he has departed therefrom, and no salary shall be paid to any judge who has failed to file such statement. Such statement may be in the form in the schedule to this Act.

I want to see that become law, because one of the most invidious things that a member of the Bar has to do is to make a formal application, either to the Attorney General or to the Minister of Justice, with regard to the way in which a judge is performing his duties. It is not a pleasant thing to do, and almost necessitates a man constituting himself an informer, or puts him in such a position that it appears as if he wanted to get the judge's place for himself. Under this section the information would be given to the Minister of Justice every year as a matter of course. I do not want to labour that point, as I spoke on it at great length last session.

That brings us to section 4 of the Bill, which says:

(1) No judge of the Supreme Court of Canada, or of the Exchequer Court of Canada, or of any superior, county or district court, shall receive or be paid any salary, remuneration or allowance, except as provided by the Parliament of Canada.

(2) On proof being made to the Minister of Justice of the payment or receipt of any salary, remuneration or allowance provided by any au-thority other than the Parliament of Canada, he shall forthwith order it to be deducted from the salary provided by the Parliament of Canada.

That will not be completely understood without reading section 5, which contains the exceptions. It says:

(1) Nothing contained in the last preceding

 (a) to affect any payment to a judge of a superior, county or district court if such payment is provided for by the law of any province in connection with the judicial duties of such judge; or

(b) to prevent any judge from receiving his travelling and living expenses as a member of any board or committee appointed under the provisions of the Conciliation and Labour Act or of the Industrial Disputes' Investigation Act, 1907; or

(c) to prevent any judge from receiving from any provincial authority his travelling and living expenses when acting as a member of a commission appointed under the law of any province to investigate municipal matters.

The whole object of section 4 is to provide that as soon as a judge is on the bench his salary is fixed. If he chooses to make a bargain with the people of Canada to serve for five, or six, or seven, or eight, or nine thousand dollars, as the case may be, we will say to him: "That is your bar-

gain; there will be no use in your canvassing members of the bar, or members of Parliament, in order to be put on a commission, because, if you do happen to be put on one, you will get no pay for it-you will only get your travelling expenses." If there is one thing which would sap the independence of the judiciary more than anything else, it would be the spreading abroad of the idea that if a man were appointed to the Bench he would be free to canvas or to use his influence in order to be appointed to a commission upon which he would draw a salary when he was already drawing his salary as a judge. I think that a judge should be put beyond even the temptation of that. He should be put in such a position that he would make his bargain and be told that there would be no use in his asking for anything more.

Hon. Mr. CLORAN: Will judges who have been serving and will serve in the courts of exemption, be affected by this clause? A great many of the judges are serving in this capacity, and the legal business of the provinces has been retarded. Will they be affected?

Hon. W. B. ROSS: No, they are not commissioners.

Hon. Mr. CLORAN: They are not commissioners, but they will receive extra allowances or pay. This will affect them.

Hon. W. B. ROSS: They are governed by other legislation-military legislation.

Hon. Mr. CLORAN: I am afraid of that.

Hon. W. B. ROSS: Now, there is a saving clause with regard to the salaries paid by provincial governments. That matter was discussed last year. My own opinion is that when the British North America Act says that the judges of the superior courts shall be appointed by the Government of Canada and paid by them, it is wrong to . allow any provincial government to supplement their salaries; but as a matter of fact I understand that the Ontario legislature, for one, has thrown probate work on some of the judges.

Hon. Mr. BELCOURT: That is, the county court judges. But, besides that, the Ontario Government pays \$1,000 a year to the superior court judges.

Hon. W. B. ROSS: If I had my way they would not pay it. As two-thirds of the House were against me last year I thought I was out of tune, and bowed to their

opinion, but I hope they may be with me now.

Hon. Mr. CLORAN: As I was interrupted by the honourable gentleman from Halifax (Hon. Mr. Power), now that I have the floor and am free to express my opinion, I may say that I thoroughly agree with the honourable gentleman from Middleton (Hon. W. B. Ross) who has introduced this legislation. It has become neces-- sary by reason of the legislation which was passed by this House and by the House of Commons in 1905. In that year the Judges Act was presented to the House of Commons by the Minister of Justice, Sir Charles Fitzpatrick. There were quite a number of senators on the Government side at that time who objected to the legislation. It was introduced under cover, to serve the interests of one man, the ex-Governor of Quebec.

Hon. Mr. CHOQUETTE: Oh, no. You are mistaken there.

Hon. Mr. CLORAN: I am right. At all events, many found fault with the Bill, especially the section which the honourable gentleman (Hon. W. B. Ross) is now trying to eliminate from this Bill, which grants a full pension to judges who are over seventy years of age. At that time we felt that what has since occurred would occur-that men who had spent fifteen years on the Benchgiving valuable services, were entitled to a two thirds' pension, and if after a year or two of service they became incapacitated, but had not reached seventy, to receive their full salary; and that has led to abuse, which I understand the honourable gentleman from Middleton is trying to correct. I thoroughly agree with him, and am in favour of the Bill in that regard. I am also in favour of his amendments to the old Judges Act. I think they are in line with the proper conduct of the judiciary in this country, and I fail to see that any opposition at this time would be advisable. The honourable gentleman may have had an opposition of two-thirds of this House last year, but I hope that this year he will meet with the approbation of three-thirds.

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

DIVORCE BILLS.

SECOND READINGS.

Bill F, an Act for the relief of Frederick E. Zang.—Hon. Mr. Taylor.

Bill G, an Act for the relief of Thomas Bailey Wainwright.—Hon. Mr. Foster.

Hon W. B. ROSS.

PRIVATE BILL.

SECOND READING.

Bill H, an Act respecting a patent of Jacob David Wolf.—Hon. Mr. Dandurand.

NATURALIZATION ACT (FRENCH VER-SION) AMENDMENT BILL.

SECOND READING.

Hon. Sir JAMES LOUGHEED moved the second reading of Bill 66, an Act to correct a clerical error in the French version of the Naturalization Act, 1904.

He said: Honourable gentlemen, a mistake has been made in the French translation of the Naturalization Act of 1914.

Hon. Mr. BELCOURT: Did my honourable friend discover that?

Hon. Sir JAMES LOUGHEED: I have been assisted in so doing.

Hon. Mr. BELCOURT: I congratulate my honourable friend.

Hon. Sir JAMES LOUGHEED: I may say that I have been sufficiently interested in the French version to be assisted in discovering the error. The section sought to be amended is one which provides that, where a person who is a British subject ceases by declaration of alienage or otherwise to be such British subject, any minor children of his, who by reason of his being a British subject are also British subjects, shall likewise cease to be British subjects. I hope honourable gentlemen follow me.

Hon. Mr. BELCOURT: The honourable gentleman is to be doubly congratulated.

Hon. Sir JAMES LOUGHEED: The translation as it now reads makes a child cease to be a British subject, unless the becomes the citizen of another country. The statement in the Act is the reverse of what it should be. Of course, where we have two languages, these difficulties will, I think, arise from time to time, and it is our very satisfactory duty to straighten them out occasionally.

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

ORGANIZATION OF EMPLOYMENT OFFICES BILL.

CONSIDERED IN COMMITTEE.

On motion of Hon. Sir James Lougheed, the Senate went into Committee on Bill 57, an Act to aid and encourage the organization and co-ordination of employment offices. Hon. Mr. Daniel in the Chair.

Sections 1 and 2 were agreed to.

On section 3-powers of the minister:

Hon. Mr. BOSTOCK: Is it the intention of the Government that the minister shall lay down certain rules that the provincial governments shall adopt in connection with the running of these offices?

Hon. Sir JAMES LOUGHEED: This is really the result of a conference between the Dominion Government and the provincial governments. Other conferences may become necessary.

Section 3 was agreed to.

Section 4 was agreed to.

On section 5-money, how allotted:

Hon. Mr. POWER: Attention was called to this clause when the Bill was at its second reading, and I should like to know whether the honourable leader of the Government has seen his way to improve it. The point that I tried to make was that this left the whole question in a very hazy condition and that, considering also clause 8. it was very doubtful whether the provinces, or some of them, would get anything at all. The Bill to aid agriculture, which we dealt with a few years ago, provided a definite aggregate sum, to be divided among the provinces in proportion to their population. I think that would be the right thing to do in this case too. As the Bill is now, the Government and the people of any province will not know to what amount of money they are likely to be entitled, and I think they should know that. It ought not to be very difficult to provide that when a province does not spend money itself it shall not get any money from the Dominion Government; but as the clause stands I do not think it is calculated to help in the establishment of these employment offices. It needs to be amended, in fact.

Hon. Sir JAMES LOUGHEED: I am very sorry I cannot see it in the same light as my honourable friend. It seems to me that the language is very explicit, and that it would be very difficult to explain what is meant in more terse and more lucid language than that of section 5. The provision as to the total expenditures of all the provinces practically prevents one province from contracting in any year an expenditure the half of which would be equivalent to the entire vote which has been made for that year. Consequently the total expenditures of all the provinces will have to be first taken into consideration. Then, as to a province not expending anything, but asking for its pro rata share, my honourable

friend, if he looks at the last two lines of the section, will see that such a case has been duly provided for.

Hon. Mr. POWER: Yes.

Hon. Sir JAMES LOUGHEED: "But in no case shall the allotment to a province exceed the amount expended for the maintenance of employment offices by such province." It seems to me that it would be difficult, if not impossible, to improve on the language.

Hon. Mr. BOSTOCK: When this Bill was being discussed on the second reading a question was raised about the clearing house in Ottawa for the carrying out of this work. Some honourable gentlemen were then inclined to think that a considerable expense would be incurred by the Government in providing a clearing house for all the provinces. Can my honourable friend give us any further information in regard to that matter?

Hon. Sir JAMES LOUGHEED: Section 5 provides that the sums mentioned in section 4 shall be expended entirely in the provinces. Any expense incidental to the maintenance of the central office will of course be paid from an entirely separate fund. Either it will be voted by Parliament or it will be paid out of the consolidated revenue fund in any event. If my honourable friend will look at the beginning of section 5 he will observe the provision:

The moneys appropriated for each year shall be allotted and paid to the governments of the respective provinces.

So the whole of that money will have to be distributed amongst the provinces.

Section 5 was agreed to.

On section 6—payments conditional upon agreement between Minister and Province and approval:

Hon. Mr. BOSTOCK: Section 7 provides:

(a) That the offices shall endeavour to fill situations in all trades and for both male and female employees;
(b) That the offices shall make such returns

(b) That the offices shall make such returns and submit to such inspection as the Minister may require.

My honourable friend has stated that this Bill is very largely the outcome of the conference between the Dominion Government and the prime ministers of the provinces which was held a short time ago. I presume that those two conditions were agreed to on that occasion and that the agreement will be practically along those lines. honourable friend from Welland (Hon. Mr. Robertson) was present, I believe, when the subject was discussed.

Hon. Mr. ROBERTSON: I think, honourable gentlemen, that the intention of section 7 was to make it clear that the bureaus to be established by the various provinces should be at the disposal of any resident of the province, be he em-ployer or employee; that it should be the function of such bureaus to attempt to find employment for any resident of the province seeking employment, or to find labour for any employer in the province who desired it. There was, however, one restriction discussed, which I might mention here so that honourable gentlemen will understand what is intended. It was that these labour bureaus ought not to be used for the purpose of obtaining labour for any employer to fill the places of his regular employees who might be on strike. I think that would be entirely out of order, and it is so recognized, I believe. Of course the restriction has not been embodied in this section, or in the Bill, because it might not be desirable to have it so; but I desired to explain that that is the interpretation:

Section 6 was agreed to.

Section 7 was agreed to.

On section 8-appointment of officers:

Hon. Mr. POWER: With respect to that clause, I think that the House is entitled to hear from the honourable leader of the Government whether it is proposed that the payments to be made to these officers shall be made out of the \$50,000, or whether they are to be made independently of the grant of \$50,000. If these officers are to be paid out of the \$50,000, then my humble opinion is that very little of the money will go to the provinces.

Hon. Sir JAMES LOUGHEED: I explained only a few moments ago that the whole of this money that is voted will go to the provinces. That is provided under section 5.

Hon. Mr. POWER: It is satisfactory to know that.

Hon. Mr. BOSTOCK: Section 2 says that "Minister" means the Minister of Labour. Is it necessary to give the Minister of Labour authority to appoint his own officers to do certain work? I do not quite see what is the object of this clause. The Minister Hon. Mr. BOSTOCK.

Hon. Sir JAMES LOUGHEED: My of Labour can tell officials of his department to attend to the work, without being given powers under this section, it seems to me.

> Hon. Sir JAMES LOUGHEED: This Bill imposes new duties upon the Minister of Labour, and creates a new office, this central bureau. Consequently it is desirable that there should be some expression of authority as to what the powers of the minister shall be.

> Hon. Mr. POWER: I understand that the Government of Ontario have employment offices. What will be the effect of the last four lines of this clause: "Such appointments shall be made under the provisions of the laws relating to the Civil Service." The possibilities are that the provinces have officers, already appointed, who have not been appointed under the provisions of the Civil Service laws. So I think there is some question as to whether difficulty may not arise under this provision.

Hon. Sir JAMES LOUGHEED: This has relation only to the appointment of federal officers, not provincial officers. Each province will appoint its own officers entirely irrespective of our appointments.

Hon. Mr. POWER: But the provincial establishment and the Dominion establishment are to be fused, as I understand, into one.

Hon. Sir JAMES LOUGHEED: Oh, no.

Hon. Mr. POWER: The provinces conduct these offices, and I understood that this measure was intended to supplement in a way the provincial allowances.

Section 8 was agreed to.

Section 9 was agreed to.

On section 10-regulations:

Hon. Mr. POWER: I am glad to notice that in this Bill the Government have put in the proviso that the regulations made by the Minister of Labour shall be subject to the approval of the Governor in Council. Section 10 was agreed to.

The preamble and title were agreed to.

Hon. Mr. DANDURAND: I do not know whether it is in order or not to congratulate Miss Wildman, who for the last seven or eight years has been urging the Government and Parliament to enact such legislation.

Hon. Mr. BELCOURT: And members of Parliament.

Hon. Mr. DANDURAND: We had her before a committee of the Senate two or three times. She was very persistent and did a great deal of hard work to obtain this present legislation.

The Bill was reported without amendment.

INDIAN ACT AMENDMENT BILL.

CONSIDERED IN COMMITTEE AND REPORTED.

On motion of Hon. Sir James Lougheed, the Senate went into Committee on Bill 64, an Act to amend the Indian Act. Hon. Mr. McLean in the Chair.

On section 1—will of Indian devising property to be approved; land devised or bequeathed to non-resident to be sold:

Hon. Mr. BOSTOCK: What is the necessity of the change in the law in this case?.

Hon. Sir JAMES LOUGHEED: The explanation is this: The words struck out are somewhat inconsistent with the provisions of sections 26 and 28 of the existing Act and have been the cause of some confusion and difficulty. Under this section as it stands a testatrix cannot devise property to her son or brother if they happen to be members of another band, while if she should die intestate such son would share in the estate under the provisions of section 26, or such brother would share in the estate under the provisions of section 28. There is also the question as to whether under these sections there is an implied right of a person who is not a member of the band and who shares in the distribution of land of an estate, to reside on such land on the reserve. Section 25 in particular has been the source of some difficulty. The following is a case in point. An Indian residing at Caughnawaga about two years before his death asked his sister, who had married a white man and had therefore ceased to be a member of the band, to come with her husband and small family to live with him and take care of him. At his death he willed his house and lot and other property to this sister, who continued to reside on the property with her husband and family. Complaint has now been made against this husband, and his removal from the reserve has been asked for. If he alone were removed, an injustice would be done to the family: the wife refuses to go, claming that she has a right to reside on the land regularly bequeathed to her under the provisions of section 25.

Hon. Mr. BOSTOCK: Will this legislation be retroactive to that extent?

Hon. Sir JAMES LOUGHEED: It would go into operation immediately, and a difficulty of this kind could be adjusted.

Section 1 was agreed to.

On section 2—proof of assent to release or surrender:

Hon. Sir JAMES LOUGHEED: This simply deals with persons having authority to take affidavits and having jurisdiction within the place where the oath is administered.

Section 2 was agreed to.

On section 3—Indian may be summoned as witness:

Hon. Sir JAMES LOUGHEED: Section 3 simply makes provision for the summoning of an Indian as a witness.

Section 3 was agreed to.

On Section 4-direction of expenditure of capital of band, without consent:

Hon. Sir JAMES LOUGHEED: It is not proposed under this section to deprive the council of a band of their right to determine whether their funds shalls be expended for the purposes set forth in section 90, except where it is considered that a council, through some delusion, misapprehension or hostility, is acting contrary to the best interests of the band in refusing to sanction such expenditures as the Governor in Council may deem necessary for the welfare and progress of the band; for example, such permanent improvements as a drainage system. Some little trouble might be involved in impressing upon the Indians the necessity for a system of drainage, and it was thought that the Government should take a matter of that kind into their own hands. Then, again, the need for such expenditure as I have mentioned, which would greatly increase the productiveness of the soil, is particularly emphasized at the present time. It is quite apparent that when the Government has Indians as wards it can only have their interests at heart when acting as it does in a case of this kind, in making improvements on the reserve.

Hon. Mr. BOSTOCK: I raised a question the other day as to allowing white men to lease part of the Indian reserves. Is there anything in this section to prevent that, or will the cultivation of the reserves be confined to the Indians themselves?

Hon. Sir JAMES LOUGHEED: This explanation is made. In the western provinces particularly, there are areas of land

on Indian reserves capable of pasturing many head of cattle or of producing wheat. In the eastern provinces there are individual Indians holding land on reserves who prefer to work in various manufacturing industries rather than to cultivate their parcels of land. This section is to enable the Superintendent General to have such lands devoted to greater production, which will at the same time enure to the benefit of a band or an individual Indian. It does not necessarily preclude the Government from leasing those lands to whites. There may be cases in which it would be manifestly advantageous that that should be done. It is quite improbable that the Department of Indian Affairs would seek to create any conflict between the Indians and the whites who might go upon such lands, and consequently it is to be assumed that the greatest care will be exercised, particularly in cases where leases are granted, etc. As honourable gentlemen know, much of our finest land on the prairies is tied up in those Indian reserves;; it is lying uncultivated, not being used there in any way, surrounded on all sides by settlers, and for some years past representations have been made very emphatically that the Government should cancel many of these reserves, extinguish the titles, move the Indians elsewhere, and throw the reserves open to settlement. There has been some objection to that, but it seems to me this policy will permit of that being done to a very large extent where the Indians are very few-because they are very largely decreasing in number-and thus permit those lands to be used for settlement purposes.

Hon. Mr. BOSTOCK: My hon. friend says that the Indians are decreasing in number. I thought that in certain parts of the country they were increasing rather than decreasing.

Hon. Sir JAMES LOUGHEED: I cannot give you the exact statistics, but the whole tendency is for all those bands to become fewer and fewer, particularly as the younger Indians become educated and drift away from the reserves.

Hon. Mr. BOSTOCK: They would still be Indians.

Hon. Sir JAMES LOUGHEED: Oh, yes, they would be Indians under the Act, but possibly not having a voice in the reserve. That is, if they secure enfranchisement, as is provided in the Act.

Hon. Mr. WATSON: I think this Act provides in another section that an Indian Hon. Sir JAMES LOUGHEED. who leaves the reserve can be enfranchised as a white man.

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. WATSON: And he drops all his interests in the reserve. I would like to say, in regard to the policy just suggested by the minister, of extinguishing the Indian titles, that it would be well for the Government to adopt that policy in certain sections of the West where the land is valuable for agricultural purposes. I think the Indians in that case would be better off, and would have better hunting grounds in other sections of the country not adapted for cultivation. It would be a great mistake, however, for the Government to permit lands in an Indian reserve to be cultivated by white settlers, because they might stay there for a while, break up the land, allow noxious weeds to grow up, and hurt the whole section of country around the reserve. Leases for grazing purposes on Indian reserves are now made to a large extent, and that is all right; but even under the stress of increased production it would be a mistake for the Government to lease any portion of those reserves to white men and allow them to go in and take up the land. If the Government do that, they ought to do it only after extinguishing the title, and moving the Indians to some other lands that are not fit for cultivation.

Hon. Mr. BOSTOCK: I presume the Government could, under this clause, expend money beyond the funds owned by a particular band, in case they thought it advisable for the purpose of improving the condition of the Indians on the reserve, or carrying out irrigation or drainage work for the benefit of agricultural land?

Hon. sir JAMES LOUGHEED: They could do it; but up to the present time they have left it to the discretion of the Indian Council to pronounce upon the question as to whether such work should be done or not. Sometimes there is a reluctance on the part of the Council to permit of any improvements of that kind being made. It is in order to get over that difficulty that the Government ask this power.

Section 4 was agreed to.

Section 5 was agreed to.

On section 6-enfranchisement of Indians:

Hon. Mr. BOSTOCK: That section now applies to all the Indians throughout the whole country?

Hon. Sir JAMES LOUGHEED: The object of this section is to get the difficulty

in respect to an applicant for enfranchisement not holding land. In order to become enfranchised under the Act as it stands, an applicant has among other things to be in possession of land. If he does not happen to be in possession of land when his application is made, he must secure a location from the council of the band. Among the most progressive bands the lands are all occupied, and there are no common lands from which locations could be given, and enfranchisement for those without lands is therefore impossible. It seems to be an entirely unnecessary qualification in order to determine whether a man should be enfranchised; consequently, upon an application being made to the satisfaction of the Superintendent General of Indian Affairs, enfranchisement takes place.

Hon. Mr. BOSTOCK: But the last subsection-

This section shall apply to the Indians in any part of Canada

-does away with the provision in section 107 of the Act, which says:

The provisions of this Part respecting enfranchisement of Indians shall not apply to any band of Indians in the province of Manitoba, British Columbia, Saskatchewan or Alberta, or the Territories, except in so far as such provisions are, by proclamation of the Governor in Council, from time to time, extended to any band of Indians in any of the said provinces or territories.

Hon. Sir JAMES LOUGHEED: But my honourable friend will observe that this is an amendment; it will be 122A, and will in no way repeal the existing law; but it gives additional privileges to the Indians. Consequently this particular provision, 122A, and subsections 1 and 2, will be applicable to all Indians in Canada, but will not disturb the law as it stands except so far as it enlarges it.

Section 6 was agreed to.

On section 7-illegal celebrations:

Hon. Mr. WATSON: What is the change there?

Hon. Sir JAMES LOUGHEED: Instead of its being made indictable, it is simply made an offence. It is a matter of criminal procedure to permit proceedings to be taken on summary conviction.

Section 7 was agreed to.

The Bill was reported without amendment.

S-26

FISHERIES ACT AMENDMENT BILL. CONSIDERED IN COMMITTEE AND REPORTED.

On motion of Hon. Sir James Lougheed, the Senate went into Committee on Bill 63, an Act to amend the Fisheries Act, 1914. Hon. Mr. Smith in the Chair.

Section 1 was agreed to.

On section 2-sections re labelling lobster cases, etc., repealed:

Hon. Mr. BOSTOCK: On the second reading of this Bill the other day I asked my honourable friend to tell us the Government's policy in regard to this matter.

Hon. Sir JAMES LOUGHEED: Section 3 of the Bill is really the material amendment which is being made to the Fisheries Act.

Hon. Mr. BOSTOCK: What about section 2?

Hon. Sir JAMES LOUGHEED: Those sections, the minister states, have resulted very unsatisfactorily, and it is considered desirable to repeal them. Section 22 of the Act deals with the labelling of cases and the stamping and branding thereof. This provision has not worked out satisfactorily, and consequently it is thought desirable to repeal it. Likewise section 23, dealing with imported cases provides that every case or package containing lobsters imported into Canada shall be labelled, stamped or branded by such label, stamp or brand as is prescribed by the minister. Section 25 deals with the opening of cases so labelled and stamped, containing lobsters, etc. Seetions 65 and 66 also deal with lobsters. There has been a great deal of dissatisfaction about these provisions, and consequently it is thought better in the public interest to repeal them.

Hon. Mr. BOSTOCK: Then in future will the position be that lobsters put on the market in cans will not be labelled at all? Or is the Government giving up the idea of dealing with canned lobsters as they did in the past?

Hon. Sir JAMES LOUGHEED: That I am not prepared to say. It will be for the department to work that out according to their experience. I have always met a great deal of opposition in this Chamber when we came to deal with legislation of this kind, particularly respecting lobsters; and notwithstanding the fact of those clauses having been recently embodied in the statute, the experience of the department

401

REVISED EDITION

has been entirely adverse to their being satisfactory to the public.

Hon. Mr. CROSBY: They are all stamped now with the date.

Section 2 was agreed to.

On section 3—licenses in British Columbia for boats and buyers of fresh salmon:

Hon. Sir JAMES LOUGHEED: Apparently in British Columbia a difficulty has been experienced, arising through unlicensed boats either buying fresh salmon in close season, or buying salmon caught outside of territorial waters. It is therefore desirable that no boats should be engaged in any kind of fishing under the Act unless they are licensed. It seems to me that that will give the department control over the boats, and thus prevent illicit fishing and illicit handling of fish.

Hon. Mr. CROSBY: And the license fee will be nominal.

Hon. Sir JAMES LOUGHEED: Very reasonable, anyway.

Hon. Mr. BOSTOCK: As I understand this section, it really deals with the situation of any boat coming along and buying fresh salmon from the men who are fishing, say, at the mouth of the Fraser river.

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. BOSTOCK: But any ,boat, a trawler or some other kind, can come and buy fish from those fishermen, pratically on the sea, before they come to the shore, and this will therefore restrict to some extent the sale of fish by boats that are in the habit of fishing for salmon at the mouth of the river, or such places in British Columbia.

Hon. Sir JAMES LOUGHEED: I understand that was the object: to restrict or restrain as far as possible illegal fishing through an arrangement between fishermen. Engagements may be entered into with boats or boatmen over whom the department has no control, and thus they are able to carry out successfully their illegal practices.

Hon. Mr. CROSBY: It is a protection to the bona fide fishermen.

Hon. Mr. BOSTOCK: The people who are carrying on fishing are already licensed in one form or another, and if they are doing illegal fishing the Government can get after them by taking away their license. The license is granted to the cannery, each cannery having a license for so many boats,

Hon. Sir JAMES LOUGHEED.

and the individual boat-owner is also able to get a license. Therefore, if they are carrying on illegal fishing operations, the remedy is for the Government to take away their licenses.

Hon. Sir JAMES LOUGHEED: It is not limited to the fisherman himself; it extends to storage and packing plants, and so on.

Hon. Mr. BOSTOCK: Upon reading the section it seemed to me that it was rather in the interest of the food controller that it would give him control over fresh fish.

Hon. Sir JAMES LOUGHEED: It places practically the whole industry under the control of the department, which is very desirable.

Hon. Mr. BOSTOCK: My honourable friend does not tell us why it has been necessary to go so far.

Hon. Sir JAMES LOUGHEED: I cannot say anything more than that the department has learned that unlicensed boats are buying fish that may be illegally caught. For instance, in the close seasons, what is there to prevent licensed fishermen from transgressing the law? What is there to prevent men whose boats are not licensed from assisting licensed fishermen in disposing of the fish? It seems to me that the provision covers many bad practices.

Section 3 was agreed to.

On section 4—fish not to be caught outside territorial waters when catching is forbidden in such waters:

Hon. Mr. DANDURAND: Is this clause to put in force similar legislation to that which prevails in the United States?

Hon. Sir JAMES LOUGHEED: Yes. There is a Fisheries Commission, of which Chief Justice Hazen is the chairman, now discussing the adoption of joint regulations between the two countries, and it is anticipated that that commission will be able to adopt such mutual regulations as will be satisfactory to both countries.

Hon. Mr. DANDURAND: I see that this legislation is only to come into force when the United States adopts similar legislation.

Hon. Mr. BOSTOCK: I think there is an error in line 1 on page 2. It says, "when fishing such fish is prohibited." Should not it be "taking or catching such fish," or "fishing for such fish"?

Hon. Sir JAMES LOUGHEED: I will have attention directed to that before the Bill is read the third time.

Section 4 was agreed to.

The Bill was reported without amendment.

MEAT AND CANNED FOODS BILL.

CONSIDERED IN COMMITTEE AND REPORTED.

On motion of Hon. Sir James Lougheed, the Senate went into Committee on Bill 55, an Act to amend the Meat and Canned Foods Act. Hon. J. D. Taylor in the Chair.

On section 1-definition; "establishment;" fish, fruit, vegetables, food and products thereof, to be fit for food:

Hon. Sir JAMES LOUGHEED: This is an enlargement of the meaning of the word "establishment"; and under the proposed section 13 more authority is given to the Government with regard to the inspection of these foods.

Hon. Mr. BOSTOCK: Of course, my honourable friend has realised that. although we are giving greater power to the Governor in Council, if the minister who is in charge of the enforcement of an Act of this kind does not back up his officials and see that their reports are acted upon, that increased power is not of very much use. The question lately raised between the Minister of Labour and an official ofhis department who was concerned in this matter has been very widely discussed by the people throughout the country, and unless we have some assurance on the part of the Government that they are going to back up officials when they draw attention to certain matters, I do not see that this legislation will be very effective.

Hon. Sir JAMES LOUGHEED: The only assurance I can give to my honourable friend is that if any official employed by the Government of Canada thinks himself superior to the head of his department, he need not be surprised if he is permitted to retire. There has been a lot of buncombe talked upon this subject, more than upon most subjects. Does my honourable friend contend that any subordinate official of any department should be superior to his minister, or that he can thrust his minister to one side in order to do this, that or the other? If my honourable friend was fair, I think he would at once recognise that an official who would do this would not have a proper appreciation of his office.

Hon. Mr. BOSTOCK: I do not suggest that an official should thrust his minister to one side; but when an official of a department makes a report to his minister which

S-261

is in the interest of the public, and the minister takes no action, I think the minister is to blame.

Section 1 was agreed to.

The Bill was reported without amendment.

GERMAN TRADE IDENTIFICATION BILL.

SECOND READING MOVED.

Hon. Mr. LYNCH-STAUNTON moved the second reading of Bill D, an Act for the Identification of Traders in German goods.

He said: Honourable gentlemen, it is proposed by the first section of this Bill to amend the Criminal Code, by adding the following section:

508.E. (1) Every person who deals in goods, wares or merchandise which are, in whole or in part, the growth, product or manufacture of Germany or Austria, shall keep posted in letters easily legible over every outside entrance to his premises the words "Dealer in German goods," and shall print the said words prominently in all his advertisements and stationery.

(2) Every person who fails to comply with the provisions of this section shall be liable for each offence on summary conviction to imprisonment for six months or to a fine of five hundred dollars or to both such imprisonment and fine.

nve hundred dollars or to both such imprisonment and fine. (3) The provisions of this section shall not apply to dealings in any such goods, wares or merchandise as are in Canada at the date of the passing of this Act, nor to dealings by any person who proves that he did not know that the goods, wares or merchandise in respect of which the information is laid were, in whole or in part, grown, manufactured or produced in Germany or Austria, and that he had taken reasonable precautions to ascertain the facts concerning the growth, manufacture or production thereof.

If such a law as this is to be passed, now is the time for its passage, because, since the war began, we have, I expect, completely depleted the stock of German goods in Canada. We have forbidden trading with Germans, in common with other countries of the Allies.

Hon. Mr. CHOQUETTE: Is there such a Bill in the United States ?

Hon. Mr. LYNCH-STAUNTON: I do not know that there is such a law as this in the United States, but there is a law that prevents dealing in German goods. But whether there is a law in the United States or not is not the question; the question is whether there should be such a law in Canada, and that is the question with which I wish to deal.

If a Bill of this kind were to be passed, after the war is over, we would be met by the argument: "Our shelves are crowded with German goods now; it is too late." For that reason I bring the Bill forward now in the hope that those who do not favour or love Germany will aid those who do not desire to buy German goods in the future.

The Germans brought on this war. I suppose all mankind will admit that they brought it on in order to capture our trade. to dominate the world, to make tributary to themselves all the nations of the world -Germany over everything. We have sent across the sea 50,000 men who now lie in their graves in Flanders; we have sent men-by the tens of thousands-who will never again be able to aid themselves. We have been loaded with debt beyond the wildest dreams of any lunatic. We have had suffering, sorrow and destruction heaped "upon us by the Germans, and all that they might steal our trade. The British Empire may be charged with having done wrong to many people; but never in her history did she do any wrong to Germany. Canada never wronged any nation. For over one hundred years she has been in a quiet harbour of peace. To-day the Blue Peter is at her masthead, and she is about to sail Heaven only knows where. Through what seas of trouble, of destruction, she may go, to what end she may come, we do not know. It has all been brought about by Germany in order that she may get our trade.

I know that it is said to be an injunction that we should turn the other cheek; but that is not my reading of Christian teaching. As for me-and I think there are hundreds like me-I consider it against my conscience against my honour, and against my duty ever again knowingly to purchase German goods, and I say that I am entitled to the protection of the law of Canada against German goods being foisted on me. All of us know persons-I could name some now, and next session I certainly shall name them if I have absolutely conclusive evidence-who are putting German goods upon the people of this country, erasing the mark, "Made in Germany." It is said that a mule laden with gold can break through any fortification. It is also true that there are men in every country who, for that hard food of Midas, will descend to any deception.

We know that the German, by his cooperation and what he calls his system of cartels, can undersell anybody else in the world. If the market is open, he can offer to deliver you an article at a price which is

Hon. Mr. LYNCH-STAUNTON.

less than it would cost to make it in any other country, under normal conditions. He can make it at less cost, so that it may be sold to you at a lower price. He can agree that the article shall come up to an exact specification, and can guarantee its deivery according to that specification. How is this? It is done under their cartel system. In the production of a metal, for instance, the loss is proportioned right back to the miner. The miner, the blast furnace, the steel maker, the artificer, the wholesaler, the retailer, the jobber-each shares in the loss. So the Germans can produce and sell at a profit to all concerned goods which would under our system be sold at a loss to the last man. The Government also aids them, and they are aided by their banking system, by their railways, and in a great variety of other ways. So, when the war is over, the German trader. will be again knocking at our door, and there will be men who will sit down with that abomination of abominations and trade with him if they may trade at a profit. The men who will descend to that will descend to anything: he will have the goods so marked that I shall buy them if I do not know positively that that man lays himself open to the judgment of the law. I say, for that reason if there is no other, that we in Canada who do not desire to have these goods foisted upon us, as we consider them poisonous, should have those who sell them notify us that if we enter their shop we may buy German or Austrian goods; and I know of no other way in which this can be brought about than by the measure now proposed. A dealer in this case is one who offers German goods for sale or who buys them for profit.

I was told the other day by a person: "Oh, you should not do this; as soon as the war is over we may give the German people the favoured-nation clause again." Through the veins of the man who could think such a thing there runs, not blood, but ice-water. He is never stirred by any feeling of pity for his own kind, by any horror for crime, by any loathing for outrage. Such a man would sup with Satan if the spoon were long enough.

Now, I of course admit that the Germans have so overwhelmed us that some day we may perhaps be bound to give them the favoured-nation clause; but I trust that Providence in its wisdom may never in our generation allow such a calamity to overcome us, for it was by giving to Germany entrance to our ports, the freedom of our cities, the trade of our vast Empire, that we put her on that pedestal of power from which she is hurling down on us her messages of death.

Another man, for whom I have the greatest respect-and I have accordingly amended the Bill as I had it originallysaid to me: "Suppose I am a merchant and a man from the United States comes in and sells me goods, and I am not expert enough to detect that they are, in whole or in part, the growth, product or manufacture of Germany. _I may buy those goods innocently, but you will hale me into the police court. damage my reputation in the city, do me great harm, and convict me of a crime of which I am innocent." What is the answer to that? The answer is that no innocent man shall suffer. The Bill is now drawn so that any person who through ingnorance has such goods in his possession or sells them shall not be liable to any penalty. This law applies only to the man who knowingly offers German goods for sale. I would not deprive any man of his liberty; it is the right of every free man to buy or sell everything that the law does not prevent him from buying or selling, and there is no law to prevent him from buying or selling German goods; but I wish a law to prevent him from palming off German goods on me and the like of me.

With the exception of a few persons to whom I have referred, who said they wanted to deal in German goods, I have not met in all this country any person who has been opposed to the principle of this Bill. and 1 submit it is in accord with the law of England, which requires goods to be marked with the name of the country of their origin. In England German goods are required to be marked, "Made in Germany." That was done for the purpose of letting the English people know that if they chose to buy those goods they were buying foreignmade goods, and it was done also for the purpose of preventing traders from palming off foreign-made goods on them. But that law is not effective in this country and is of no use here. What we want is a law which will require a man who wishes to deal in German goods to be honest. Can there possibly be any objection to requiring a man to be honest in his dealings and to tell what is the true quality or what is the origin of the goods which he offers for sale?

Hon. P. A. CHOQUETTE: As I do not see any other honourable gentleman rising[•] to speak on this question, I desire to say a few words upon it. I quite understand

that any one who offers opposition to this Bill may be told at once that he is a friend of Germany. I know that, but I do not care. As a private citizen I should be quite willing to let the Bill pass, for personally I have not the least objection to it. I do not remember having ever had any business dealings with Germany, or buying any German goods, and I do not think I will have occasion to buy German goods. So as a private citizen I have not the least objection to the Bill, and would be ready to vote for it at once. But as members of this honourable House we are bound, before passing legislation, to think and to apply our common sense, and, so far as I am concerned, that is what I desire to do.

What is the object of this Bill? I asked my honourable friend (Hon. Mr. Lynch-Staunton) if such a law existed in the United States, and he told me, if I remember aright, that he did not know. I would ask him if there is such a law in England? I do not think there is, because, as honourable gentlemen may remember, a similar question was raised in the British Parliament about a month ago by a member as patriotic as the honourable gentleman, and as anxious to wipe out all German trade with England. I am sorry I have not kept the newspaper reference to the matter, giving the minister's reply. It did not occur to me to keep it, because it was such an ordinary common-sense matter. The minister's reply was to the effect that he could not discuss the question during the war. I will point out that to pass such a Bill requiring a trader to put up a sign, " Dealer in German goods," would mean that he would be liable to have his store burned down at once: Everybody knows what the result would be. There is already in the Criminal Code a law to prevent trading with the enemy during the war, but we could not prevent trading with Germany after the war. We might have to deal with Germany. We might be bound to deal with Germany through the channels of trade and commerce. So there is no use bringing up such a measure. I am now very sorry I have not kept that statement, which appeared in the Montreal Gazette or some other English paper. I think the minister's reply was quite reasonable and correct.

We have in this country a law to prevent trading with the enemy. That is enough. If a man has in his possession goods bought direct from Germany or indirectly through the United States, he must put up the sign "Dealer in German goods." My honourable friend is too honest not to admit that the purpose of the Bill is indirectly to prevent something which we do not dare to prohibit—namely, trading in German goods. If a man had what I might call the courage to put up a sign like that, every window in his store would be smashed within an hour. Such would be the result not only in Ontario, but even in Quebec now, because such a sign would be a provocation to the public.

Let us consider the question from another point of view. My honourable friend must know that at present German goods can be bought in the United States only because they have been imported there from Germany. Only last week a friend of mine, a druggist in Québec, was telling me about trade in German goods in this country. He named three or four kinds of dyes and medicines-I forget the nameswhich could be obtained only in Germany, and which were imported into Canada from the United States, because they could not be imported directly from Germany. What would be the effect of this proposed law in such a case? Suppose a druggist requires something which is produced only in Germany, something which is absolutely necessary, perhaps needed for medicinal purposes. Will the law make provision for that? If the druggist cannot get such goods from the United States and must buy these German goods for the sake of the public. he will be required to put up a sign: "Dealer in German goods." Well, I really do not think that is sensible.

But there also is another point. This Bill is contrary to the principle of British law, because it would declare a man guilty if by mistake, or unknowingly, he bought German goods from the United States. We are on friendly terms with the United States. A dealer may send an order to the States for some goods—dyes, etc.— and may receive them in his store without knowing where they were manufactured.

Hon. Mr. LYNCH-STAUNTON: The honourable gentleman has not read the Bill.

Hon. Mr. CHOQUETTE: Oh, yes, I have read the Bill. It requires a man to prove that he has acted in good faith. He will be found guilty unless he proves himself innocent. Is that a right principle? I do not think it is. I think my honourable friend, if he were speaking before a court, would contend that a man must be considered innocent until he has been proven guilty.

Hon, Mr. CHOQUETTE.

Hon. Mr. LYNCH-STAUNTON: This is the principle of the Customs Act.

Hon. Mr. CHOQUETTE: That may be. The Customs Act is a special Act.

So I say that, as we have already a law which prevents trading with the enemy, the proposed measure is not a good law to put on the statute book. If my honourable friend proposed that the law should remain in effect only during the period of the war, or that after the war it should be repealed there might be something in his contention; but if the Bill does not so provide it will be a permanent law, and those who are willing, or obliged to trade with Germany will be at once considered guilty.

Honourable gentlemen, I fully realize that it is not an agreeable duty to object to this Bill, and I repeat that as a private citizen I have not the least objection to its being put on the statute book of Canada, but I think that in passing such legislation we would be more loyal than the King, more loyal to the Allies than the President of the United States. There is no such extraordinary law in the United States nor in England. Those are my objections to this measure, and the honourable gentleman, as a fair minded man, will not impute any wrong motive to me for making these few remarks. I trust that I shall not be told that there is something behind them. I repeat that personally I would not oppose the Bill; but, as a legislator, as a member of this honourable House, I cannot support it.

Hon. RAOUL DANDURAND: I was slow to rise because I thought the representative of the Government had the duty of stating to this House the position of the Government towards this measure. He has not thought proper to do so; but I hope that before the second reading of this Bill he will give us his views. I absolutely sympathize with what my honourable friend from Hamilton, (Hon. Mr. Lynch-Staunton) has in mind when he asks that some plan be devised by which the citizens of Canada may not be forced to buy German goods against their will. This is a sentiment which I share with him. We all feel that the atrocity of the declaration of war by Germany should be met by some kind of just punishment and retribution. We cannot but feel that justice should be meted out to that country for such a stupendous calamity. We all know by this time that the Germans in Berlin planned and plotted this assault upon humanity in order to dominate the world. We all know that, and we feel most strongly that the German nation should

not be allowed to profit by this crime. The lesson which must be taught to the Germans is that war is not a profitable trade; and, as Germany has gone into this business to expand her commercial domination, it is but just that instead her trade be made to suffer. Surely all Canadians will agree that German goods should be boycotted after the war. I do not agree altogether with my honourable friend from Granville (Hon. Mr. Choquette), who says that we shall be obliged after the war to deal with Germany. President Wilson has indicated to us a means by which Germany may be forced to accept the law of the Allies as to its future behaviour in its relations with the world. President Wilson has said that the league of nations which will be established to prevent a recurrence of such a calamity may impose economic sanctions to its decisions against those nations which may refuse to accept them. In other words, President Wilson has intimated that if a nation refuses to accept the regulations which will be devised in order to limit armaments and to submit future quarrels to arbitration, that nation should be penalized by some fiscal legislation. I foresee the day when some restrictions may be imposed by the Allies and by our Parliament in our commercial dealings with Germany.

The only weak point of my honourable friend's action lies in the presentation of his Bill at this moment. I fear that he will be met by this suggestion from the Government: "Wait till the treaty of peace is signed; we are not sure that any such legislation may not run counter to some special clause of that treaty."

Hon. Mr. POWER: But would not the terms of the treaty prevail?

Hon. Mr. DANDURAND: The terms of the treaty of peace would prevail in spite of any legislation that we might pass today; and I am impressed with the thought that we may be somewhat too previous in enacting legislation which may be modified or superseded by the treaty of peace. When Great Britain, and I hope Canada by its side, with its official representatives. sit at the table where the Allies and the enemies will meet and sign a treaty of peace, the commercial and economic status of the nations will be settled at the same time; and I would dislike having to face such a document, which will most probably be laid before this Parliament for endorsation, if it did set at nought the legislation we might pass to-day. This is the principal objection, and perhaps the only one, I have to the Bill of my honourable friend

MAY 1, 1918

at the present moment. I will await the opinion of the Government, which will some day have the responsibility of carrying on negotiations, jointly with the other Governments, with the enemy nations, to say whether it is opportune that this legislation should now go forward.

I endorse every word which my honourable friend has said as to the possibility of the Germans invading our market and underselling the goods of the world, in very many lines, if the treaty which we will sign with them at the end of this war allows them the open door. A few days after the war was declared, I was informed by an important druggist of Montreal that at one time he bought three times more from France than from Germany, but that practically ninety-five per cent of the large stock which he had on his shelves at that moment came from Germany. He explained to me that commission agents, coming direct from Germany, had sat down with him and had gone through the whole list of things which he wanted, and had satisfied him that from ten to fifteen per cent could be made by the druggist if he bought his goods from them. He gave a large order, and the terms of payment were wonderfully easy, running into twelve months and more.

My honourable friend states that he has met people who have said that as soon as the war was over they would as likely buy German-made goods as other goods. I may state that two years ago I heard large wholesale dealers in the metal trade discussing this question and stating that they would be buying metal goods from Germany within six months after the close of the war. When we showed our surprise and indignation at such a statement, we were answered that if they did not do that they would be forced to stop their business and close their stores, for the simple reason that others would do it, that the Americans would buy, and that they would be undersold by from twenty to twenty-five per cent; and a man who is undersold by that much had better close his store. I was told then that the Germans had succeeded in making Sheffield goods with the most reputable names of Sheffield on their wares, and that those goods were being sold of as good quality as similar goods made in Sheffield, and at twenty per cent cheaper than the English goods. Under these conditions, in a few months after the close of the war, those dealers would be obliged to buy those German goods or go out of business. I remember asking in reference

don.

to quite a number of lines how it was that the Germans could undersell the British makers. It was then explained to me that their chemists had succeeded in using and turning to profit every by-product, thereby helping to reduce the total cost of production. Whatever may be the cause, the fact is there, and I quite realize what incentive there is for my honourable friend to move in the matter. I feel as he does, but I fear that his action is premature.

On motion of Hon. Brigadier General Mason, the debate was adjourned.

INSPECTION AND SALE ACT AMEND-MENT BILL.

SECOND READING.

Hon. Sir James Lougheed moved the second reading of Bill 20, an Act to amend the Inspection and Sale Act (Hay and Straw Inspection).

He said: In order to get this Bill into committee to-morrow, if at all possible, 1 should just state shortly that it has to do with standards of hay. It repeals the provisions in the Inspection and Sale Act fixing those standards at the present time, and adopts new standards, but of a somewhat similar character. The Act is confined entirely to grades of hay or grasses and straw, which I need not go into because they are very largely technical. If any honourable gentleman desires to discuss the Bill I suggest that we waive the practice of discussing the principle on the second reading, and throw it open for full discussion when we go into committee.

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

COMPANIES ACT AMENDMENT BILL. SECOND READING.

Hon. Sir James Lougheed moved the second reading of Bill 65, an Act to amend The Companies Act.

He said: This is an amendment to the Companies Act, to permit of the acceptance of Quebec notarial copies of deeds, mortgages, and instruments, instead of originals, or to be deemed originals. There is a provision in the Companies Act at the present time whereby the original has to be filed with the Secretary of State, whereas that may prove inconvenient, and this Bill will permit a certified notarial copy to be registered instead.

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

Hon. Mr. DANDURAND.

PENITENTIARY ACT AMENDMENT BILL.

FIRST READING.

Bill 21, an Act to amend the Penitentiary Act.—Hon. Sir James Lougheed.

PRIVATE BILL.

FIRST READING. Bill 45, an Act respecting the Nipissing Central Railway Company.—Hon. Mr. Gor-

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

THE SENATE.

Thursday, May 2, 1918.

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

Prayers and routine proceedings.

PRIVATE BILL.

FIRST AND SECOND READING.

Hon. N. A. BELCOURT introduced Bill N, an Act to incorporate L'Ordre des Dominicains ou Frères Prêcheurs au Canada.

He said: Honourable gentlemen, in this connection I would ask that rule 119 be suspended. I understand that a notice has been given in the other House that morning sessions will begin possibly on Saturday and will be continued. That evidently means that an early prorogation of Parliament is looked for. I would call my honourable friend's (Hon. Sir James Lougheed's) attention to the fact that there are a number of Bills which are not disposed of; I am myself interested in three or four of them; and if the Railway Committee meets only on Thursday, as usual, and some of these Bills have to go to the other House, I doubt very much if, in the event of prorogation as early as anticipated, these Bills can possibly be put through. I would suggest to my honourable friend that it might be proper for him to move the suspension of the rules with regard to posting, and at the same time arrange for earlier sittings of the committees, otherwise quite a number of Bills will have to go by the board. If my honourable friend considers this, perhaps he will tell us what he can do in the way of expediting the business of the House.

Hon. Sir JAMES LOUGHEED: Appearances would rather indicate an early termiMAY 2, 1918

nation of the session, particularly inasmuch as the Prime Minister has given notice in the Commons that the Government proposes taking Saturday and also holding morning sessions. With a view to accelerating the work of this Chamber I give the following notice now:

That commencing on the 6th instant, unless differently ordered, there shall be two distinct sittings of the Senate every day, the first sitting to commence at 11 o'clock, a.m., and continue until 1 o'clock, p.m., and the second sitting to commence at 3 o'clock; and that all Standing and Select Committees of the Senate be permitted to sit while the Senate is in Session, notwithstanding anything to the contrary in rule 66;

That during the remainder of the Session the Orders of the Day shall be called immediately after the calling of Notices of Inquiries and Motions; That rule 24a, paragraphs 5 and 6 of rule 19 he sugmended in relation therate.

That rule 24a, paragraphs 5 and 6 of rule 19 be suspended in relation thereto; That from and inclusive of to-day and until

the end of the session rules 23f, 24a, b, d, e and h, 63, 119, 130 and 131 be suspended in so far as they relate to public or private Bills.

This will come up for consideration tomorrow, and I can assure my honourable friend that so far as I can contribute in any way to speeding up the work of the session I shall be very glad to do so; and I am sure that the chairman of the various committees will be only too glad to hold a sufficient number of sessions to permit consideration of the different Bills that may be referred to their respective committees.

Hon. Mr. DANDURAND: I wonder what will be the attitude of the Standing Orders Committee on Bills that have not been advertised for five weeks. Five publications are required regarding some Bills. If the requirements are complied with, many Bills will not be taken up this session.

Hon. Sir JAMES LOUGHEED: I might suggest to the chairman of that committee the propriety of meeting and having the committee report to the House as to the desirability of suspending any of the rules respecting publications.

Hon. Mr. BOSTOCK: With regard to the notice given by my honourable friend (Hon. Sir James Lougheed) he might consider whether the two distinct sittings of the Senate should not be: one at 3 o'clock in the afternoon and one at 8 o'clock in the evening.

Hon. Mr. POWER: Oh, no.

Hon. Mr. BOSTOCK: As chairman of the Standing Orders Committee, I may say that we shall be ready to consider the question; in fact, I have already spoken about it to the clerk of the committee; but we have one rule of which perhaps the House is not aware. In the Commons, I understand, when a petition is not sent in on time, the petitioner is fined a certain amount. The Senate has not adopted a rule of that kind, and the consequence is that very often, when applicants to Parliament for the passage of Bills or other measures find that they are late for the Commons' side, they come over to the Senate and avail themselves of the kindness of the Senate in the matter.

Hon. Sir JAMES LOUGHEED: That gives us some business.

The Bill was read the first time.

Hon. Mr. BELCOURT, by leave of the House, moved the second reading of the Bill.

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

PRODUCTION OF PETROLEUM IN CANADA. MOTION.

Hon. JAMES DOMVILLE moved:

That in the opinion of this House, in view of the continued world-wide increase in the consumption of crude petroleum oil and its manufactures, including fuel oil, gas oil and gasolene, in view of the fact that up to date Canada has required to import the major portion of Canada's consumption of crude oil and of the manufacture of crude oil, in view of the fact that there is known to exist in Canada deposits of shale containing large quantities of the said crude oil and of nitrogen, which latter when converted into sulphate of ammonia is a valuable fertilizer, it is desirable that the Government should give immediate consideration of ways and means necessary to encourage the production of crude oil and of sulphate of ammonia from these deposits and generally lend such co-operation as may be found necessary to establish, permanently, the industry in Canada to the end that its full economic value in its many varied uses may, so far as may be possible, be conserved within the Dominion.

He said: I withheld this motion for a time in order that the House might become conversant with the state of this industry. As the House has had a very clear exposition of it, I think that there is no object in delaying the motion any longer. I simply wish to get an expression of opinion from honourable gentlemen upon the subject. They have had time to read the Debates, which show very clearly the situation. The honourable gentleman from Antigonish (Hon. Mr. Girroir) certainly did his part on behalf of his province in laying this matter before the House. I do not want to weary honourable gentlemen; but I have here an article, published in

the April number of the Review of Reviews, which illustrates the position of this matter in the United States. It is headed: "The Rich Oil Shales of Colorado, Utah, Wyoming and Nevada." It states that questions have been asked about the depletion of the national fuel resources, and then goes on to say:

Mr. G. E. Mitchell, of the United States Geological Survey, answers these questions in the National Geographic Magazine, and the answer is sure to be greeted with nation-wide enthuasism. He says:

We have made a discovery that has disclosed what is undoubtedly one of our greatest mineral resources,—one that should supply the needs of the war, and that for generations to come will enable the United States to maintain its supremacy over the rest of the world as a producer of crude oil and gasolene and incidentally of ammonia as a highly valuable by-product. We have discovered that we possess mountain ranges of rock that will yield billions of barrels of oil. For many years travellers going west through the Grand River Valley of Colorado and looking into the great Uinta Basin of Eastern Utah have looked from the windows of their Pullman cars on the far-stretched miles and miles of the Book Cliff Mountains, little realizing that in these and the adjoining mountains, plainly exposed to view, lay the greatest oil reservoir in the country—the oil shales of Colorado, Utah, Wyoming and Nevada.

That very properly applies to this country. We have travelled through beautiful Nova Scotia and elsewhere, and we have not realized what was about us. The article continues:

From recent investigations of the Geological Survey it appears that our oil shales are far richer than those of Scotland, where the shale oil industry has long competed successfully with the petroleum industry and pays annual dividends averaging 18 per cent.

To extract the oil, the rock is distilled at a low temperature. So simple is the process that the geologists who surveyed the fields carried small testing retorts around from place to place to determine the oil content of various specimens.

Then it goes on to explain some of the processes, which I do not think we need bother about just now, as these do not interest us so much as the materials that are available. Later on, it say:

If the discovery and exploitation of the petroleum fields of this country constitutes one of the most sensational chapters in American history, what are we to say of Mr. Mitchell's announcement that "the quantity of oil that can be extracted from the shale is so huge that the petroleum reserve becomes almost insignificant by comparison"? Down to the year 1918 the United States produced 4,255,000,-000 barrels of petroleum, and the amount still available—some of it lying very deep in the ground—is estimated at 7,000,000,000 barrels. From recent explorations it appears that the mountains of Colorado alone are able to yield 36,000,000,000 barrels of shale oil!

Hon. Mr. DOMVILLE.

I do not think I need read this further. I am only trying to point out the fact that the United States sees the necessity of securing fuel oil. We want it for our fleet, and for various industries, and if we have it in our shale deposits, we should secure it. I am simply placing this matter before the Government in a friendly way; we have no power-because we were beaten outto ask them to look into the matter. We should ascertain what can be done to develop these large bodies of oil shale in this country, and endeavor to conserve them, and in this way prevent millions of dollars going out of the country. I think that this is a matter worthy of consideration, and that I am justified in asking the leader of the Governmentbecause we look to him in these mattersto see whether something cannot be done to bring a knowledge of the oil resources of Canada before the world.

The Hon. the SPEAKER: Before the motion is put, I desire to call the attention of the honourable gentleman to rule 27 of the Senate, which says:

No motion prefaced by a written preamble is received by the Senate.

I would suggest that the honourable gentleman strike out all the words after "House" in the first line, and before the word "fertilizer" in the seventh line.

Hon. Mr. DOMVILLE: That is all right.

Hon. Mr. BOSTOCK: I point out that it will not then read quite properly. It should say, "The deposits of crude oil in Canada," instead of "these deposits." The motion should be so amended.

Hon. Mr. DOMVILLE: My honourable friend is breaking new ground.

Hon. Sir JAMES LOUGHEED: Leave it as it is. I shall be very glad to bring the matter before the Government.

The motion was amended by striking out the preamble and also striking out the word "these" before the word "deposits," and inserting in place thereof the word "Canadian," and, so amended, was agreed to.

ORGANIZATION OF EMPLOYMENT OFFICES BILL.

THIRD READING.

Bill 57, an Act to Aid and Encourage the Organization and Coordination of Employment Offices.—Hon. Sir James Lougheed.

INDIAN ACT AMENDMENT BILL. THIRD READING.

Bill 64, an Act to amend the Indian Act. -Hon. Sir James Lougheed.

FISHERIES ACT AMENDMENT BILL.

Bill 63, an Act to amend the Fisheries Act, 1914.—Hon. Sir James Lougheed.

MEAT AND CANNED FOODS BILL. THIRD READING.

Bill 55, an Act to amend the Meat and Canned Foods Act.—Hon. Sir James Lougheed.

PRIVATE BILLS.

THIRD READINGS.

Bill 7, an Act respecting the Canadian Indemnity Company.—Hon. Mr. McMeans. Bill 23, an Act to incorporate the Mer-

chants Casualty Company.—Hon. Mr. McMeans.

WOMEN'S ELECTORAL FRANCHISE BILL.

CONSIDERED IN COMMITTEE AND REPORTED.

On motion of Hon. Sir James Lougheed, the Senate went into committee on Bill 3, an Act to confer the Electoral Franchise upon Women. Hon. Brigadier-General Mason in the Chair.

On subsection 1 of section 1—women to be entitled to vote:

Hon. Mr. CHOQUETTE: I wish to move in amendment to clause 1 that the word "unmarried" be inserted after the word "every," so that it will read: "Every unmarried female person shall be entitled to vote." I do not want to discuss the Bill, as it has already been discussed, and nearly everyone has expressed an opinion upon it: but I am in favour of giving the right to vote, not to every woman, but to some of them. I am willing to give it to the widow and the spinster-to every unmarried woman who is otherwise qualified, on the principle of "no taxation without representation." I contend that women in general are just as intelligent and as able to deal with politics as men. According to my experience as an old campaigner in elections, they are perhaps, on some points, better qualified than men, for in many cases without the woman's consent the husband could not vote for me when I was a candidate. If a spinster possesses the same kind of qualification as a male person she should have the right to vote in order to see that her property is administered by those in whom she has confidence. But I wish to avoid any more trouble in the family, or to divide the house; and I fear that if the vote is given to married women it will do more harm than good. If the woman should be of the same opinion as the husband it would make no difference in the voting, whereas if she differs it would raise trouble and discussions in the house. Thus it would be a very bad move socially, because it would break family ties. I therefore move my amendment.

Hon. Mr. DOMVILLE: This Bill is very hard on the husbands. There will be a row from morning till night; it will set families all quarrelling and rowing, because there are so many females all over the country that have nothing to do but to talk politics, which they know nothing about. This Bill is going to breed trouble in every man's house, and the man will get the worst of it in the long run.

Hon. Sir JAMES LOUGHEED: It may serve him right.

Hon. Mr. SHARPE: I think it would be better to pass this Bill by sections and not by clauses, as some of us wish to discuss a whole section and not merely a clause, and to move amendments to some sections.

Hon. Mr. DANDURAND: I do not seize the honourable gentleman's point. We are at the very first line of the first section, and an amendment is moved to that first line. We must dispose of that amendment.

Hon. W. B. ROSS: That first amendment would affect the whole Bill-run right through it.

Hon. Sir JAMES LOUGHEED: If there is no further amendment to subsection 1 of section 1, I would move its adoption.

Hon. Mr. WATSON: What necessity is there for having the word "female" there at all, when the Bill is intended to extend the franchise to all women? I understand that the Minister of Justice has recognized a woman as a person, and if the word "female" were omitted all this distinction would be avoided.

Hon. Sir JAMES LOUGHEED: Where the word "person" has been used in the statutes, some courts have held it to mean a male person. Hence it was necessary to mention the word "female" in order to remove all doubt about it.

The amendment of Hon. Mr. Choquette was negatived.

Paragraph a of subsection 1 of section 1 was agreed to.

On paragraph b—is of the full age of twenty-one years and upwards:

Hon. Mr. DAVID: I move that paragraph b be amended by striking out the words "twenty-one" and replacing them with the word "thirty." My amendment is not extraordinary; its object is to make this provision similar to the English law. I suppose there is no harm in doing what they are doing in England-fixing the limit of age at 30 years. In order to explain my amendment I may be allowed to make some general observations which I could have made if I had been present on the second reading of this Bill. I questioned the honourable leader of this House on that point, and he was of opinion that I could make general observations now.

When one studies the English Parliament at all periods until now, he finds that all the great statesmen of England have been of the opinion that the suffrage should be limited to a certain extent. The celebrated Lord Brougham, in one of his eloquent speeches on the Reform Bill, said that the best law as a law granting the right to vote to the greatest number of those who could give an intelligent, independent and honest vote. Fox, one of the greatest orators and parliamentarians of England, speaking on the same question, asked: "Who is thinking of giving the right to women and servants?" He thought that women and servants could not give an independent vote. I must admit that if those statesmen were living now they would perhaps revise their views to a great extent, because the number of those who are able to give intelligent, independent and honest votes has increased and is increasing every year, owing to the spread of education. Yet I think that even those great men, if they were living now, would not give the right to vote to all women without discrimination, without distinction, and without limitation, because their views were based upon the principle that women could not give an independent vote. I share the view of those great statesmen, and think the franchise proposed in this Bill should be limited to women of 30 years of age and upwards.

As the honourable member for Granville (Hon. Mr. Choquette) has said, if a woman is married she will either come under the influence of her husband and vote as he does, or she will vote differently; in the latter case acrimonious disputes and discussions will arise in the midst Hon. Sir JAMES LOUGHEED.

of the family. Is it wise to multiply the causes of discord between husband and wife? Then what will become of the daughters? Will they be able to give an intelligent and independent wote? Will they vote like their father or mother? Their vote will be another cause of trouble and discord in the family. And if so much money is spent and so much trouble taken to enable people to give an intelligent vote, what will be done to educate women and teach them how to vote? In England at least they have limited the right of voting to women above 30 years of age. because they believe that women and girls between 21 and 30 cannot give an intelligent and independent vote. Let us leave those poor girls of the age of 21, 22, 23, or 24 years, to their pianos, to their embroidery or lace work, and especially to the occupations that will prepare them to be good and practical housekeepers. I am sure that if those poor girls were asked to give their views, they would say that they do not care about the vote.

The expenditure and trouble occasioned by the voting of women will be in great part lost because, in ordinary circumstances, only a small proportion of the voters whose names are on the list will vote. As the leader of the Opposition so well said in his excellent speech, there thousands of women who will not care to exercise their franchise, and who will be unable to go to the polls, for reasons which I need not mention. Are there not now enough voters who abstain from voting, in spite of all the efforts made to induce and enable them to go to the polls?

Placing the question on higher grounds, I say that woman cannot fulfil political duties without injuring her influence, her dignity, her usefulness, as mother and wife. She has been constituted to play the part of a wife and a mother; she has been endowed with all the qualities and gifts required to enable her to exercise her influence and fulfil her mission in the midst of her family as the guardian angel of the home. There is her domain, her kingdom, where she reigns by grace, kindness, and love. Let us keep her on her pedestal. On the other hand, God has given to men such physical and intellectual strength as is necessary to enable him efficiently to discharge the duties of his calling, to protect and preserve his family, and, if need be, to defend the fatherland.

No doubt, there are certain civil functions which a woman can perform without going out of the limits which nature and Provi-

dence have imposed upon her activity and proficiency. But when she wants to launch herself into the political arena, when she claims the right to vote and to exercise professions where her modesty, her chastity, and her dignity would be constantly outraged, she exposes herself to gross insults and endless humiliations. She degrades herself; she divests herself of her crown. She is a star which has deviated from its orbit; she is a being out of its sphere. This results in the most regrettable consequences, all of which it would be too long to enumerate here. I will only indicate a few of them.

There is something shocking in the very sight of a woman elbowing her way through an excited and tumultuous crowd to go and cast her vote in a room where she will be out of place, and expose herself to more or less offensive questions and remarks. Who, being an admirer of woman, can subject her to such humiliation?

Again, if woman has the right to vote she necessarily has also the right to come forward as a candidate and to be elected. No one, I am sure, will contend that Parliament, where so many passions, interests and ambitions are aroused, is an assemblage which benefits a woman.

And what will become of the family in the meantime? There is now in the whole world a universal cry for an increase of population. Do you think that women engaged in political turmoil will not be tempted to avoid what would restrain their liberty? The result of female suffrage will be more domestic troubles and fewer children, unless the franchise is given only to old maids or to women about forty-five years old.

The admirers of woman act most wrongly when they lead her into paths where her occupations would conflict with her duties as a wife and a mother, would develop in her ideas and sentiments contrary to her mission, and would deprive her of the prestige, influence and respect she enjoys, by bringing to light the weakness of her physical organization. Superior to man by the delicacy of the heart and mind, she is inferior to him in all things which call for bodily and intellectual vigor. If woman is the equal of man, why is she not sent to the front? Why are not armies, regiments. of women organized to fight against the Germans? It is needless to answer this question.

Political life has been a demoralizing How can we expect that woman will not negatived, and paragraph b was agreed to.

be subject to the same dangerous influence? It is acknowledged by men of experience that in political matters she does not appreciate in its true light the moral aspect of certain constitutional rules and principles. However, I have no hesitation in saying that she will not find in politics those virtues and moral qualifications indispensable for the elucation of the generations whose duty it will be to shape the destinies of our country.

Female suffrage is one of the regrettable errors of our time, the effect of which is to disorganize our social and moral life.

I might cite in support of my views the opinions of several statesmen and eminent writers. I will content myself with quot-ing what a woman, a great woman, whose talent is recognized by the whole world, has said on the subject of female suffrage. I refer to Mrs. Humphrey Ward. Listen, honourable gentlemen, to what she says:

She believes that women are too excitable to She believes that women are too excitable to do politics any good, that they are too easily influenced by men and that the Labor party is working for suffrage because labor wants to line up women to enforce its demands on the country. She fears that with the normal femi-nine majority in population increased by the ravages of war, politics will soon be dominated by feminism. She declares that suffrage States are less well governed than others; that while British men by their sacrifice and sufferings at the front have earned the franchise, women workers in munitions, and in many forms of public service are not entitled to the vote be-cause of what they have done for the very good reason that they are getting big wages for doing it. Moreover, women should be given the vote right and left for all matters concerning local legislation, for the thousand and one things that have to do with public health, children, education, sweatshops, etc.; but not for conducting the affairs of a nation.

There is the opinion of that celebrated woman.

My last remark. Honourable gentlemen, I think that this is one of the occasions when the Senate should consider it its duty, in order to accomplish its great and noble mission, to show its independence and usefulness by checking legislation which cannot but be detrimental to society, to the good working of our constitution, and to the best interest of women themselves. As I have stated, the amendment which I propose is the law in England, and England is governed by wise men and men of experience, and if they have fixed the age for the franchise of women at 30 years, it is because they know that that is the right thing to do. influence even in the case of strong minds. . The amendment of Hon. Mr. David was

On paragraph c:

Hon. Sir JAMES LOUGHEED: Honourable gentlemen, I move the adoption of paragraph c:

(c) Possesses the qualifications which would entitle a male person to vole at a Dominion Election in the province in which said female person seeks to vote: Provided that a married woman or an unmarried daughter living with her father or mother shall be deemed to have any necessary qualification as to property or income if the husband or either of the parents is so qualified.

Hon. Mr. BELCOURT: It seems to me that "any necessary qualification" is not apt language; I think it should be "shall be deemed to have the necessary qualification."

Hon. Sir JAMES LOUGHEED: There may be different qualifications; therefore, the word "any" might more suitably apply than the word "the."

Hon. Mr. BELCOURT: Then, would not the word "the "apply? "Any" is a vague term, it seems to me.

Hon. Mr. DAVID: I would ask the honourable leader of the House this question: does that mean that the qualification of the father or the mother of a girl, or of two, three, four, or five girls, will qualify the daughters to vote?

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. BELCOURT: They will all have the right to vote.

Hon. Mr. POWER: Before the question is put, I direct attention to the proviso, which I think should not be in this paragraph at all. If we are going to have female suffrage, I think the right thing is to put women on the same footing as men; but it will be noticed that this proviso puts the women in a very much more advantageous position than the men: "provided that a married woman "-I do not object to that-" or an unmarried daughter living with her father or mother." There may be a couple married. The husband has a vote, his wife has a vote, and then, if they have half-adozen daughters, these daughters all have votes, even though the daughters are not qualified in the way of property or otherwise -in such a way as would qualify them to vote if they were male. I think, honourable gentlemen, that that is going rather too far. I think that we should have some regard for the unfortunate male sex, who are to be walked over in this way, and this proviso should be stricken out.

Hon. Mr. DAVID.

Hon. Mr. DANDURAND: The argument of my honourable friend draws my attention to this query. The daughters will be qualified to vote if the father is qualified.

Hon. Mr. BELCOURT: Or the mother.

Hon. Mr. DANDURAND: What about the brothers of those daughters—the sons? Or are they provided for in the same way as the daughters? If not, it occurs to me that it will be somewhat strange that a young daughter of 22 may be entitled to vote while her brother of 23 or 24 may not have that right.

Hon. Sir JAMES LOUGHEED: It would depend entirely upon the franchise. If we have a uniform franchise throughout the Dominion, the probabilities are entirely in favour of all being placed upon an equal footing. If we should adopt the franchise of any province having a property qualification, it would of course be necessary for the sons to have that qualification, provided they are not permitted otherwise to vote. It all resolves itself into a question of the franchise in the province.

Hon. Mr. DANDURAND: Well, take the franchise in my own province. The son has a right to vote if the father has property which would qualify two persons to vote; or, if he has two sons and his property is sufficiently valuable to qualify three voters, then two sons are entitled to vote. It may happen that the father has not the necessary qualifications and that the sons are not qualified in their own right. Then, under this legislation as it is now framed, the daughters will all be entitled to vote while it may happen that a son, or two sons, remaining at home, the brothers of those daughters, will not be entitled to vote.

Hon. Mr. BELCOURT: I am very much impressed with the arguments of my honourable friend from Halifax (Hon. Mr. Power.) You are discriminating there in favour of women; that is, in those provinces where property qualification is required, women without any qualification may have a right to vote and a man without such qualification will not have that right. It seems to me that this is going beyond anything that anybody ever dreamed of. We know as a fact that there are provinces where property qualification is required, or, at all events, income qualification; and in this Bill you are giving the right to vote to women who have no income

nor any property qualification whatever. As my honourable friend from De Lorimier (Hon. Mr. Dandurand) says, in the same family there may be a daughter having the right to vote and a son who is deprived of it.

Hon. Sir JAMES LOUGHEED: The property qualification, in those provinces, where it obtains, is so simple that it is merely nominal. It is difficult to conceive of conditions that would preclude men who have reached their majority from having a sufficient qualification to entitle them to exercise the franchise in those provinces. In the case of a young man, the probability is entirely in favour of his having property, whereas the probability is against the daughters having any qualification, or having any intention of acquiring property. Men almost invariably acquire property for the purpose of exercising their franchise, in the one or two provinces where the property qualification exists.

Hon. Mr. DANDURAND: I recognize that a man of 21 is generally a wage-earner, and as such he will be entitled to vote, in my province at all events; but I have in mind the cases of many young men who will not be entitled to vote although they are perhaps among the most capable of giving an intelligent vote. I refer to university students-law and medical students -who in some instances will not obtain their diplomas before they are 23 or 24 years old, and who will not be wage-earners, but will have to rely upon the qualifications of their fathers in order to obtain a vote. If the father is not so qualified as to give a right to vote to the son, the son will be without a vote, while the daughters will be entitled to the franchise.

Hon. W. B. ROSS: Can the honourable gentleman tell us what is the minimum amount of property required to entitle a man to vote in Quebec?

Hon. Mr. CHOQUETTE: The property qualification is \$200, and the wage qualification is \$300. Then there is a rent qualification of \$20 a year.

Hon. W. B. ROSS: As a matter of fact, it is practically universal suffrage.

Hon. Mr. DANDURAND: The minimum qualification is very low.

Hon. W. B. ROSS: It is so low that we are really splitting hairs, I think.

Hon. Mr. CLORAN: But the point made by the honourable Senator from De Lorimier (Hon. Mr. Dandurand) is a very good one, and I think the honourable leader of

the Government ought to take it into consideration. He ought not to suppress the vote of the most intelligent portion of the population, the young students between the ages of 23 and 24.

Hon. Mr. CHOQUETTE: They will have the right to vote. Under the provincial law students have the right to vote, if they live with their father.

Hon. Mr. CLORAN: But all of them are not living with their father. Anyhow, a principle is at stake. If there is only one student who would be deprived of the vote, let us save the rights and the liberty of that one. There are many students who are enabled to attend college or the university by working on boats during the summer months, as waiters and so on. These boys, many of them, have no homes, and they should not be deprived of their vote by any law. All this discussion comes down to the point of the motion of which I gave notice. Let the mother vote for every child in the family under 21.

Hon. Mr. CHOQUETTE: My honourable friend is mistaken. Under the law of the province of Québec a young man studying at college or university who lives with his father is qualified to vote. If he does not live with his father, but earns \$300 a year. he is qualified by himself to vote. Or, if he rents a room in the city and pays \$20 a year rent, he has the right to vote. So I do not object on that account. But what I do oppose is the giving of the vote to unmarried daughters. What will be the life of the father if his daughters, being interested in politics, take one side while he takes the other. Take, for instance, a man who is supporting the Tory or Unionist party and whose wife and three or four daughters are supporting the other party. How can they live in the same house with him? They will have to separate. I think my honourable friend (Hon. Sir James Lougheed) should have some consideration for the father of the family.

Hon. Sir JAMES LOUGHEED: He should observe the injunction in Scripture and bring them up the way in which they should go.

Hon. Mr. CHOQUETTE: Well, if he does that, it will simply mean so many more votes on the same side, and there will be no difference in the general result. If all the votes of one family are for the same side, what will be the advantage? In Quebec, of course, the people are all on the same side; but we must look after the interests of other provinces as well, where matters are getting worse from year to year. We want to have some good done in other provinces too. I think the fact of giving votes to the wife and the unmarried daughters will make impossible the life of the husband and father who may be on the side opposite to that of his family, and we know what the outcome will be.

Hon. Mr. CLORAN: More divorce.

Hon. Mr. CHOQUETTE: Then, take the case of the young man living, not with his father, but away from home. He may not earn more than \$290 a year; perhaps he is in poor health and may have a job which brings him only \$20 a month. He is not qualified, to vote though he is working for himself, because he is not earning \$300 a year. Such a man will see his sister of 21, who is living with her father, entitled to vote. Do you think that is fair? I appeal to my honourable friend (Hon. Sir James Lougheed) for this reason to leave out the unmarried daughters unless they have some property of their own which would qualify them to vote. If they have I am in favour of giving them the vote. But this proviso simply states that a married woman or an unmarried daughter living with her father or mother shall have the right to vote. I am against that. I am against giving the right to vote to any married woman or to unmarried daughters unless they have property qualifications of their own. There may be cases where an unmarried daughter has inherited some property and is living with her father. I would not object to giving the vote to such a woman; but to give the vote to three, four or seven unmarried daughters when the father has only one vote-that is scandalous.

Hon. Mr. DAVID: I move that the proviso be struck out of this paragraph.

'Hon. Mr. DANDURAND: I have some sympathy for my honourable friend. If, as he says, he should differ with his daughters, I pity him, because he has nine of them.

Hon. Mr. DAVID: Will the leader of the House listen to this? I am surprised that the English members of this House have no more regard for what is done in England. We are French Canadians—

Hon. Mr. BELCOURT: Rebels.

Hon. Mr. DAVID: Yes, rebels to a certain extent, if what is said is true; but it is not true. I am surprised that they do not regard with more respect what is done in England. In England they give the right Hon: Mr. CHOQUETTE. to vote to women; but listen to this. In that country the parliamentary franchise is given to a woman if—

a. She has attained the age of thirty years, is not subject to any legal incapacity, and is entitled to be registered as a local Government elector in respect of the occupation of land or premises in a constituency, or is the wife of a husband entitled to be so registered.

There is nothing there to give the right to vote to girls, and I am sure they are not even thinking of giving the right to vote to girls of twenty-two, twenty-three or twenty-four.

Hon. Mr. CHOQUETTE: I could probably be induced to vote for an amendment making the age limit thirty years. The ladies would not give their age as thirty, so they would not be on the list.

Hon. Mr. DOMVILLE: They will have to raise the age of consent.

Hon. Mr. POWER: Why not strike out everything from the word "provided" in line 10 down to the end of the paragraph? I think no reasonable person, not even those who are in favour of giving the vote to women, has expected that any such measure as this would be passed. The utmost that has been claimed on behalf of the women is that they should be allowed to vote on the same terms as men. The first part of this paragraph provides for that. It says that a woman who—

--possesses the qualifications which would entitle a male person to vote at a Dominion election in the province in which the said female person seeks to vote---

And surely the House must see that it is not proper to undertake to add to that perhaps four or five voters in each family who are not qualified if they are males. I second the motion of the honourable gentleman from Mille Iles (Hon. Mr. David) to strike out the proviso.

Hon. Mr: DANIEL: I think that the amendment that is offered is a very important one, and one which we might well take into consideration. Of course, as stated, we are all willing, and indeed anxious to give women the vote; but that women should be allowed to vote on a lower qualification, or on something less substantial than the qualification required of young men just beginning life, I think is a proposal that we should consider quite definitely and distinctly before we vote on it. So far as I have heard the remarks that have been made. I feel inclined to vote for the amendment. That would make

the qualification for a female voter the same as the qualification required of a male voter in any province. I do not believe that the women will ask, or do ask, 'for anything better than that. I do not think they are asking for a qualification which has not been given to men. We all know what they have done during the war; but I do not think that they would want Parliament to give them a qualification which is of a elighter degree than is required of the young men. So I will vote for the amendment.

Hon. Mr. DOMVILLE: Does my honourable friend talk about the qualification in New Brunswick? He has run some elections there. What is the qualification? Everybody can vote, cannot they? This does not interfere with the women's right at all.

Hon. Mr. DANIEL: If everybody is qualified to vote there, that will include the women.

Hon. Mr. DOMVILLE: I asked what the qualification was. It is only one hundred dollars. It is a universal vote.

Hon. Sir JAMES LOUGHEED: As I before pointed out, the property qualification is practically nominal, and should we strike out this proviso, I would venture to say that in provinces where the property qualification obtains seventy-five per cent or more of the women would be disqualified, which would be entirely contrary to the spirit of this Bill. The fact is that property invariably stands in the name of the father; but it is not contended for a moment now a days where universal suffrage practically exists that the man votes by reason of his having that nominal qualification. A man himself may have, the qualification of \$100, which would be infinitesimal in comparison with a property qualification if substantially and materially made. You would deprive a woman who is possessed of intellectual qualities and who may be infinitely more intelligent than a man possessing the \$100 qualification, while at the same time you give to her sisters in all the other provinces the right to vote. The property qualification, wherever it obtains in Canada-and I think it only obtains in two provinces—is simply a relic of old days, and is not in harmony with modern conditions. It seems to me absurd that we should import the property qualification into this Bill.

Hon. Mr. BELCOURT: My honourable friend's argument is worthy of consideration by the provinces where the property qualification still exists, but I do not think we should consider that. We should respect the provincial requirement with regard to voting. My objection to this provision is that it gives the new voters an advantage over the old voters. I subscribe to my honourable friend's observations: I think the property qualification in some provinces is so low that it might very well be done away with; but until it is should we not respect the will of the provinces? Why discriminate?

Hon. Mr. TANNER: I think honourable gentlemen are overlooking one point. It seems to me that this clause is intended rather to protect the young men in the case where the qualification is a property one. For instance, in Quebec and Nova Scotia, where the son qualifies on the father's property or the mother's property, whether that property is held in fee simple or as a tenancy, there may be cases where there are one or two daughters older than the son, .and if the property is not of considerable value the qualification would go to the daughters and the son would be cut out. Consequently, as I see it, this provision is probably put in to protect the son.

Hon. Mr. DANDURAND: I do not see my way to voting for the amendment of the honourable gentleman from Mille Iles (Hon. Mr. David) to strike out the provision, because in my province I suppose threequarters of the property in the rural districts is held in common between the husband and the wife. The husband holds the title, but if the property is acquired after the marriage, it becomes the common property of both. The wife has an interest in that property, yet she could not qualify on that interest, which would only appear at the death of the husband; so, if the proviso were struck out, she would be deprived of the vote, while in reality holding an interest in the property which is in the name of the husband.

Hon. Mr. BELCOURT: That argument does not apply to the son. This provision affects only the daughters.

Hon. Sir JAMES LOUGHEED: It includes the wife.

Hon. Mr. BELCOURT: No, unmarried daughters.

Hon. Mr. POWER: There is one thing which I think might be borne in mind. As

S-27

REVISED EDITION

SENATE

the honourable gentleman from St. John (Hon. Mr. Daniel) has said, we all feel that this is a very important measure. which, if it goes into operation, may have a serious effect on the future of this country. and consequently we ought to be perfectly clear that we are doing the right thing before we go ahead. It is all very well to go ahead; but we should be sure we are right. I call the attention of honourable gentlemen to the fact that this Bill is not necessary under the War-time Elections Act of last year, which certainly gives a sufficient privilege to the female sex. That Act is to continue in operation until demobilisation after the war. There is not the slightest prospect of demobilisation for another session, and it is altogether unnecessary for us to pass this revolutionary measure now.

Hon. W. B. ROSS: I call the honourable gentleman's attention to the fact that the War-time Elections Act only gives the vote to the wives of soldiers, and one complaint that has been made has been that a large body of women did not get the vote.

Hon. Mr. POWER: It applies to elections held during the war.

Hon. W. B. ROSS: But it is confined to the wives of soldiers. This is wider.

Hon. Mr. POWER: You had better let the babes in arms vote.

Hon. Mr. WATSON: Will this Act apply in case a by-election has to take place under the War-time Franchise Act?

Hon. W. B. ROSS: If this Act passes all the women will have a vote.

'Hon. Mr. WATSON: I do not understand so.

Hon. W. B. ROSS: The honourable gentleman is mistaken. The War-time Elections Act would not exclude the operation of this Act if it is passed. This would be joined onto and construed with the Wartime Elections Act.

Hon. Mr. POWER: Look at clause 3 of the Bill.

The amendment of Hon. Mr. David was negatived, and paragraph c of subsection 2 was agreed to.

On subsection 2—when a woman is a British subject for purposes of this Act:

Paragraphs a and b were agreed to.

On paragraph c—if a British subject by marriage or by naturalization of parent:

Hon. J. D. TAYLOR: I wish to call attention to what seems to be an anomaly Hon. Mr. POWER. in paragraph c when it is contrasted with paragraph d. Paragraph c provides: if she has become a British subject by marriage

or by the naturalisation as a British subject by marriage or by the naturalisation as a British subject of her parent while she was a minor, and in either case has done nothing (other than in the second case by marriage) to forfeit or lose her status as a British subject—

She may have the right to apply for a certificate. Paragraph d provides:

If, notwithstanding she is married to an alien, she was at the time of such marriage a British subject by birth and has not herself sworn allegiance to any foreign power—

She may vote; but-

Provided, however, that this paragraph shall not apply to the wife of an alien enemy.

The effect of these two paragraphs, as I understand them, is somewhat peculiar. For instance, take the case of two women married to brothers, these brothers being in each case alien enemies. One of the women, being foreign born, is permitted to vote, because paragraph c expressly exempts her from losing her nationality because of her marriage; while the other woman, a British-born woman, is expressly prohibited from voting, although she is married to a brother of the husband of the foreign-born woman who can vote. It seems to me that provisions so contradictory as these were not intended; and, with a view to remedying that, I offer this amendment: that from line 26 in paragraph c of subsection 2 the following words be struck out: "other than in the second case by marriage."

Hon. Sir JAMES LOUGHEED: I would point out to my honourable friend that the object of paragraph d, which we have not reached, is to meet a condition under the Naturalization Act which provides that if a British subject is married to an alien she loses her nationality and becomes an alien by reason of that. It is not desirable that this condition should apply to the exercise of the franchise; but the principle embodied in it is that she, notwithstanding her being married to an alien, should retain her nationality by birth as a British subject. She is, however, deprived of her nationality by birth as a British subject if she is married to an alien enemy, and that is but reasonable. It seems to me, therefore, that there is no relation between c and d, the latter dealing with a matter entirely apart from and in no way associated with c, at least the earlier part of c.

Hon. GEORGE H. BRADBURY: While agreeing with the principle of the Bill, and realizing that this House can do nothing

MAY 2, 1918

that would recompense the women of this country for the great sacrifices they have made during this war, and realizing the worthiness of the women, so that too much can not be done for them, at the same time I have grave doubts whether the granting of the franchise to the women of this country is going to be the blessing that many seem to think it will be. The splendid work done by the women of this country, however, commends itself to all, and I am sure that every man in this House or out of it feels that the women of Canada are at least their equals, and in many cases their superiors. At the same time, I do not think it is going to be a blessing nor a kindness to drag the women into politics. However, as a great many women seem to want the franchise, I would be the last man to deny them. But I feel quite sure we would not be paying the women of Canada any compliment if we placed them in the same position as the women from foreign lands, whom this Bill intends to enfranchise. Our splendid women who have made such great sacrifices in giving their sons. husbands and brothers to fight for democratic principles deserve something far better.

The foreign women-Austrians, Germans, Russians, and in fact all that class from Southern Europe-were serfs in most cases, and never enjoyed any of the civilizing or Christianizing advantages that the women of Canada have enjoyed. The proposal to place these women on the same high level as our own splendid Canadian women is an insult to the intelligence of the age we live in. It is democracy run wild, and is calculated to do great and lasting injury to Canada. All these foreign people, men and women, have been raised in an atmosphere calculated to produce the modern Hun, who has shocked the civilized world with the awful crimes committed, not alone on our own gallant boys, whom they have treated worse than any Canadian would treat a dog. Not satisfied with murdering in cold blood our wounded men left on the field, these fiends incarnate have not stopped at using any methods to torture our men; they have gouged their eves out. hacked their hands off, cut out their tongues and, not satisfied with all this, have crucified more than one of our soldiers.

The crimes committed by the Austrian and German soldiers, from the princes down to the poorest serf in the ranks, on defenceless women and children of Belgium and France, still cry for vengeance, and stamp those people as unfit to mix with and enjoy, the privileges of citizens of civilized $S-27\frac{1}{2}$ countries. The enfranchisement of men and women from the countries that breed such fiends is a crime that must not be allowed by this Parliament.

People who defend the giving of votes to these people prate about their loyalty during the war. Fear, and fear alone, has held those people in check. Even in the face of the risk of being tried for treason and shot, as they would have been in their own country, their attitude or conduct has been so disloval that we have had to arrest thousands of them and intern them. Eighteen of these people, one of whom is believed to be a spy, were arrested right under the shadow of this House no later than last night. How anybody can urge the enfranchisement of the women of this class is more than I can understand. I contend that it is a serious mistake to propose to enfranchise the women of those men, and place them on an equality with the spendid women of Canada. Surely there is a limit to what the people of this country ought to be expected to bear in connection with the alien enemies within our borders.

I had intended to move an amendment to this clause, seconded by Hon. Mr. Sharpe, as follows:

That sub-clause 2 of clause 1 be amended by adding thereto the following proviso:

Provided, however, that for the purposes of this Act, no woman shall be deemed to be a British subject unless she was born a British subject or was born a subject of a country which is an ally of His Majesty at the present time, or has been resident in Canada since she was twelve years of age.

The purpose of that amendment was to make it impossible for foreign women coming to this country after they are twelve years of age to enjoy the right of voting in this country, and of being placed on an equality with the women of Canada. But, owing to the fact that this amendment would only have disfranchised the women and left the men in possession of their franchise-because as soon as the Wartime Elections Act is repealed after demobilization every one of those foreigners who are now on the lists becomes a voter again -I brought down to this House a Bill dealing with the whole subject, which I hope will receive the support of the House.

I feel strongly on this question, realizing that in the western provinces the foreign element to-day practically controls those three provinces. Honourable gentlemen from the eastern provinces cannot realize the position that that element has secured in our country; and, for the purpose of safeguarding the best interests of Canada. SENATE

I hold that those people ought not to be allowed to vote in Canada. I am quite satisfied that children who come into this country at twelve years of age, and who are brought up and educated in this country should become voters. It is another thing, however, to put into the hands of these people from alien countries, southern Europe especially, the same privileges as are enjoyed here by British Canadians or British-born. The people from those alien countries have never had any training in responsible government, and know nothing about it; they have no idea of the sacredness of the ballot; and I consider that the placing of a ballot into their hands would be a crime against the best interests of this country. I have always contended that those people should never have been allowed to use the ballot in this country. People say to me: "But why did you invite them to Canada? Why are those people invited here? If they come here and share with you in building up Canada. then they are entitled to the privileges of Canadian citizenship." I do not agree with that at all.

In Canada we have one of the greatest countries of the world in the making, provided that British citizens keep control of the country. The danger is that we may let the control pass out of our hands. Thousands of our young men have died in Flanders, fighting for what? Fighting against the very principles and ideals held by the Austrians and Germans in this country. Those foreigners were brought up in a different atmosphere from ours. We cannot blame them. If I were living in Germany to-day, do you not think I would be just as strong a Britisher as I am? Do you not think that all my feelings would go out towards the Empire? But though we cannot blame the Austrians and Germans in this country for having that feeling, which is in their hearts, and they cannot help it, yet we can safeguard our own country by refusing to allow those people the same privileges that our own people enjoy here.

This is a very important question, one that affects Western Canada perhaps more than the East, and it is worthy of very great consideration on the part of this House. The people of this country are looking to Parliament to safeguard their interests on this franchise question. We have been altogether too liberal, too generous, in handing out the franchise, which is the most sacred thing possessed by the citizens of any country. Unfortunately, those foreign Hon, Mr. BRADBURY. people have not been taught how to use the ballot properly, and I feel that some amendments ought to be made in this Bill so that the women of our country will not be placed on the same level as those from foreign lands, who have no idea of the value of the great privilege which this Parliament intends to confer upon them. I say it would be a serious matter, even a crime against the best interests of Canada, to allow those people to gnjoy the ballot.

Hon. W. H. SHARPE: I would be very much delighted to see this Bill give our splendid women of Canada the franchise, for no set of people in this country deserve it more, in view of the magnificent sacrifices they have willingly made on every occasion. Whenever the recruiting officer went to the wife or mother asking for the husband or son, she willingly gave him up in the interests of the Empire. I do not beleive, as do some others, that our women will not use this franchise intelligently, for I believe that Canadian women will be able to vote just as intelligently as do Canadian men. I believe, further, that it is going to be for the good of Canada, and not evil, to give the franchise to our women. At the same time I believe this Bill is altogether too wide in giving the franchise to every woman in Canada over twenty-one years of age.

Hon. Mr. BELCOURT: Without any qualification.

Hon. Mr. SHARPE: Without any qualification. We have been too free with the franchise in Canada thus far. I claim, and have always claimed, that the foreigner, either man or woman, should not get the franchise in this country without some qualifications. Their ideals are different from ours; they believe that might is right; that the individual has no rights whatever; that their women are no better than the cattle; and I claim that people with those ideals should not possess the Canadian franchise. At the present time the foreigners control a great many constituencies in Western Canada, and if this Bill goes through they will have absolute control there. The Rev. Dr. Woodsworth went to live in one of the foreign parts of Winnipeg, and a census was being taken, and in the foreign parts of the city some foreigners had to be employed to assist in this work. One of them called at Dr. Woodsworth's house, and when that gentleman came to the door the man asked who lived and the doctor told him. there. The foreigner then asked: "Of what nationMAY 2, 1918

ality are you?" When Dr. Woodsworth put out his chest and was pleased to state that he was a Canadian, the foreigner said: "We do not want anything of that kind around here." We have in Western Canada many persons who hardly realize that they are in Canada.

Another case, that of a washerwoman in Winnipeg. She had been doing work for one of the women of that city, and after she had finished and received her pay, she held the money in her hand and said to our Canadian woman: "This year I wash for you, and I get this little money, but next year you wash for me." She is going to turn the tables on the women of Canada. It is the idea of these foreigners that Germany will win this war and that the tables will be turned on the people of this country.

Hon. Mr. CLORAN: They are quite ambitious.

Hon. Mr. SHARPE: They are ambitious, but it is quite possible all the same. This Bill puts those foreign women on the same footing as the women of this country, on the same footing as our boys who are bleeding in France to-day. I claim that to allow this Bill to pass in its present form would be a crime against our boys at the front and against our Canadian women.

Some say we are causing discord by amending this Bill. I would rather have discord and right than to have harmony and wrong. Our boys are fighting for the right in the trenches to-day, though they could have harmony if they laid down their arms and allowed the Germans to have their way. It is our duty to fight for their rights in this country. I consider that it is one of the big mistakes of Union Government to allow this Bill to become law in its present form. See what the foreigners are doing in the United States, and see what they are doing in Canada. As my honourable friend from Selkirk (Hon. Mr. Bradbury) said a moment ago, 18 of them were locked up in this city last night because they were intriguing against the Canadian people. We have had cases where they put broken glass into our food, or have cut up fine wire and put it into our butter. It is to that kind of people we are giving the franchise in this country.

(Hon. Mr. BELCOURT: There are many more coming.

Hon. Mr. SHARPE: We have all heard a good deal about what Western Canada - has done in men and money to help in

this war. I want to tell you, honourable gentlemen, that it was only about one-half of the people of Western Canada who carried on the work; the other half, or nearly half, did what they could in an underhand way to hold back the others from doing what they have done. If this Bill goes through, the half who have been hindering in Western Canada will have absolute control there so far as elections are concerned. As I said a few moments ago, foreign men and foreign women should all be put on the same basis. We are told, "Wait until the general Franchise Bill is brought down, and then deal with the whole subject;" but I' desire to say that I am opposed, absolutely opposed, to the principle of the Bill which is now before us for consideration, and I do not think we should pass it. Let us insert some test which can be applied to one-half of the voters in western Canada. I will vote for any law to disfranchise the foreigners in this country. In fact, I stand for a white Canada. I believe that the Canadian people should control the destinies of this country. Therefore, Mr. Chairman, I have much pleasure in moving that paragraph c of subsection 2 of the Bill be amended by adding after the words, "British subject," in line 23, the words: "that she is able to read in English or French any section or sections of the British North America Act, 1867."

Hon. E. L. GIRROIR: Mr. Chairman, I desire to say just a few words in support of the amendment which has been proposed by the honourable member who has just taken his seat.

Hon. Mr. BOSTOCK: I do not want to interfere with the honourable gentleman, but I think we are proceeding rather irregularly. I do not understand that the amendment which has just been moved by the honourable gentleman from Manitou (Hon. Mr. Sharpe) is an amendment to that moved by my honourable friend from New Westminister (Hon. J. D. Taylor). It seems to be a different amendment altogether. I think we ought to deal with the amendment moved by the honourable gentleman from Westminister first of all.

Hon. Sir JAMES LOUGHEED: I thinthat the amendment of my honourable friend from New Westminister will come in under paragraph d.

Hon. J. D. TAYLOR: No. The amendment is to strike out words in line 26 of paragraph c. Hon. Mr. DANDURAND: We have an amendment before us. Should we not dispose of that before proceeding, unless there is a sub-amendment? I do not think there is.

Hon. J. D. TAYLOR: Mr. Chairman, speaking to the amendment before the Committee, I think that the honourable leader of the Government has not caught the point which I raised. I would like to have, if I can get it, a clear statement on that point, because I think it is very important. In my view, these words which I have moved to strike out confer on a foreignborn woman a privilege which is expressly forbidden to a British-born woman under similar circumstances. Therefore I would like to hear from the honourable leader of the Government whether in his view the effect of these words is to provide that a foreign-born woman who marries an enemy alien does not thereby forfeit her British nationality, but would be entitled, upon taking the procedure provided under this Act, to a vote.

Hon. Sir JAMES LOUGHEED: My reply to my honourable friend is that the words in brackets in line 26 are intended to preserve to a woman naturalized British subject, who marries a foreigner, her British nationality, which she has acquired by naturalization. I do not know whether I make myself clear.

Hon. J. D. TAYLOR: Yes.

Hon. Sir JAMES LOUGHEED: The same principle enters into paragraph d in this way, that under the Naturalization Act as it is at present, if a British woman should marry a foreigner she loses her nationality. Consequently the two women, the Britishborn and the foreign-born, are placed on a parity. Then, the point which my honourable friend, makes, and which could be more intelligently discussed under paragraph d, is that the application of paragraph d is limited to the particular condition mentioned in the paragraph. That point could be met by striking the word "paragraph" out of line 10 in para-graph d, and substituting the word "section." That would place them both on a parity. So if my honourable friend will postpone his amendment until we come to paragraph d, we can discuss it with much greater clarity than under paragraph c. because c is intended to preserve to the naturalized British woman, for the purposes of voting, her British nationality, even though she marry a foreigner, and notwithstanding what may be in the Naturalization Act.

Hon. Mr. TAYLOR.

Hon. J. D. TAYLOR: I agree with the honourable leader of the Government that the defect to which I called attention could be remedied as he suggests, and, as all I want is a remedy for this defect, I am quite content to withdraw my amendment and to raise the subject again when we reach paragraph d.

Hon. Mr. SHARPE: Mr. Chairman, I beg to move my amendment now.

The Hon. the CHAIRMAN: It is moved by Hon. Mr. Sharpe, seconded by Hon. Mr. Bradbury, that paragraph c of subsection 2 of the Bill be amended by adding after the words "British subject," in line 23, the words, "and that she is able to read in English or French any section or sections of the British North America Act, 1867."

Hon. E. L. GIRROIR: Honourable gentlemen. I should like to say a few words in support of the amendment which is proposed by the honourable member from Manitou (Hon. Mr. Sharpe). I feel that this is a case where we from the East can join with those from the West in extending to the women of this country, who have stood so loyally by the cause of the Empire, the protection that they desire. It has been said, and said truly, that the first shells that were manufactured in Great Britain were covered with blood from the hands of the English women who entered into shell factories and, though unused to manual labour, through their devotion to the cause in which we all believe, contributed in very large measure to the production of these very necessary instruments of war. The women of France have done work second to none among the Allies in this great struggle. I would not for a moment admit that our Canadian women have been behind the women of England or France in their devotion to this cause, in the splendid efforts they have put forth, in the great sacrifices they have made, in order that this Empire and our Allies may win a glorious victory.

Sirs, down in the little county from which I come our Canadian women have madeuntold sacrifices. They have made the greatest sacrifice that any woman can make, in the giving of their sons to this noble cause. I wan't to read just a few words from a newspaper published in our town, to show what the spirit of our people is and what sacrifices some of our women are making in this great cause. This is a short article which appeared in the Antigonish Casket:

Killed in Action-On the 8th inst., Mr. Paul Levangie of Frankville, Antigonish, was in-

formed from Ottawa that his son, Ambrose Pgul, had been killed in action on the 5th inst. No particulars were given. This young man enlisted in Western Canada. Before sailing he paid a visit to the old home. Mark, another son of this family, is on active service, being at present engaged as a signaller with the Canadians either at Vimy or Lens. A third son, Vincent, is with the fighting forces of the United States, though not yet overseas. The little French-speaking community in the county of Antigonish can safely compare its record in sacrifice with any other Canadian community of like numbers. Already nine young French Acadians have made the extreme sacrifice.

You have heard the honourable members who have spoken to this motion describe the action of women of foreign birth in this Canada of ours-describe their lack of sympathy with the cause in which this country is engaged, and in which it is pledged down to the last man and the last dollar. You have heard them describe not only their sympathy with the enemy, but their absolute antagonism to the cause of the Allies. Do you think for one moment that we are justified in placing this noble French-Acadian woman from the county of Antigonish, who has given her only three sons to the cause of the Allies, and given them willingly, on the same footing with the women of foreign birth described by these honourable gentlemen? I say no. I say, if we wish to protect the interests of this Empire and of Canada, and of Canadian men and women, we must see to it that no person be given the franchise in the country who is not thoroughly in sympathy with the ideals for which we stand.

Hon. Sir JAMES LOUGHEED: Honourable gentlemen, I do not wish to make anything like a speech upon this subject; and yet there are more important considerations involved in the Bill to which an amendment has just been moved by my honourable friend from Manitou (Hon. Mr. Sharpe) than perhaps at first sight may appear. It must not be overlooked in the first place that Canada is dependent solely upon immigration for the settlement of her vast areas of land, for the development of her resources, and for the building up of her nationality. Consequently any policy which we embody in our franchise must be of the most liberal and most generous character, and must not be restricted by any narrow confines. It must go beyond any of the prejudices which we, during the last three or four years, may possibly have indulged in. We say to the foreigner in Europe: "The vast areas of our lands are open to you, and we invite you to come

to this Dominion;" and we have embodied in our statutes certain provisions whereby these people may become British subjects, whereby the franchise may be extended to them, whereby we entirely overlook the prejudices which we may have to them as aliens. We have passed a Naturalization Act by which, I think, we have surrounded and protected by every safeguard our conditions in Canada, and compliance with the Naturalization Act will. I venture to say, ensure the exercise of the franchise by a class of people who, will be able to exercise it. My honourable friend has moved an amendment providing that aliens must be able to read certain sections of the British North America Act. In section 2 of the Naturalization Act, we have made most ample provision, in my judgment, for the proper educational condition of those to whom the franchise will be extended. In the first place, it will not be extended to those who are not-

Hon. Mr. BELCOURT: Naturalized.

Hon. Sir JAMES LOUGHEED: Yes. In the second place, to make of a foreigner a British subject he must be naturalized. It is provided in the Naturalization Act:

The Secretary of State of Canada may grant a certificate of naturalization to an alien who makes an application for the purpose, and satisfies the Secretary of State of Canada,— (a) that he has either resided in His Ma-

(a) that he has either resided in His Majesty's dominions for a period of not less than five years in the manner required by this section, or been in the service of the Crown for not less than five years within the last eight years before the application; and,

(b) that he is of good character and has an adequate knowledge of either the English or French languages; and,

French languages; and, (c) that he intends if his application is granted either, to reside in His Majesty's dominions or to enter or continue in the service of the Crown.

The discretion of the Secretary of State as to that qualification cannot be questioned; there is no appeal against it; it is absolute. I further say that the Secretary of State, properly exercising the powers which have been vested in him, would exact—from a foreigner—such a knowledge of either French or English as would permit of his reading the one language or the other. I cannot conceive of the exercise of that discretion allowing less than, say, a reading knowledge of either language.

Hon. Mr. SHARPE: That does not apply to 90 per cent of the foreigners in Western Canada at the present time. That is the 1914 Act. Hon. Sir JAMES LOUGHEED: Yes, that is the 1914 Act. My honourable friend refers, I suppose, to the wives of foreigners who have already qualified.

Hon. Mr. SHARPE: Yes.

Hon. Sir JAMES LOUGHEED: Now, let us look at the Bill which is before us. It requires an alien of any of the classes coming within the Act—that is, the children of a naturalized subject—shall obtain and present—

To the official in charge of the preparation or revision of the voters' lists of the said constituency a certificate under the signature of a judge or any court of record or of any superior court, under the seat of the said court, certifying that such female person is of the full age of twenty-one years, has resided in Canada a sufficient length of time and is possessed or all requirements necessary to entitle her, if unmarried, to become naturalised as a British subject, and that she has taken the oath of allegiance to His Majesty.

That is to say, the judge must satisfy himself that the applicant possesses all the qualifications required under the Naturalization Act.

Now, take the condition referred to by the honourable gentleman from Manitou (Hon. Mr. Sharpe). Women who are already qualified to vote in the western provinces would not necessarily have to become naturalized again in the manner provided for by this Act. My honourable friends entirely overlook the fact that all those provinces have extended the franchise to these very women. The province of Manitoba, the province of Saskatchewan, the province of British Columbia, and the province of Alberta, have all extended the franchise to the very class of women which my honourable friends are condemning. Surely we are not going to import into this Bill the anomaly of debarring those women from the exercise of this franchise.

Hon. Mr, McMEANS: Was the franchise given before or after the war?

Hon. Sir JAMES LOUGHEED: In most cases since the war began. In the provinces of Alberta and Saskatchewan it was given since the war, and according to my recollection it was given since the war in British Columbia.

Hon. Mr. DANDURAND: It was given since the war in Manitoba.

Hon. Sir JAMES LOUGHEED: My honourable friends may not have considered that, and I again point out that the women whom they are now seeking to disqualify by this amendment are the very women to

Hon. Mr. SHARPE.

whom those provinces have extended the franchise, and who to-day are exercising it. Let me further point out-it is simply a moral consideration, so to speak-that we all show a great deal of fear and apprehension at placing certain provisions upon the statute-book; we predict disaster of this, that and the other thing; but experience has taught us, and has satisfied us beyond all peradventure, that those disastrous consequences never flow from the legislation which at the time it was introduced may have looked very fearful. At one time it was said that when we permitted foreigners to come into the western provinces by the hundreds of thousands they may swamp the whole of the electorate there, and would return their own people to the legislatures and to Parliament. Notwithstanding the fact that in those western provinces we must have anywhere from half-a-million to threequarters of a million of foreigners, and notwithstanding the fact that those people have been exercising the franchise since they have been there. I do not think that they have a representative in either the Federal Parliament or the provincial legislatures. If they have any, there would not be more than one or two. I am not aware Consequently I think these of anv. apprehensions are ill-founded. I may say. further that, during the struggle through which Europe is passing, the foreigners in those provinces who come from the very countries which have been convulsed by war and bloodshed have, notwithstanding their very great numbers, preserved remarkable peace and order. I accord to my honourable friends the most sincere purpose in moving this amendment for the protection of our national institutions; yet I ask them to take a survey of the liberal and generous treatment which we have extended to these people in the past, and the furthur fact that is has not been abused to any marked extent.

Hon. ROBERT WATSON: I just want to say a word to compliment the leader of the House who has taken this opportunity of expressing his views, and, I suppose, the views of the Government. I fully appreciate what some honourable gentlemen have said with regard to our foreign population. In the House of Commons only two or three years ago a great deal of feeling was aroused: it was said that in the West annexation sentiments were being preached by people coming from the United States. That is all dead now; we do not hear any more about it. I may say that

MAY 2, 1918

I know something of the foreigners of the West. In the town in which I live, Portage la Prairie, there are a number of foreigners, among whom are Austrians, and I do not know of one-and I know them pretty well -who would be willing to go back to his own country and fight against the British Empire. To give you some idea of the sentiments of those people, I may relate an incident which occurred in my home town. It was proposed to erect a a tablet or other memorial in memory of our heroes who had gone to the front: and, without being solicited at all, these foreigners took up a collection of some \$75. which they handed to the mayor as a contribution towards the memorial. It is quite true that we may have some more desirable people in Canada; but I must say that the chief concern of these foreigners is to become Canadian citizens as quickly as possible, and in this, I think the honourable gentlemen who are proposing an educational test for these people will agree with me.

The province of Manitoba, from which I come, was the first province of Canada to enfranchise women. It put women on the same footing as men. This was done by a very simple method-and, by the way, I think the Government, if they had adopted the same plan, might have introduced a much shorter Bill than the one that is before us. The qualification under the Manitoba Election Act is that a person shall be of the male sex, of the full age of twenty-one years, a British subject by birth or naturalization, and shall have resided within the province for one year and within the electoral division for three months preceding the date of his application for registration. When the franchise was extended to the women all that was necessary was to amend the Election Act by inserting the words "whether male of female, married or unmarried," and by striking out the words. "is of the male sex."

Now, I think we should have some harmony in regard to the franchise. It seems to me that this hand-picking of electors, probably for some purpose at some time, is not in the best interests of the country. In Manitoba we have native-born British subjects and we have naturalized British subjects, and when we extend the franchise to them we should treat both in the same way. In the Bill before us the Government has seen fit to say that alien enemies shall not vote. I think that is a mistake. I know very few so-called alien enemies who are not in sympathy with the Allies to-day, and who are not contributing—maybe not as much as our own people, because they are not so well off—to the cause of the Allies at the present time. In my opinion it would be a great mistake to make any distinction.

Hon. Mr CLORAN: Before the vote is taken, I should like to have an explanation from the honourable gentleman who moved the amendment. Does the amendment provide for the exclusion of all aliens who cannot speak French or English?

Hon. Mr. SHARPE: All women.

Hon. Mr. CLORAN: All?

Hon. Mr. SHARPE: All.

Hon. Mr. CLORAN: Then I ask you in the name of the British Empire to withdraw. You are making a most dangerous drive at the cause of the Allies. What will English statesmen say when they learn tomorrow morning that this Parliament has been asked to deprive foreign women-Roumanians, Serbians, Italians, and women of other allied peoples-of liberty and justice and right in this country? What will England think to-morrow morning if this amendment is adopted, or even proposed? I ask you in the name of the cause for which we are fighting not to proceed any further with the amendment. If you had confined the amendment to the exclusion of women belonging to alien enemy countries, I would be with you.

Hon. Mr. SHARPE: It includes Canadian. women who cannot read.

Hon. Mr. WATSON: Lots of men cannot read.

Hon. Mr. SHARPE: But we are not dealing with men now. This deals with Canadian women who cannot read any section or sections of the British North America Act.

Hon. Mr. CLORAN: That is not the interpretation that is going to be put upon your action. The interpretation will go forth that Canada is taking action to disqualify women of the Allied nations who are fighting for the same cause that we are. If you want to be fair to the women you should include their husbands.

Hon. Mr. SHARPE: You cannot include men under this Bill.

Hon. Mr. CLORAN: Certainly. You can make any amendment to the Bill. I am going to move an amendment in a few minutes that will startle you; but it will startle you in the interests of the country, not against them. I ask you to withdraw the amendment so that word will not go to Europe that Canada is to-day discussing measures whereby all foreign women belonging to Allies as well to enemy countries shall have no right of franchise, no liberty, and no justice here. I think it is not a proper proposition to make under the circumstances.

Hon. Mr. CHOQUETTE: At first sight this amendment appeals to me because it affirms the principle that when a man knows two languages he is a better man than if he knew only one. If a foreigner, in order to vote, is obliged to learn one of the two official languages of this country, he will then know two languages and will be a better man. In this way the amendment appeals to me. I think we ought all to know two languages. On the other hand, I am not able to support the amendment because I, and I think my honourable friend to my right (Hon. Mr. David), have always fought for the principle that the vote should be taken on the provincial lists. As far as I know, every province in the Northwest has its own list, and I could not consistently say that those lists should not be used. On this ground I am unable to support the amendment. There is another point about this amendment; it discriminates against the men. It is true that this Bill deals with women's suffrage, but I think that men could be included in an amendment. Under the Naturalization Act foreigners are obliged to know one of the official languages of this country. For the reason which I have stated, I cannot support the amendment.

Hon. Mr. SCHAFFNER: It being my intention to vote against this amendment, I think it is my duty to explain in a very few words why I shall do so. I have not been a very strong advocate of woman suffrage, never believing that it was going to bring all the good to women that they anticipated. I am not going to waste time and words talking about the great work that has been accomplished by the women during the war. Everybody admits that they have done a great work. It is a selfevident fact. I opposed the amendment of the honourable gentleman on the other side of the House (Hon. Mr. David) who wished to raise the voting age of unmarried women from twenty to thirty years. The honourable gentleman ought to know very well that no unmarried woman ever reaches the age of thirty. I have not been a very strong advocate of women's franchise; but I say, if we are going to give them the franchise, let us do Hon. Mr. CLORAN.

it exactly on the same basis on which we give men the franchise. It is no argument to say, "We are dealing now with the women's franchise." Let these honourable gentlemen promise me that they will bring in a Bill or an amendment that will place the men upon the same basis as the women, or vice versa, and I will vote for it. Since this women's franchise Bill has been in this House I have heard women express themselves invariably against discrimination, and ask that the vote be given to them on the same basis as to men.

Hon. Mr. BRADBURY: The honourable gentleman who has just taken his seat will have an opportunity of making good his offer as there is a Bill now before the House which will carry out exactly what he says, and place women and men on the same footing in regard to voting. If it were not for that fact I would to-day have moved my amendment, which, if adopted, would make it impossible for women coming from any but an allied country to vote unless they had lived in this country since they were twelve years of age. I think that is a proper provision. I do not say that because I have anything against those people. for I have twenty thousand of them in my section.

Hon. Mr. CLORAN: And they elected you.

Hon. Mr. BRADBURY: They did not elect me. I speak with all due respect to those people, for a great many of them voted for me; but that is no reason why I should not realize the gravity of the situation to-day, and I cannot agree with my honourable friend from Portage la Prairie (Hon. Mr. Watson), that those people are loyal to the cause of the Empire. I think some of them are; I think a great many of them are wise enough and discreet enough to maintain silence; I think some of them are shrewd enough to do what my honourable friend says-to make contributions to build a monument to something in Portage la Prairie. I believe all that; but can you expect those people to be anything different from the people from whom they come? In my own county, when war was declared, and in many cases before war was declared. hundreds who had taken the oath of allegiance and had become British subjects, and had obtained homesteads, left this country and went back to Europe What for? Do you think it was to help the Empire ? No; they went-because many of them were reservists-to take part with Germany

MAY 2, 1918

and Austria against the British Empire ; and their friends are living in my county to-day. Before I started to raise a battalion, which I did in 1914, we had those men parading up and down of the back streets of Selkirk, performing the goosestep, to the admiration of the people who did not realize what they were doing. Yet my honourable friend wants to tell me that those people are loyal.

Hon. Mr. WATSON: Do those people speak English ?

Hon. Mr. BRADBURY: Yes, a great many of them do. One of the questions in Western Canada is that very question of the school. Those foreigners have maintained their own teachers and have taught their language in spite of all that provincial school inspectors could do, as my honourable friend knows. A great many, of them speak English, but they cannot read a word of English. That is not the question, however. The point is that all their sympathies and all their ideals are against the British Empire and all that we stand for in this country.

My honourable friend referred to the immigration question. I take a different position altogether from what he does on that matter. If those people wish to come to this country and participate in what we have to offer, they are welcome; we give them our lands and make them settlers ; but surely that does not call for giving them an equal status with us in the management of the affairs of our country. Why should we allow the German or Austrian or any other foreigner here to vote on the question of war, for instance whether we are to supply troops to fight in defence of the principles for which our men are shedding their blood on the plains of Flanders? Yet that is the position in which we are placing them.

Many of the gentlemen on the other side of the House did not sympathise with the War-time Elections Act; but if the late Government had gone to the country without that Act, they would have been gulity of a crime against Canada, in placing the ballot in the hands of thousands of our enemies and asking them to say whether we should continue in this war and send troops to the assistance of our boys at the front; but that is what is proposed to be done in giving those people the franchise.

Hon. Mr. WATSON: The honourable gentleman is perfectly right in saying that those conditions, had existed in Manitoba, but within the last few years there has been a change of Government and a change of policy. My honourable friend knows that the Roblin Government had a college in Manitoba and paid teachers to teach the foreigners foreign languages.

Hon. Mr. CROSBY: I rise to point of order.

Hon. Mr. CLORAN: The honourable gentleman has a right to speak. What is the matter with you? There is free speech here.

Hon. Mr. CROSBY: Read the clause before the chair, if you please, and let us hear what we are discussing.

Hon. the CHAIRMAN: Shall the amendment be adopted?

Hon. Mr. WATSON: I want to say that the only language that is taught in the public schools of Manitoba today is the English language.

The amendment of Hon. Mr. Sharpe was negatived.

Hon. J. D. TAYLOR: I wish to call attention to another anomaly in paragraph c, something which I am quite sure was not intended to be in this Bill. We have provided by the War-time Elections Act, which runs concurrently with this Bill and is to be read with it, that a certain class of British subjects shall not be entitled to vote, namely, those who have been born in enemy countries and have been naturalized since 1902. We have given to the persons so forbidden the right to vote a substantial concession in return for that, namely, exemption from military servicean exemption particularly valuable now when all the exemptions granted to the young men of other classes in Canada are being withdrawn, and all persons physically fit from 20 to 22 years of age have to go to the front. Now, by this act we confer the franchise on a large number, possibly a large majority, of the wives of those citizens who themselves are forbidden the franchise. We confer the right to vote on the mothers of those young men who are exempted from military service because we have taken away the votes from their fathers. I feel quite sure that nothing of that kind was intended, and therefore wish to offer an amendment to cure what I think is an obvious defect. I would therefore move, seconded by Hon. Mr. Sharpe, as follows:

That paragraph c of subsection 2 of section That paragraph c or subsection 2 or section 1 be amended by adding the following proviso before the word "or" in the last line: "Provided, however, that a woman who is the wife of a naturalized British subject who was

born in an enemy country and naturalized subsequent to the thirty-first day of March, 1902, shall not be entitled to vote unless she was born a subject of His Majesty or of one of his Allies in the present war."

Hon. Sir JAMES LOUGHEED: I am very sorry I cannot accept that. If we are to extend this franchise to women, as has already been said—and I do not propose taking up any longer time—it will be without adding any qualification other than what is found within the four corners of the Bill.

The amendment of Hon. J. D. Taylor was negatived.

Hon. W. B. WILLOUGHBY: I want to make a slight criticism of paragraph c. If I did not believe that at a comparatively early date, when the War-time Elections Act is repealed, the whole question of the franchise both for men and women all over Canada would be brought up in this House, I should oppose as strongly as possible the principle of giving the foreign women of this country a vote without an educational or any other qualification. I only want now to point out something that we ought to amend in paragraph c. From line 30 to the end of the paragraph power is given to the official who prepares the voters' lists to receive a certificate signed by a judge of "any court of record or of any superior court," certifying that the female applicant

—is of the full age of twenty-one years, has resided in Canada sufficient length of time, and is possessed of all requirements necessary to entitle her, if unmarried, to become naturalized as a British subject, and that she has taken the oath of allegiance.

Thereupon the official who prepares the list is entitled to add her name to it. Under this pragraph a judge of any court of Nova Scotia, or of New Brunswick, or of Prince Edward Island, or of Quebec, might give the certificate necessary to add a foreigner to the list for Saskatchewan, Manitoba, or Alberta. More than that, there is no obligation on the person to attend the court; no personal application is necessary, as I construe the paragraph; no notice of the intended application is required, such as there is under naturalization. I submit that before that certificate should be given to any person, the intending applicant should do what is required to be done under naturalization. In that case three months' notice is required. I would not ask that long, but the applicant should be required to give some notice posted up in the post office in the electoral district in which she resides and seeks to vote; and thereafter, when she

Hon. Mr. TAYLOR.

makes her application, and she should make it at least in the province, preferably in the electoral district in which she resides; and she should personally appear in court, as she would have to to under naturalization. We could have the most objectionable results from the operation of this paragraph. I am a lawyer, and while I have a very high respect for the bench. I have not an unqualified respect for every occupant of the bench, and it would be possible for a judge outside of one of those provinces altogether, if he were not the most upright man, if he were an old politican, to permit any attorney or agent-a lawyer or anybody else-to appear before him in some place far removed from where the woman voter should get the certificate, and without her having been seen, without anybody in that district knowing she was going to apply, issue his certificate authorizing her to be enrolled. I do not think that such a power should be entrusted to a judge at all, except on notice of the intended application of the woman for such certificate, and on her actual appearance in open court. A dishonest partisan judge might actually have a person appear before him and pack the lists in certain parts of a province. I am sure the Government never contemplated such a state of things as that. It could occur, and the very thought of the possibility of it occurring suggests to those of us who know something practically about the making of a list a reason for providing in some way against the paragraph going through in its present form. I had prepared an amendment, but I do not intend to move it in view of the fact that a full Franchise Act, dealing with both men and women, will be submitted to this (House at a comparatively early date, if not immediately, yet before there is another general election. In the meantime, I think it is wrong that this section, giving unlimited power, should be placed on the statute-book in its present form.

Hon. W. B. ROSS: The point which my honourable friend raises is provided for in section 19 of the Naturalization Act.

Paragraph c was agreed to.

On paragraph d:

If, notwithstanding she is married to an alien, she was at the time of such marriage a British subject by birth and has not herself sworn allegiance to any foreign power: Provided, however, that this paragraph shall not apply to the wife of an alien enemy.

Hon. Sir JAMES LOUGHEED: I move that the word "section" be substituted for the word "paragraph" in the ninth line.

The amendment was agreed to, and paragraph d as amended was agreed to.

Hon. J. D. TAYLOR: Before we leave section 1, I have an amendment to move as an addition. We have recently had a new Naturalization Act in Canada, the Naturalization Act of 1914, which has come fully into force since the 1st of January of this year. Under that Act, every person having had previous limited naturalization is privileged to apply, without any tedious or expensive procedure, to have his naturalization changed to the complete British naturalization which we now give. By that Act we confered several privileges upon citizens by virtue of their naturalization. Persons who desire to enjoy those privileges should be interested enough to take naturalization under the new Act. One effect of that naturalization would be to increase their responsibilities as citizens, because we exempt from military service persons from enemy countries naturalized un-Act, on the ground der the old that that naturalization does not entirely wean them from their country of origin, but leaves them still liable to military service there and to be treated as traitors if they take part in the armed forces of the British Empire. For this and other reasons, which at this late hour I will not enter upon, I wish to bring the subject formally before the House by moving that the following be added to section 1, as subsection3:

For the purposes of this Act "naturalized" and "naturalization" shall be deemed to mean naturalized and naturalization under the Naturalization Act, 1914.

Hon. Mr. DANDURAND: Do I understand that this would eliminate all the electors or citizens qualified under the old legislation?

Hon. Sir JAMES LOUGHEED: It would have that effect. I hope my honourable friend (Hon. J. D. Taylor) will not press the amendment.

Hon. J. D. TAYLOR: Honourable gentlemen, really I do not think a matter like this should be disposed of so lightly. We have before the Senate a Bill as to which we are virtually told that we must not amend it in any particular as a result of our discussion or criticism. I regard this as a matter of very great importance, and, with all deference, I dissent from the view just stated by the honourable leader (Hon. Sir James Lougheed), that the amendment would have the effect of cancelling all previous naturalization. It is quite clear to me that it does nothing of he kind. It interferes not at all with the present naturalization, but says: "If you want fresh privileges in Canada as naturalized subjects, you must, in order to obtain any further privileges, bring yourself under the Naturalization Act of the present." It does not interfere at all with the privileges now enjoyed by any person under the old Naturalization Act.

The amendment of Hon. Mr. Taylor was negatived.

Section 1, as amended, was agreed to.

Sections 2 and 3 were agreed to.

Hon. Mr. CLORAN: I have already given notice of an amendment which I proposed to move as an addition to this Bill, but I do not want to detain the Committee, and the amendment can be moved just as well on the third reading. I see that honourable gentlemen are anxious to leave, and my remarks would keep you late for supper.

Hon. Sir JAMES LOUGHEED: My honourable friend will be at liberty to move his amendment on the third reading.

The preamble and title were agreed to.

The Bill was reported as amended.

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

THE SENATE.

Ottawa, Friday, May 3, 1918.

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

, Prayers and routine proceedings.

PRIVATE BILLS.

FIRST RELADING.

Bill O, an Act to incorporate the Christian Community of Universal Brotherhood.— Hon. Mr. Watson.

THIRD READINGS.

Bill 6, An Act respecting The Burrard Inlet Tunnel and Bridge Company.—Hon. Mr. Bostock.

Bill 34, An Act respecting The Canadian Northern Ontario Railway Company.—Hon. Mr. Bradbury.

Bill 10, An Act to enable The Western Power Company of Canada, Limited, to own and operate the Railway of The Western Canada Power Company, Limited.—Hon. Mr. Bostock.

DIVORCE BILLS.

THIRD READINGS.

Bill F, an Act for the relief of Frederick E. Zang.-Hon. Mr. Taylor.

Bill G, an Act for the relief of Thomas Bailey Wainwright.—Hon. Mr. Foster.

WOMEN'S ELECTORAL FRANCHISE BILL.

THIRD READING.

Hon. Sir JAMES LOUGHEED moved the third reading of Bill 3, an Act to confer the Electoral Franchise upon Women.

Hon. Mr. BOSTOCK: Honourable gentlemen, before that motion is put I desire to move in amendment:

That the Bill be not now read a third time, but that it be amended by adding as section 4 of the same:

This Act shall not come into force in any province unless and until women shall have been given by the legislature of the province the right to vote in the provincial elections of such province.

Honourable gentlemen will understand that this amendment is for the purpose of giving the electors in each of the provinces the right of determining whether they want to have the privilege of the application of this Bill. My honourable friend the member from Halifax (Hon. Mr. Power) moved an amendment on the second reading along the line of enunciating that the policy to be adopted in this Bill should be that of leaving it entirely to the provinces to determine what should be done. This Bill of course takes the question out of the hands of the provinces and brings the women's franchise under the War-time Elections Act of last session. This amendment which I am now proposing does not in any way interfere with the War-time Elections Act, but its effect is that in the case of a Dominion Election this Act shall not be in force in any province which has not decided whether or not the women in that province shall vote at a provincial election. The policy of leaving the question of who shall vote at an election to be decided by the province rather than by the Dominion as a whole is, I think, a good one, and it is with the object of placing this question before the House and giving the House an oportunity of saying whether they agree with that policy or not that I beg now to move this amendment.

Hon. Sir JAMES LOUGHEED: I would point out to my honourable friend that the amendment would introduce into this Bill a principle to which we should give no

Hon. Mr. BOSTOCK.

recognition. It would be equivalent to saying that this Parliament has no right of control over the Dominion franchise, whereas we have always asserted our right to establish a uniform franchise if we so choose for Dominion Elections. This amendment would delegate to each of the provinces the right to fix the franchise in that province for Dominion elections, and it would be equivalent to a total abdication of our own rights in regard to fixing the Dominion franchise. That is entirely apart from the principle with which we are dealing in the Bill. Furthermore, I need not point out the anomaly that the amendment would introduce in permitting women in nearly all the provinces to vote while excluding the women in the other provinces.

The amendment of Hon. Mr. Bostock was negatived.

Hon. Mr. POWER: I move:

That the said Bill be now read a third time, but that it be amended by striking out the proviso in paragraph c of the first subclause in the first clause.

If honourable gentlemen look at the Bill, they will see that paragraph c of the first clause reads as follows:

possesses the qualifications which would entitle a mule person to vote at a Dominion Election in the province in which said female. person seeks to vote.

I think all honourable gentlemen have felt, and people outside also have felt, that if there were to be woman suffrage the women should enjoy the franchise on the same terms as men, and the portion of this paragraph which I have read carries out that intention. None of the women would have been disappointed if it had stopped there; but the proviso is "that a married woman or an unmarried daughter living with her father or mother shall be deemed to have any necessary qualification as to property or income if the husband or either of the parents is so qualified." Under that proviso you let in a large number of young ladies particularly who are not in any sense qualified. I think that while every one of us believes in giving woman all her rights, rights in the matter of franchise should not exceed the rights which men have; and I do not myself think that the ladies who have been looking for the right to vote ever expected that they were going to be placed in a more favourable position than the men.

There is just this one other consideration, to which I desire to call the attention of the honourable leader of the Government. MAY 3, 1918

At the last election, the war-time election, the great bulk of the woman vote went to the supporters of the Government; but, honourable gentlemen, when the war is over that condition of things will not continue. It was just on account of the war that the woman vote went as it did. When the war is over and things have resumed their normal condition, the Government may find that the majority of the female vote, instead of going for them, may go the other way; and I think the best thing is to do what is right and proper and fair now, and trust to Providence for the ultimate results.

The amendment of Hon. Mr. Power was negatived: yeas, 13; nays, 33.

Hon. Mr. CLORAN: Honourable gentlemen will observe that the proposition which I have the honour to lay before this House is not one of a contentious nature, and is not in the nature of an amendment to this Bill, but rather a constructive section be added. It is this:

Every married woman and widow shall be entitled to a vote for herself, and every married woman and widow shall be entitled to cast a vote for each living child of her family under the age 21 years.

I bring this subject before the Senate with the intention of having it discussed not only here but in the country at large, and as far as possible in other countries under the flag of the Allies. I am asking for the mother an extension of the right which we are giving to all women over twenty-one years of age. My object is to encourage the motherhood of the country and of the Empire. I make this proposal in the face of the grave situation which now confronts the civilized world-that of a would-be dominant people against the rest of the human race. To what does Germany owe her dominancy up to the present time? Statesmen have failed as yet to seize the point. Germany owes her dominancy to the wealth of her human production. The menace of Germany is not in her shells, her cannon, or her other devices of human distribution, but in the growth of her population. Let that not be put aside or forgotten for the sake of crying out, "We will win the war," or for the sake of giving people a chance to denounce the Germans in all kinds of language, because these things will not avail in the long run. Germany to-day is dominant mainly by force of her population.

When Germany was consolidated as an Empire in 1870, after the war which was so disastrous to France, Germany had a population of not more than from 35,000,000 to 37,000,000 less than that of France. It must be borne in mind that Germany has advanced from 35,000,000 to an admitted population to-day of 87,000,000. During the same period France, which had 37,000,000 or 38,000,000, has been at a standstill; England has progressed along human lines more than France; Italy has been a little more progressive.

Germany's power lies not in her shells or guns or science, but in her birth-rate, in the power of her population. I hold in my hand a book revealing the inside history of the development of Germany during the past forty years. This book has been published in England, and is one of the most important that I have ever read, giving to outside nations a glimpse into the tremendous efforts made by Germany to develop itself along the lines of labour, science, natural resources and also of human strength. There is the real menace to the civilized world. About six years ago the present Emperor of Germany celebrated the twenty-fifth year of his accession to the throne. The men of the state compiled a work which contains information which, if properly read, staggers the world. I will quote just a few paragraphs from this book:

On the occasion of the celebration of the 25th anniversary of William the Second—that is, the present Kalser and Emperor of Germany a compilation appeared under the title of "Social Culture and the Well-Being of the People during the first Twenty-five years of the Reign of William the Second." This work describes, and supports by statistics, the prosperity of Germany in all branches of human culture during this period. It is superfluous to reproduce there well-known figures; only a few need here be cited. The population of Germany has increased from 48,000,000 in 1898 to 67,000,000 in 1914.

That is, in the space of sixteen years the population of Germany, made up of born Germans, increased by 20,000,000. That is what the civilized world has to face to-day. And may I tell this honourable House that when Germany takes a census the exact amount of its population increase is not given. This same authority says that when the census is taken at least from 10 to 15 per cent knocked off, so that when the German census shows 67,000,000 there are really 87,000,000 of population by natural human reproduction. The author goes on to say that the yearly increase due to births amounted in 1911, seven years ago, to 111 per thousand-the highest in the world apart from that of Russia. The birth-date of 111 per thousand in Germany is more than that of France, England and Italy

432

SENATE

combined. It is a staggering figure to consider, and it was only exceeded by Russia, which had a birth-rate of 17 per thousand. The population of Germany, increasing at that time, seven years ago, by 800,000 yearly, was accomplished in spite of the emigration from Germany to the United States, to England, to Can-ada, and to the rest of the world. The population increased in spite of death losses; it increased in spite of immigration losses to the extent of 134,000 per year. What does that mean? Germans emigrated to the United States, to England, to Canada and to other countries to the extent of 134,-000 per year from 1881 to 1890; from 1891 to 1910 that figure went down to 52,000 yearly; and in 1912, in preparation for this war, the Kaiser kept his population at home and the emigration was only 12,000. In spite of that emigration of 134,000 per year for twenty years, the German population increased from 35,000,000 to 67,000,000, as admitted by the Government, but to 87,000,000 as known by the people. Therein lies the menace not only to this Empire but to the civilized world. To-day the German army can each year lose a million of men and have them replaced by a million young men of twenty-one years of age, so that this war is not yet at an end.

I quote these figures, honourable gentlemen, for a purpose. It is to show that while our Parliament, our newspapers, our pulpits, our platforms, are calling out for men to fill the gaps in the trenches, we neglect to call for more babies to fill their places. If we exhaust this generation and the very slight generation coming, how are we to hold the dominant hand over German rule? It is a problem, honourable gentlemen, that this Government ought to take hold of, as the German Government has done for the past forty or fifty years. There is not a child born in Germany to-day, nor has there been for the past forty years, that has not been cared for by the state. Even illegitimate children are the wards of the state. They are brought up, cared for, and educated by the state, and many among these children have become famous in the history of their country. And what are we doing here in Canada? Are we taking care of the natural birth rate of citizens? We talk a great deal about food production, about protecting industries, and so on; but the bottom industry for the safety of all nations is its birth-rate. Let that not be forgotten. We talk about the resources of our Canada-God knows they are wonderful. We talk about our mines of gold and Hon. Mr. CLORAN.

silver and nickel and iron. We talk about the wealth of our forests. We talk about the development of our trade and commerce. What does that avail if there are no hands to dig the mines, to cut down the forests, to ply trade? Are we going to rely upon foreign immigration to develop our country? I say it would be the commencement of our downfall. We should rival the German Empire in this matter, if we want to compete successfully with it. The German Emperor and his suite take care of the soldiers in the barracks; the Empress and her suite take care of the children in the homes and in the maternity hospitals of the Empire. Let us imitate and rival that example.

This, honourable gentlemen, is a serious problem. It is one that certain people may cover with levity, but I look on it with great seriousness. The woman who rocks the babe to-day rocks the soldier of to-morrow, and if you have no babes, where will you get your soldiers? The woman who rocks the babe to-day rocks the man of the future, in finance, in labour, in statesmanship, in science-in all that goes to make civilization worth while; but, if the woman has no babe to rock, what becomes of her future, or what will it be? How proud we are to read in the press despatches that a certain mother has had two or three or four sons at the front. A thrill goes through the human frame; we are all proud of it. Why not be able to say that of hundreds of thousands instead of the few? No later than last week a man by the name of Labelle came to Montreal-Labelle is a French Canadian name-and he was able to state on the public platform that he had six sons fighting in the trenches for the liberties and the rights of mankind, and that he had six more in training. How proud the mother must be to have twelve sons fighting. Twelve sons, six on the firing line, as he said. He was only a sergeant, measuring 6 feet 9, the tallest soldier in the British Empire, and he has six more in training. Honourable gentlemen, we have the Daughters of the Empire-and a noble order it is; but I throw out the suggestion that what we want is mothers of the Empire, mothers who will give to the state men and women capable not only of defending it but of working out its destiny.

These, honourable gentlemen, are views that no one can find fault with. These views I am putting now before this honourable Senate so that they may reach the outside world. I have known and have been associated with men of constructive statesmanship. I remember some thirty years ago that the MAY 3, 1918

Prime Minister of the province of Quebecwhere we all will admit that the mothers do their duty to the state-as a measure of constructive statesmanship, granting by law to every twelfth child in each family a free homestead. That was to encourage what is most necessary for the state. The Hon. Honoré Mercier was a constructive statesman in every sense of the word, when he came into power in 1887 he found that province plunged almost in darkness. That province was then looked upon with scorn, even by her sister provinces; but at the end of four or five years he brought the province of Quebec, through his constructive statesmanship and legislation, to be the premier province of the Dominion of Canada, which it is to-day, notwithstanding the claim of our good sister Ontario. He brought into the province of Quebec not only constructive statesmanship but progress in every sense of the word. Let the Government of the Dominion of Canada do likewise.

I do not expect that the motion that is in my name to-day is going to produce immediate results; that is impossible and contrary to the laws of nature; but I lay it before Parliament, and I bring it to the attention of the country that in the future when we talk of developing our ressources we may not neglect the most fruitful, the most munificent-that of motherhood. All the empires great and strong that have fallen have fallen owing to the neglect of maternal duty. Luxury and voluptuousness and sensual pleasures led the Babylonian, the Assyrian and the Roman empires to their doom; and it is strange that a people like the German, imbued with what we call barbarian instincts, is to-day able to hold the entire universe in its clutches, forcing nations of unbounded wealth and unbounded resources to go into debt, all because of the far-seeing policy of the German government in having their population increased year by year over and above that of the surrounding countries.

Now, honourable gentlemen, as I said, I have brought this matter before this honourable House in no contentious spirit, in no way designed to militate against the present Bill, but to call attention to the most important fact that when we are calling for men we are neglecting the source of supply. After all, honourable gentlemen, face to face as we are with a tremendous crisis in the history of mankind, those who may be made to suffer should heed the advice and the command of the Creator. When the human race was placed upon this

earth it was given one command-it was; "Go forth and multiply;" and the race that goes forth and does not multiply is bound to succumb. We have in our Canada and in many other countries a condition of things which is diametrically opposed to the mandate given by God Himself to the human race. We have in the ranks of many classes, especially the rich, a reversal of the Creator's will. When a child is born into the family, the mother, or the father, or both say. "That is enough." Therein lies the downfall of a nation, as it has led to the downfall of the greatest empires of the world, and I hold that the Government cannot do better than to take heed whereby this malevolent idea shall be cast aside by the women and the men of our country. It must be done by education. This condition of things has been brought about by our system of luxury, of high living, and our wish to pass an easy life. To-day our men and women want all the pleasures of life without wanting to be called upon to perform the duties and assume the responsibilities of human life. The mission of woman to-day, her noblest mission, is to obey the command of the Creator, "Go forth and multiply;" and when Canada secures obedience to that command Canada will have no fear and will be in no danger from enemies, who are obeying the command, not for the purpose of bringing harmony and peace and prosperity to the race. but for the purpose of domination, to destroy the rights of human kind.

Honourable gentlemen, these are my views. In no spirit of levity, but in all seriousness, I lay them before this honourable House, and I hope they will go to the public of this country and that this Parliament of Canada will take means now and henceforth for the promulgation of this doctrine, that no longer ease and comfort and luxury shall be the consideration in family life, but that duty to the state and responsibility to the Creator shall be the principles for which we live. I have nothing more to say. I only hope that my words will bear fruit. They may not today; it may take years; it may take a generation. They are the expression of my sincere conviction. Under the circumstances, honourable gentlemen, as the House has been very kind in allowing me to put these views before it, not so much for your benefit, but so that they may go to the people of this country and to the people of other countries, I beg to withdraw my motion, knowing that its purpose cannot be fulfilled to-day nor to-morrow

S-28

REVISED EDITION

The amendment of Hon. Mr. Cloran having been withdrawn, the motion for the third reading of the Bill was agreed to, and the Bill was read the third time and passed.

SALARIES AND INDEPENDENCE OF PARLIAMENT BILL.

CONSIDERED IN COMMITTEE AND REPORTED.

On motion of Hon. Sir James Lougheed, the Senate went into committee on Bill 13, an Act to amend the Salaries Act and the provisions for preserving the Independence of Parliament. Hon. Mr. Crosby in the Chair.

On subsection 1 of section 1—salaries; Secretary of State for External Affairs; Minister of Immigration and Colonization; Minister of Soldiers' Civil Re-establishment:

Hon. Mr. POWER: Here I may be allowed to make a brief protest. We have been advised strenuously by the Government and their friends to economize in every possible way. The people throughout the country, who are not spending very much money now, have been asked to spend still less; and here we have the Government who have been calling upon the people to economize, indulging in extravagance which I think is unprecedented in the history of Canada. They propose under this Bill to create no less than three new departments, and of course each department involves the employment of a deputy minister, an assistant deputy minister, a secretary, and probably an assistant secretary, and a large number of clerks. It seems to me that unless it can be shown that these appointments are absolutely necessary Parliament should not provide for them; and I do not think that they are absolutely necessary. We appeared to do pretty well with the number of ministers that we had up to 1914 and have had since then, and if it was thought desirable to provide for certain cases which perhaps were not taken into consideration before the war, there was a way of meeting the difficulty without additional expense. We have in this country four departments dealing with finance. We have the Minister of Finance and the Minister of Trade and Commerce, and in addition to those two ministers we have the Minister of Customs and the Minister of Inland Revenue. There is no other country in the world, honourable gentlemen, where Hon. Mr. CLORAN.

there are four ministers dealing with the question of finance. The intention of Parliament, and the intention of the late Sir John Macdonald, when the Act respecting the Department of Trade and Commerce was passed, was that the Departments of Customs and Inland Revenue should cease to be independent departments with a minister at the head of each. The idea, and the natural and proper thing, was that these two quasi-departments should be under the Minister of Trade and Commerce, and that was the arrangement for some time. There is no reason that I can see why the Government might not have gone back to the former action of the Conservative Government and provided for two of the gentlemen whom they wished to appoint as ministers by substituting them for the Ministers of Customs and Excise.

Then, there is a vacancy where it would have been unnecessary to make any change in order to pave the way for the appointment of one of those gentlemen; that is, in the Post Office Department. We have had no Postmaster General—at least none actually in office,—for several months. I fail to see any reason why some one of the three honourable gentlemen who are to be appointed under this Bill might not have been provided for there.

I have heard—I do not know whether the rumour is correct or not-that one of these departments is intended for the honourable gentleman who so skilfully leads this House (Hon. Sir James Lougheed). Well, I hope that if there is anything going that he wants, he may get it: he deserves it. The party and the Government cannot do too much for him. But it is not necessary to create a new department. He might do very well, if not in one of the old departments, in one of the new departments which might be substituted for the Customs and Excise. In that way the honourable gentleman might receive the appointment without any addition being made to the cost of administering the Government. I do not say that the honourable gentleman would take the appointment. I have always taken it for granted that if he wished any appointment as a departmental head he could have it, but that his heart was not set on that, and for my part I think that on the whole I should prefer to have him here, where his principal business is to lead and instruct the Senate.

Section 1 was agreed to.

Section 2 was agreed to.

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On section 3—three additional ministers may receive salaries if same voted by Parliament:

Hon. Mr. BOSTOCK: I asked the honourable leader of the Government if he could tell us who had been appointed as Chairman of the Sub-committee on Labour Problems and Vice-Chairman of the Reconstruction and Development Committee. I do not remember ever seeing any announcement of those appointments. And could the honourable leader of the Government tell us whether it is contemplated by the Government to make the other appointment provided for in this Bill?

Hon. Sir JAMES LOUGHEED: The Hon. Mr. Maclean and the Hon. Mr. Robertson are the two ministers who have been appointed, and for whose appointment provision is made in section 3. The third has not been appointed.

Section 3 was agreed to.

The preamble and title were agreed to.

The Bill was reported without amendment.

NATURALIZATION ACT AMENDMENT BILL.

CONSIDERED IN COMMITTEE AND REPORTED.

On motion of Hon. Sir James Lougheed, the Senate went into committee on Bill 66, an Act to correct a clerical error in the French version of The Naturalization Act, 1914.—Hon. Sir James Lougheed. Hon. Mr. Belcourt in the Chair.

The Bill was reported without amendment.

DOMINION ELECTIONS ACT AMEND-MENT BILL.

SECOND READING POSTPONED.

Hon. GEORGE H. BRADBURY moved the second reading of Bill J, an Act to amend the Dominion Elections Act.

He said: The purpose of this Bill is to continue the disfranchisement of alien enemies after the War-time Elections Act ceases to operate. This may seem drastic legislation, and by some may be considered unjustifiable; but is it so in face of the present condition of things in this country? Few, if any, who have the best wishes of this country at heart, will have the temerity to say that this Bill is not_justifiable. We may be asked whether the War-time Elections Act was justifiable; but I think

S-281

there are very few men in this House or out of it who would have the temerity to say it was not; and if that be so, I maintain that, owing to conditions prevailing especially in the western part of this country, all those foreigners who have been naturalized and have become voters are the same menace to the best interests of this country as they were at the time of the passing of the War-time Elections Act. I do not intend to labour this question, as I made a very clear statement of my position yesterday, and I would have felt justified then in moving my amendment to the Women's Electoral Franchise Bill, which would place foreign men and women on the same footing regarding the franchise of this country, had it not been that this present Bill was on the Order Paper.

The present Bill is an amendment to the Dominion Elections Act, section 67, which refers to disqualification of voters. Paragraph d of that section says:

Any person who, at the time of an election, is a prisoner in a jail or a prisoner undergoing punishment for a criminal offence, or is a patient in a lunatic asylum, or is maintained in whole or in part as an inmate receiving charitable support, etc.

Those people are all disfranchised, and this amendment of mine is proposed to be added to that section:

Persons who are or at any time have been subjects of any foreign nation, which was not one of the allies of His Majesty during the present war and which does not continue to be an ally of His Majesty to the end of said war: Provided that the provisions of this paragraph shall not apply or extend to any person who is a British subject and has been a resident of Canada since he was twelve years of age, or to any person who has served in the Canadian Expeditionary Forces, or in the forces of any of His Majesty's allies in the present war, and has been honourably discharged therefrom, or, if an officer, has been permitted to resign or without fault on his part has had his services dispensed with.

Honourable gentlemen will see at a glance what is intended by this Bill. The object is to make it impossible for foreigners coming from alien countries that are not allies of His Majesty during the present war to vote in this country unless they have lived in the country since they were twelve years of age.

The foreign element in Canada is growing at a rapid rate and becoming a menace to the best interests of this country. We have been warned by honourable gentlemen of this House not later than to-day of the growing menace of the Germans in their own country, and of their rapid in436

crease of population; and when I tell this House that there are provinces of this Dominion at present practically dominated by the foreign vote, the seriousness of this question will be understood. Some will urge that those people were invited to come to this country and take up their residence with us, and therefore we are bound to give them all the rights and liberties that we enjoy as British subjects. I differ entirely from that proposition. While we want population in our western provinces, and want immigrants, I do not agree with the proposition made by some honourable gentlemen in and out of this House, that increase in numbers of inhabitants of this country is the main thing. I have never learned, either from experience or from reading, that the greatness of a nation depends on the number of people in the country. The greatness of Canada, like that of any other country, depends on the quality, the virility, of its people; and in order to have such people we should be very careful about the class of persons we invite here, giving them equal opportunities and equal franchise with the British people, either English-speaking or Frenchspeaking, of this country. This is a very serious question and it should not be treated lightly, and I regret that I am not in better condition to address you.

Hon. Sir JAMES LOUGHEED: Let it stand.

Hon. Mr BRADBURY: I should prefer to let it shand until Monday.

The motion stands till Monday next.

PRIVATE BILLS.

SECOND READINGS-THE GEORGIAN BAY CANAL COMPANY BILL.

Hon. Mr. BELCOURT moved the second reading of Bill 24, an Act respecting the Montreal, Ottawa and Georgian Bay Canal Company.

Hon. Mr. POWER: Explain.

Hon. Mr. BELCOURT: The Bill merely provides for extension of time for the beginning and completion of construction.

Hon. Mr. WATSON: Is it a new project?

Hon. Mr. BELCOURT: No, it is rather an old one.

Hon. Mr. RICHARDSON: If there is any one subject that we have discussed for years, it is the proposal to build a canal from the Georgian bay to Montreal. There is only one feature that recommends this project to me, and that is the short dis-Hon. Mr. BRADBURY.

tance; but if it is impracticable as a commercial undertaking it is absolutely unwise. This canal is supposed to be 440 miles in length. The height to be reached is 649 feet. The drop from the height of land to the Georgian bay is 98 feet. The depth of this canal is proposed to be 22 feet, so as to accommodate upper lake steamers of the largest size. In this canal it is proposed that there should be 300-foot channels on the surface, with a 200-foot width at the bottom, and with 22 feet draft. so as to accommodate those large steamers. There are 116 curves in the canal of a mile or less radius, and 27 or 29 curves of half a mile or less radius. There are to be 27 locks. A question that has always been before the engineers is that of water. In their last report to the Government the engineers gave their opinion that several years should elapse before anything was done, for after a careful survey of the sources which are to feed the head-waters of this canal, they thought there was not sufficient water at the head to provide the depth required by a boat in order to navigate the canal safely. They recommended, also, the construction of a number of dams, and a careful conservation of the timber limits in that northern country, so as to keep the water from evaporating, otherwise it would do so, for when the woods and forests are cut out and the country is drained for agricultural purposes, the water flows off very rapidly, and in summer months there is very little or none to be had. Besides, the Ottawa river rises and falls as much as 25 feet in a year, making it a most difficult navigation problem.

Hon. Mr. WATSON: The Ottawa river?

Hon. Mr. RICHARDSON: You will find in the records that in 1876 the Ottawa river rose and fell 25 feet.

Hon. Mr. CLORAN: I remember that. How often since that?

Hon. Mr. RICHARDSON: Now, regarding the steamers. It is proposed to bring down that canal a steamer of 22-foot draft. Well, that is ahead of anything we have at the present time. A steamer of 18 or 19 feet draft can pass through the existing locks, and it is supposed to carry anywhere from 10,000 to 14,000 tons. I know from experience that it is almost impossible for a steamer drawing 20 feet to navigate a short curve of half a mile without striking the banks. There is something in the modern phrase, that the steamer "smells the bottom." When she smells the bottom

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MAY 3, 1918

she is uncontrollable as far as steering is concerned. That has happened over and over again. Even if it were possible for such a steamer to navigate those waters to Montreal, I question very much whether any insurance could be placed either on the steamer or the cargo.

Furthermore, these canals comprise a system of waterways, deepened rivers, lakes dammed up, and locks to overcome the rapids. The lock is generally cut into the bank of the stream, and the report of the engineers recommends the construction of long piers of 2,000 feet to allow a steamer to enter the locks. Now, when the first gate of a lock is closed, it acts as a dam against the stream, and the water in that distance of 2,000 feet is supposed to be comparatively dead, so as to allow the steamer to come in slowly. But the steamer comes in at an angle, because the lock is cut out of the side of the bank; Her stern stands out in the current, which is very strong there because there is a rapid, and her bow approaches the wing-wall of the pier, and what happens? Unless she is controlled by two or three tugs, her stern is carried down stream, because her headway is stopped. You cannot go in with a steamer of 10,000 or 14,000 tons, at any spead greater than barely moving, because her headway is stopped, her stern is carried down stream, and what follows? Her bow strikes against the wing-wall and, is damaged. This happens over and over again on the St. Lawrence with vessels of 2,200 and 2,300 tons. It happens in the Welland canal as well, though that canal is hardly like the Georgian bay, because it is fed by one feeder coming in from the Grand river, and the first stretch of the Welland canal is a level stretch from Lake Erie to Thorold.

Again, it is said that this canal would give a chance for a steamer to go down to Montreal and on to Europe. But a lake vessel is not constructed for ocean navigation, as she is flat on the bottom, broad and shallow, has only one deck, and has many hatches in order that loading and unloading can be done quickly. She has no bulwarks, only an open rail; everything on the boat is sacrificed to draft. An ocean vessel is just the opposite; her hatches and bulwarks are high and she is narrow and deep, so that she can stand the sea and work in it without strain.

A lake vessel such I have described could not get first-class insurance to Europe without paying very heavily for it. Even supposing she could make a trip to Europe, while it dooks well on paper to load grain

at Fort William and deliver it at Liverpool, it is not a feasible proposition, and never will be made to pay. Such a steamer will never compete successfully against ocean steamers, for two reasons: one is that the cost of crews, engineers and captains on the lakes does not correspond in the slightest degree with the cost of operating on the ocean in ordinary times, for we pay double as much on the lakes for those items as ocean navigation costs. The other reason is that the ocean vessel to-day is not 10,000 tons, but 20,000, 30,000 or 34,000 tons, as we heard the other day when one was sunk on its way to England. How could a vessel of 10,000 or 14,000 tons compete against one of 20,000 or 30,000 tons carrying a crew that costs only half as much money, and with insurance that is only a fraction of what our insurance would be? Therefore I contend that it is not possible to load a steamer at Fort William and deliver the cargo at Liverpool in competition with tramp steamers and ocean tonnage in Montreal.

Hon. Mr. WATSON: What does it cost to transfer the cargo from the lake boat to the ocean-going steamer?

Hon. Mr. RICHARDSON: Supposing that steamer tranships her cargo at Montreal and proceeds no further, but goes back, what does she go back with? She goes back light. There is nothing to go back with. The package freighter goes back with four or five hundred tons in her hold, and where does she go? She does not go to Fort William without discharging part cargo, or even to the Soo; she goes to Brockville, Gananoque, Kingston, Hamilton, St. Catharines, Toronto, Welland, Thorold, Cleveland, Detroit, Sarnia, and then on to Fort William. Because she is a small boat and her expenses are light she can afford to stop at these places; but you could not in any case, put package freight into these big boats. They have no return cargo. There is talk of them carrying coal on the return trip. Was there ever such an insane idea? Why coal from the Pennsylvania mines is brought to the Lake Erie ports and delivered in Montreal, Quebec, and Chicoutimi, against Cape Breton's competition. If that can be done, do you mean to tell me that coal from Cape Breton can be delivered at Fort William? No. it cannot be done. The boat will make the return trip light as far as the Georgian bay; then she will take a day and a half to go down to Lake Erie to load, and an-

other day and a half to go back again and earn her freight. She will never be able to compete with the boat that loads at Fort William and goes to Port Colborne, Cleveland, Sandusky or Buffalo. It is impossible.

Why should we keep on spending money on these undertakings? We have already spent \$724,000 on the surveys for this canal, and we have paid salaries to certain officials from 1910 to the present day. Take, for instance, the Hudson Bay railway: a more insane thing was never put before this country. Have we money to fling away? Are we going to do it again? We are to-day borrowing money. We went to Europe to borrow money, and when the war started they stopped lending it. We went to the United States and borrowed until they stopped lending; and are we not now exhausting the finances of our own people? All this money has been borrowed at interest, and it will have to be paid back with interest. This is not the time for new undertakings. Times are prosperous because wages are high, and people care nothing about the cost of food and other necessities; but what is the cause of this prosperity? It is the result of the war. Our steel mills, our hosiery mills and others are busy because of the war; but we are borrowing money from the people, and we shall have to pay it back. We are living to-day as if this condition of prosperity were going to continue forever. We should be husbanding our resources for the fight that is going to come.

I could speak on the shipping question for hours, but what is the use? In the first place, the proposal in regard to these steamers is not practicable; in the second place, it is very questionable if there is sufficient water at the height of land for them to get through; and, in the third place, if a steamer could get to Montreal, she would have to go back light, and would never be able to compete successfully against steamers on the Buffalo and St. Lawrence route. You are spending money on the Welland canal, which is a sensible thing. It is going to save two and a half cents on every bushel of wheat that is shipped from the Northwest, and in the future there will be three or four or five hundred million bushels of wheat shipped, and the money spent on the Welland canal will soon be paid back to the country.

I do not want to tire the House. I have explained the matter fully, and I contend that we should not have any more humbug

Hon. Mr. RICHARDSON.

in regard to this matter, but should let this Bill die.

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

The following Bills were also read the second time:

Bill 36, an Act respecting Ottawa and Montreal Transmission Company, Limited. —Hon. Mr. Belcourt.

Bill 44, an Act respecting The Kettle Valley Railway Company.—Hon. Mr. Watson.

Bill 46, an Act respecting United Grain Growers, Limited, formerly The Grain Growers' Grain Company, Limited.—Hon. James H. Ross.

Bill 47, an Act to confirm an agreement made between Vancouver, Victoria and Eastern Railway and Navigation Company and Northern Pacific Railway Company.— Hon. Mr. Shatford.

Bill 45, an Act respecting the Nipissing Central Railway Company.—Hon. Mr. Gordon.

DIVORCE BILLS.

SECOND READINGS.

Bill K, an Act for the relief of William L. Walpole.—Hon. Mr. Gordon.

Bill L, an Act for the relief of Mary Claire Dawson Hislop.—Hon. Mr. Mitchell.

Bill M, an Act for the relief of Martin Hafner.—Hon. Mr. Talbot.

PENITENTIARY ACT AMENDMENT BILL.

SECOND READING.

Hon. Sir JAMES LOUGHEED moved the second reading of Bill 21, an Act to amend the Penitentiary Act.

He said: The object of this Bill is to bring about certain changes in the inspectorial staff of the penitentiaries. It is proposed to change the duties of inspectors to less responsible ones than they now perform. Their duties now consist of both inspection and administration, and it is proposed to withdraw the administration from this particular office and to vest it in a superintendent The expense incident to this will be somewhat in excess of the payments at present made to the inspectors; but as it is proposed to reduce substantially the salaries of the inspectors, the amount of the reduction will contribute largely toward the salary of the superintendent. The system

which has been in operation for some time has not proved satisfactory, and it is felt from experience and well-founded reasoning that this change will bring about a very desirable result.

Hon. Mr. BELCOURT: What is the present system of inspection?

Hon. Sir JAMES LOUGHEED: Under the present system there are two inspectors. There are seven penitentiaries in Canada.

Hon. Mr. BELCOURT: There is a chief inspector?

Hon. Sir JAMES LOUGHEED: There are two inspectors who take charge not only of the inspection, but of the administration of the penitentiaries.

Hon. Mr. CLORAN: Then they inspect their own business?

Hon. Sir JAMES LOUGHEED: This has been found very unsatisfactory. It is proposed that the duties incident to the office of inspector should be limited to inspection, and that the administration should be supervised by a superintendent.

Hon. Mr. BELCOURT: How many inspectors will there be?

Hon. Sir JAMES LOUGHEED: Two.

Hon. Mr. BOSTOCK: Do I understand from my honourable friend that the superintendent will then practically administer the penitentiaries from the central office?

Hon Sir JAMES LOUGHEED: Yes.

Hon. Mr. WATSON: Probably the honourable minister who has charge of this Bill can give some information with regard to the inspection of penitentiaries. The grand juries recognize that they have the right to inspect all public institutions. The penitentiary of Manitoba was locked upon as a public institution, and the grand jury made an attempt to visit that institution and report on it, but were refused admission, as I understand, by the Minister of Justice. Will that condition be continued? I thought it was a very unreasonable attitude.

Hon. Sir JAMES LOUGHEED: I really cannot say. I am entirely unaware of the facts; but the duties of the grand jury, I would assume, would be confined to provincial institutions, the grand jury being a provincial body.

Hon. Mr. BELCOURT: Their function in any case is merely one of suggestion or recommendation. They could not go beyond that. Hon Sir JAMES LOUGHEED: I know of no reason why the courtesy should not be extended to them of allowing them to visit a federal institution if they so desire, provided the visit is not an assertion of their authority to do so.

Hon. Mr. CLORAN: In regard to that point, I have had some experience in criminal matters, and I think it would be a safeguard, even for the Federal Government to give the grand juries the right-not tne privilege, but the right-to visit these institutions. They will not subvert anything. They will make a report, either to the Federal Government or the provincial government. In Great Britain, and especially in the United States, the grand jury is recognized as a judicial body. Here all great criminal cases come under the supervision and inspection of the grand jury. I do not think the Government would suffer anything by having the grand jury given the right to make a visit and report thereon. I think it would be a service to the Government. Then they would have a free and independent opinion. If that is not provided for in the Bill, probably the minister would consider it. Of course, it is a matter of administration, I will admit. I think it would be very unwise on the part of any minister of justice to refuse to a grand jury the right to visit any public institution of that kind, and I think the Federal Government would be well advised not to allow that right to be refused.

Hon. Mr. McMEANS: In Manitoba it was a matter of expense.

Hon. Mr. POWER: One point in the Bill does not seem to correspond or harmonize with the statement made by the honourable leader of the House. As I understand, the duties of the inspectors are to be very considerably reduced, also their salaries. At the present time there are only two inspectors. The Bill provides for three. The work is reduced, but the number of men who are to do the work is increased. It seems to me that if there is a superintendent appointed at a handsome salary to do the bulk of the work, or half of the work, the present staff ought to be able to do the balance.

Hon. Sir JAMES LOUGHEED: The Bill gives power for that.

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

The Senate adjourned until Monday, May 6, at 3 p.m.

THE SENATE.

Monday, May 6, 1918.

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

Prayers and routine proceedings.

DIVORCE BILLS.

FIRST READINGS.

Bill P, an Act for the Relief of Ida Sophia Wardell.-Hon. Mr. Nicholls.

Bill R, an Act for the Relief of Edward David Hill.—Hon. Mr. Laird.

COMPANIES ACT AMENDMENT BILL. FURST READING.

Bill Q, an Act to amend the Companies Act in various particulars.—Hon. Sir James Lougheed.

THE MILITARY HOSPITALS COMMISSION.

INQUIRY.

Hon. Mr. SCHAFFNER inquired of the Government:

1. What was the average monthly cost of carrying on the work of the Military Hospital Commission superseded by the Invalid Soldiers' Commission in Military District No. 10, for the months of October, November and December, 1917, and January, February and March, 1918? 2. What was the average number of men looked after each month?

3. How many buildings are operated by the said Commission in Military District No. 10, and where are they situated?

Hon. Sir JAMES LOUGHEED:

1. \$92,479.49.

2. October, 1917, 1,097 men; November, 1917, 1,217 men; December, 1917, 1,272 men; January, 1918, 1,315 men; February, 1918, 1,203 men; March, 1918, *1,182 men.

*Returns incomplete.

3. In the foregoing months the Military Hospitals Commission was operating the following institutions in Military District No. 10: Independent Order Daughters Empire Military Convalescent Hospital, Winnipeg; Deer Lodge Military Convalescent Hospital, Winnipeg; Receiving Depot, Winnipeg; Keefer Military Convalescent Hospital, Port Arthur; Manitoba Military Convalescent Hospital, Winnipeg. On April 1, 1918, under a rearrangement of the duties of the Invalided Soldiers' Commission and the Militia Department the administration of Convalescent Homes was transferred to the Militia Department, with the exception of vocational work which continues to be carried on by the' Department of Soldiers'

Hon. Sir JAMES LOUGHEED.

Civil Re-establishment. This latter department also continues to have charge of the tubercular soldiers in the Ninette Sanatorium, an institution assisted by provincial and municipal grants and administered by a board of trustees.

SALARIES AND INDEPENDENCE OF PARLIAMENT BILL.

THIRD READING.

Bill 13, an Act to amend the Salaries Act and the Provisions for preserving the Independence of Parliament.—Hon. Sir James Lougheed.

NATURALIZATION ACT (FRENCH VER-SION) AMENDMENT BILL.

THIRD READING.

Bill 66, an Act to correct a clerical error in the French version of The Naturalization Act, 1914.—Hon. Sir James Lougheed.

DOMINION ELECTIONS ACT AMEND-MENT BILL.

PROPOSED DISQUALIFICATION OF CER-TAIN FOREIGNERS—SECOND READING MOVED—BILL WITHEDRAWN.

Hon. GEORGE H. BRADBURY moved the second reading of Bill J, an Act to amend the Dominion Elections Act.

He said: Honourable gentlemen, as I stated at the last sitting of the House, this Bill purposes continuing a disqualification contained in section 67 of the Dominion Elections Act. So that the House may be properly informed as to the intention of this amendment, I will read section 67 and the amendment. Section 67 is as follows:

The following persons shall be disqualified and incompetent to vote at any election: (a) The judges of every court whose ap-

(a) The judges of every court whose appointment rests with the Governor in Council;
(b) Persons disfranchised for corrupt practices under this Act:

(c) Persons disfranchised under the Disfranchising Act;

(d) Any person who, at the time of an election, is a prisoner in a jail or prison, undergoing punishment for a criminal offence, or is a patient in a lunatic asylum, or is maintained in whole or in part as an inmate receiving charitable support or care in a municipal poorhouse or house of industry, or is an inmate receiving charitable support in any institution receiving aid from the Government of the province under any statute in that behalf:

The amendment I propose by this Bill will add to these disqualifications:

1. Subsection one of section sixty-seven of the Dominion Elections Act, chapter six of the Revised Statutes of Canada, 1906, is amended by adding thereto the following paragraph:— (e) Persons who are or at any time have been subjects of any foreign nation, which was

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not one of the allies of His Majesty during the present war and which does not continue to be an ally of His Majesty to the end of said war: Provided that the provisions of this paragraph shall not apply or extend to any person who is a British subject and has been a resident of Canada since he was twelve years of age, or to any person who has served in the Canadian Expeditionary Forces, or in the forces of any of His Majesty's allies in the present war, and has been honourably discharged therefrom, or, if an officer, has been permitted to resign or without fault on his part has had his services dispensed with.

2. This Act shall come into operation as soon as The War-Time Elections Act, chapter thirtynine of the statutes of 1917, ceases to be in operation.

This will no doubt strike some honourable gentlemen as being drastic legislation. Some may feel that it is unjustifiable. I admit frankly that the legislation is drastic; but I contend that, in the peculiar circumstances in which we find ourselves to-day, there is no legislation too drastic to save Canada from the foreign menace which exists in the country. As a Canadian having the best interests of my country at heart, I am satisfied in my own mind that the amendment is entirely justifiable.

The amendment I propose by this Bill honourable gentlemen ought to know just how formidable this menace is in Canada at the present time. The alien vote is especially large in the three western provinces, not to say anything of the rest of Canada. In every city in Canada the alien vote is very large, and is a menace owing to the fact that these foreigners are not competent to discharge properly the grave duties that rest upon them in the use of the franchise. In the three western provinces the alien vote is a senious menace to the best interests of Canada. When I tell this honourable House that from 30 to 40 per cent of the total voters of the three western provinces are aliens, honourable gentlemen will have some conception of how formidable their vote really is. But that is not the worst of it. If a vote were taken on the present lists, that would be about the percentage; but when we realize that tens of thousands of our young men, the flower of our young manhood, have left the western provinces to cross the seas to fight for the principles and ideals which we entertain, and when we realize that the Women's Franchise Act that went through this House a day or two ago purposes enfranchising thousands of these alienborn women, and when the War-time Elections Act ceased to be operative, the foreign vote would form a very much larger percentage and be a much greater menace to the

best interests of the country. Canada has nearly 400,000 of her young men across the seas contending for principles and ideals that are dear to every citizen of every democratic country. These young men are contending against the same class of people that enjoy in Canada to-day equal rights and equal privileges with British subjects who have been brought up and educated along democratic lines, and who understand democratic government, which these aliens, unfortunately, do not. The people that I speak of, coming from countries under autocratic rule, born and raised in an atmosphere that has produced the modern Hun, that has produced the worst class of humanity that the world has ever seen, know absolutely nothing about the high ideals of democracy. One cannot expect very much from this class of people, and I contend that the giving of the franchise to them is a crime against the best interests of this country. Remember, ninety per cent of these people who have enjoyed the hospitality of Canada came to this country in abject poverty-came as serfs, or little better than serfs, without any training, without any idea of what ought to be expected from citizens in a great democracy. like the one they were coming to. When they came to our western provinces they were treated one hundred per cent better than our own British settlers. When they were in want, when hunger assailed them. the Government of Canada came to their rescue, and sent hundreds of cars of bacon. sugar, and flour to them, while the Canadian settler, who was living perhaps in the same township, and who, perhaps, was just as hungry as the other fellow, could not secure one pound of this flour or bacon. These people were taken good care of; they were treated better than any British settler in this country. How have they repaid that treatment? Hundreds of those men who had become citizens of this country, and taken the oath of allegiance found their way back to their own lands and are to-day. if they are living, fighting in the ranks of the armies against ideals held by British subjects here and against hundreds of thousands of young men that we have sent from Canada to uphold those ideals and principles. I am satisfied that the public do not understand the gravity of this question, or the danger that threatens this country from this foreign menace. If the country were properly seized of the fact, I am satisfied that there would be such a howl from one end of this Dominion to the other as would

SENATE

force any Government to come to the relief of the British Canadian, and make it impossible for these aliens to enjoy the same liberties, the same privileges and the same citizenship as British subjects enjoy in this country at the present time.

A few months ago the late Government, before appealing to the country, realizing the formidable menace that these people presented, brought into force the War-time Elections Act. At that time there were public men, in this House and in the other House, who did not agree with the Government, as they felt that it was drastic and unjustifiable legislation; but, in view of what has taken place during the last six or eight months, I do not believe there is any public man in this country having the best interests of Canada at heart who would challenge the wisdom of that Act to-day. Everyone who has paid any attention to what has taken place during the election and since realizes that if the aliens had been allowed to vote as to whether Canada should carry on this war and do its full share in fighting for the liberties of the world by sending more men to reinforce our boys whom we had already sent across the water, their answer would have been an emphatic no. Can any one wonder that that would be their answer? It is almost asking too much of these people to be any other than they are. Blood is thicker than water. I do not doubt that, if any honourable gentleman in this House had made his home in Austria or Germany and was living there when war was declared, all his sympathies would have been with the British Empire. It could not be otherwise; it is not reasonable to expect it. It is the same with those people who are in this country to-day. Their sympathies are entirely with Germany and Austria and their allies.

Therefore I contend that these people are not entitled to full citizenship in a country like Canada. We have always been taught to believe that the franchise is a sacred trust, the most sacred thing that we as British subjects enjoy. It is sometimes abused, but it is sacred to those who look at this question properly. If we are to make the best of things in Canada, if we are to develop what we hope and expect will be developed on this northern part of this great continent-one of the greatest countries in the world-now is the time to pro-. tect the franchise, protect the man who helps to make the laws, the man who makes or unmakes the Government of the day.

Hon. Mr. BRADBURY.

The fact is, honourable gentlemen-and I am speaking advisedly-we have too many of this class of people in Canada to-day. We have more of these people in Canada than we have been able to absorb. I know a great many gentlemen, especially from the West, who raise the cry for more settlers to settle this great country of ours. That has been the cry for years. One Government after another has spent millions of money for the purpose of securing settlers. I want to say to this honourable House, as one who has lived in the West during the last thirty-five years, and who has some right to know, that the class of settlers that we secured when we brought aliens from Southern Europe was not the best class of settlers that we could have induced to come to Canada. I contend that one British or one American settler is worth a hundred of these men as far as the best interests of Canada are concerned. These foreigners are not producers to any great extent. They have small farms, especially in Northern Manitoba. They produce only enough to keep them living. They have settled on lands, and they devote most of the time to working around at different places in the country. Since this war began, and since our own young men went away in tens of thousands to fight the battle of freedom and liberty, and against ideals held by these people, these very aliens have taken advantage of the absence of our young men to make it almost impossible for farmers to cultivate and save their crops on account of the exorbitant prices which they demand for their labour. This Parliament and the people of this country owe no debt of sympathy to these people. The argument that we must have more settlers, regardless of their qualifications, is to my mind a very dangerous one. It has led Canada into what I consider a serious fault in bringing so many of these people to this country. It must always be remembered, when we are talking of securing settlers for the development of this great country of ours, that we have within our own boundaries native Canadians and British Canadians, the best people in the world; and we ought to have some consideration for them and not bring in people who have had absolutely no training to qualify them for full citizenship in a democratic country like this. These foreigners have been trained and brought up in an atmosphere which absolutely disqualifies them. for citizenship in this country, and the ability to exercise it to the advan-

MAY 6, 1918

tage of this country. It has been pointed out before that the greatness of a nation, the greatness of Canada, does not depend on its wealth or the number of people within its borders; it depends upon the character of the people. The character of our new settlers and the wirility of the people are the things that go to make a great and lasting nation.

I know I shall be told, I have already been told privately, that it was just such action as this that caused the Boer War. because the Boers refused to give the franchise to Britishers who had settled in the Transvaal. Surely, honourable gentlemen, there is no analogy between the two cases. Englishmen had gone to the Transvaal and had expended hundreds of millions of dollars in developping the mines of that country. They carried with them the training and the education of democracy, and when they asked for representation, surely it was a very different thing from asking representation for men who have come to this country not only entirely ignorant of everything that a citizen of this country should know, but entirely unsympathetic towards our best interests. Ninety per cent of these men in this country are not only aliens, but alien enemies. They are men who have no sympathy with us. They are men who, were it not for fear, would have caused us far more trouble than they have. Thousands of these men have been interned; thousands more would have been interned if it had not been for the fear of the law. I am stating this, not because I want to be offensive or hard upon these people, but because I realize that these people, trained as they have been, coming from the Austrian or the German schools-the Bulgars and Russians are just as bad-have no sympathy with and cannot understand Canadian aims and ideals.

Now, I am not going to labour this question, honourable gentlemen. The amendment which I propose is designed to prevent all this class of people voting in Canada, and is designed to become operative immediately after the War-time Elections Act ceases to be operative. I hardly expect it will be adopted, because I realize that no great reform of this kind is made in a day; but I believe there will be from one end of this country to the other before very long an agitation that will force the hand of the Government on this very issue.

The Bill would disqualify all those aliens except such as have come to this country before they were twelve years of age. My experience from living among these people

in the West has been that the older men, the men who have come to this country after they were twenty years of age, bring with them all the prejudices inherited in their own country. The young people, those who have come to this country as children and have grown up amongst us, have to a great extent become fairly good citizens. They have been educated in the schools --sometimes; unfortunately, in a foreign school, but in mixing with Canadians they have become fairly intelligent, and they are, I believe, entitled to citizenship. . But the older people, I contend, are not entitled to share in the same full citizenship as persons coming to Canada from other British countries or from any other country of a democratic nature.

As I said a moment ago, I have no intention of labouring this question. I am going to leave the Bill with the House, and I hope that it will receive some consideration. If it does not receive consideration from this honourable House it will receive consideration outside. The people of Canada expect some legislation of this kind. If honourable gentlemen consider this Bill too drastic or too far-reaching, it can be amended. I do not claim perfection for the Bill. It expresses pretty clearly my opinion as to the condition of affairs in Canada to-day with respect to this alien question, which is a serious one.

There are absolutely no politics in this proposal; I would like honourable gentlemen to be thoroughly imbued with that idea. This is a time to make reforms of this kind, when we have a Union Government, and both political parties would take responsibility for the measure that ought to be passed by Parliament for the protection of our people. I am satisfied that if this honourable House will give fair consideration to this question, legislation very similar to that which I propose will be enacted, perhaps not immediately, but later on, by the Parliament of Canada.

Hon. Sir JAMES LOUGHEED. Do I understand that my honourable friend proposes to proceed with the Bill and to ask the House to adopt the measure on the second reading?

Hon. Mr. BRADBURY: No.

Hon. Sir JAMES LOUGHEED: Now that my honourable friend has expressed his views upon the Bill and we have had the opportunity of hearing them, he will perhaps withdraw the Bill.

Hon. ROBERT WATSON: I do not think it is well to allow the statements which

have just been made by the honourable gentleman (Hon. Mr. Bradbury) to go wholesale and broadcast throughout this country without a few words being said on the other side of the question. I do not speak as a defender of the immigrants the honourable gentleman has been speaking about; but in the closing sentence of his remarks, I think, he amply justifies this honourable House in not agreeing to his proposition.

He started by saying that these foreigners were a menace to Canada. Those people were invited to this country. They were promised and received certain consideration at the hands of the Government when they came here. They have been industrious people. The honourable gentleman does not deny that; he cannot deny it; and I venture to say that the speech he has -delivered here to-day is exactly opposite to the speeches he delivered when he was trying to secure the votes of those people in his constituency of Selkirk. For there were hundreds-I think I am safe in saying thousands-of those people in his constituency.

Hon. Mr. BRADBURY: Yes; that is how I know them.

Hon. Mr. WATSON: And I want to say, from my own observation, that those settlers in that constituency are classed amongst the most industrious in the country. All along the Red river those people have undertaken to cultivate lands that were running wild with noxious weeds. Those industrious people, both men and women, have made market gardens of thousands of acres of those lands that had been lying waste.

Hon. Mr. McMEANS: May I ask the honourable gentleman if he is now referring to alien enemies or just to foreigners?

Hon. Mr. WATSON: I am speaking of the aliens of whom the honourable gentleman from Selkirk was speaking in general.

Hon. Mr. McMEANS: The honourable gentleman means alien enemies.

Hon. Mr. WATSON: These men are British subjects now; they are not aliens. In the closing remarks of the honourable gentleman (Hon. Mr. Bradbury) he saves the whole situation. He says that while the older people are not entified to the franchise, on account of the ideas which they have had in the countries from which they have come, their children are now growing up as good British subjects. Well, Hon. Mr. WATSON. we have to admit one thing: those foreigners are somewhat like the French of Quebec in that they are very prolific and have large families, and their children will be able to outvote the parents every time; so I think the situation, so far as Canada is concerned, is perfectly safe in the hands of the younger generation and of the British-born and Canadians.

I desire to submit only these few remarks to this honourable House and to the country, because as a matter of fact, the subject introduced by the honourable gentleman is not one which ought to be brought up in this House. The franchise is a matter which should be dealt with by the House of Commons. The honourable gentleman and myself are free to say what we please without having to cater to any section of voters; but it seems to me that it is in the House of Commons and not in this House that a measure of this kind, dealing with the franchise, ought to be introduced.

Hon. Mr. POWER: That is right.

Hon. Mr. WATSON: I will add only this. The officials in charge of the receiving in Winnipeg of immigrants for Manitoba and the Northwest have told me repeatedly that they never had any trouble with European immigrants; that all they had to do was to locate them on a quartersection of land, and those people looked out for themselves and never came back to ask for assistance. I question very much the statement made by the honourable gentleman (Hon. Mr. Bradbury) to-day, that those people have received a very large amount of assistance. The late Mr. Mc-Creary, who was Commissioner of Immigration when most of those foreigners came to Manitoba, told me repeatedly that all he had to do was to locate them on the land. They would probably get a sack of cornmeal or a sack of flour when they first went in, and would buy a cow. The honourable gentleman knows that those people are not dependent on anything but their own labour. So far as labour is concerned, they have taken advantage of the situation the same as other people: they have asked for what money they could get. I believe it is the duty of the Government during the scarcity of labour to see that all labour in Canada is mobilized and made to work for the best interests of the country. Those immigrants are amongst the best labourers in Canada; in fact they furnish practically the only farm labour that is available in the West; and the honourable gentleman knows that had it not been for those foreigners who were brought

MAY 6, 1918

to Canada in the last few years, our railways would never have been built, nor could the large farms under cultivation today have been worked. They have been the source of the labour supply. They have worked for the farmers and in railway construction in the summer time and have gone back on their own little farms in the winter time. The progress made in western Canada could never have been made if their labour had not been available by reason of the vigorous immigration policy adopted by the Government in past years in bringing those foreigners to Canada.

Hon. L. G. DE VEBER: Honourable gentlemen, coming from Alberta, I wish to say a few words in reply to the honourable gentleman from Selkirk (Hon. Mr. Bradbury), who would deny the franchise to naturalized citizens of foreign birth in this country. His speech put me in mind of a speech that I heard a good many years ago at a meeting of the joint boards of trade at Regina. A gentleman said that in his opinion we should allow no foreigners in Canada; that the immigrants should all be Englishmen; that every man coming into Canada should have a certain amount of money in his pocket and should be required to pass an examination as to his educational abilities before being admitted. He talked of decadent races, mongrel races, the Latin races, and made a long, very interesting and somewhat amusing speech. The first answer to him was made by an old friend of mine, who used to be in the Northwest Mounted Police. He said that if he were not an Englishman he would hardly venture to say what he was going to say. He asked: " Of all the mongrel nations in the world, is there a greater mongrel nation than the English?" And he mentioned the various sources from which the English came: the Picts and Scots, the Normans, the Danes, the Norwegians, and the Vikings. "But,' he said, "the mixture makes a pretty good man, and I think the Englishman of to-day stands very favourably in comparison with the men of any other nation."

The next speaker said: "The gentleman seems to think that no person should be allowed in Canada unless he has a certain amount of money in his pocket. I landed in Montreal with an English shilling in my pocket, and I will bet \$5,000, which can be given to charity if I win, that I can buy the honourable gentleman and all his family, lock, stock and barrel."

I got up simply to make the observation that I thought that any man with a pair of hands and willing to use them would be no detriment to any country. I said: "Those men are the class of men we do want. We must have labour to build our railways and do our work. But," I said, "what we do not want in this country are gentlemen who, like the gentleman who made the speech, come to Canada to live by their wits; we can breed all of those that we want at home."

I have been in probably closer touch with the foreigners in Alberta than any other man here. I live in a mining town, Lethbridge. Nearly all our miners, with the exception of a few Nova Scotians and English, are foreigners. We have all kinds: Galicians, Doukhobors, Ruthenians, Bukowinians, Italians, Greeks-men -from almost every country in Europe.

Hon. Mr. POWER: Not many Germans.

Hon. Mr. DE VEBER: Not many Germans-no. I was not their regular physician. Dr. Mewburn and I had been the only two physicians there for some years; and, as he was ill now and then, I had sometimes all the foreigners on my hands. I have therefore been continually in their houses. I am speaking altogether of the foreigners in Alberta; I know nothing of those in Manitoba; and if the statements of my honourable friend (Hon. Mr. Bradbury) are true, Manitoba must have been very unfortunate in the foreigners picked out to go there. These people come to Canada with little or no money. They take up a quarter-section of land. I have been in Alberta ever since 1882; so I should have some experience in the country. The first thing the foreigners in Alberta do is to build a cabin out of wattles and mud. Wattles are the little trees that they cut down. They mix the twigs with mud and build themselves what they call houses. If there are children in the family the girls go out to service. In the winter the man comes to Lethbridge and works in the mines. He saves every cent that he makes to spend it on the farm. If the girls make any money that money also goes on the farm. They buy a cow, then another cow, then a horse, and gradually work up until they become fairly comfortable. I have known them to go so far as to make bricks by hand to build houses for the whites, who were too lazy to do it themselves. The house they would build would not be very artistic, but it would be comfortable and warm. The consequence of the industry of these people is that they can go to almost any store and

get what credit they want, for they pay their bills; whereas, I am sorry to say, a good many of the whites in Alberta do not pay their Bills. But the foreigners do not ask for much credit; they come with their cash and ask for discount for cash.

Now, one of the chief arguments made by the honourable gentleman is that they should not be allowed the franchise because they come from autocratic countries. In the name of Heaven, why did they leave their country? They left for freedom. They have come to Canada to be free from autocratic government and to be able to do as they liked. I have talked with them time and time again. You could not get any of those men to go back to the country from which they came; they are opposed in every possible way to the government of their country of origin.

Hon. Mr. BRADBURY: Will the honourable gentleman excuse me a moment? I did not say that people should not be allowed to come to this country because their own country is autocratic. What I stated was that they should not have the franchise —that they are not fit for citizenship because they come from that country.

Hon. Mr. DE VEBER: The honourable gentleman made the statement that he would deny them the franchise because they had come from an autocratic country.

Hon. Mr. BRADBURY: They should not have the franchise. That is one of the reasons.

Hon. Mr. DE VEBER: The honourable gentleman also tried to make out that none of those people would join our Canadian forces. Now, that is not so. In Lethbridge I have examined scores of men of all those different races, men who wished to join the battalions that were raised in Lethbridge, and I passed them, but they were turned down, not accepted by the Government, simply because they had come from foreign countries. Some of them were very indignant. There were quite a large number of Bohemians who wished to join, and when they were turned down they came to me as mad as hornets. They said: "What? Me not fight against Germany? The Germans took our country and made us slaves, and we want to fight to get our country away from Germany."

Of course, I must admit that there are occasionally immigrants, such as Austrians, who are not in the same class. I do not class the Galicians, Bukowinians and Hon. Mr. DeVEBER. Ruthenians as Austrians. They were subject to Austria, but they hate Austria. I have not come across any myself, but there may possibly be Austrians in our part of the country who have done something against Canada, but if there are I feel sure that they are men who have been subsidized by the German Government, and that they are not doing it of their own volition.

The Bill was withdrawn.

PENITENTIARY ACT AMENDMENT BILL

CONSIDERED IN COMMITTEE AND REPORTED.

On motion of Hon. Sir James Lougheed the Senate went into committee on Bill 21, an Act to amend the Penitentiary Act. Hon. Mr. Laird in the Chair.

Section 1 was agreed to.

On section 2-new definitions:

Hon. Mr. BOSTOCK: Is there anything special about these definitions? Does the Government contemplate extending the penitentiaries at the present time? Is that the reason they have widened the clause defining a penitentiary?

Hon. Sir JAMES LOUGHEED: No, there is nothing of that kind in view. Under the Act as we have it at present there is no definition placed upon "penitentiaries;" but the Bill in no way enlarges the scope of the penitentiaries. Of course, an interpretation is being placed upon the term "superintendent," because there is a new office which is being created, which, in fact, is largely the purpose of this Bill.

Hon. Mr. BELCOURT: Can my honourable friend tell us whether it is the intention of the Government to appoint one of the present inspectors to the position of superintendent?

Hon. Sir JAMES LOUGHEED: I really cannot answer my honourable friend.

Hon. Mr. BELCOURT: As I understand, there are now two inspectors.

Hon. Sir JAMES LOUGHEED: I understand so.

Hon. Mr. BELCOURT: Are they going to remain inspectors?

Hon. Sir JAMES LOUGHEED: I cannot answer my honourable friend. I am not aware of the intention of the department in that regard.

Hon. Mr. BOSTOCK: I draw the attention of my honourable friend to chapter 147

of the Revised Statutes. Section 5 defines each penitentiary in the Dominion; there is one at Kingston, one at St. Vincent de Paul, one at Dorchester, one in Manitoba, one in British Columbia, and one in Alberta. Are we repealing section 5, and defining penitentiaries generally?

Hon. Sir JAMES LOUGHEED: No. Section 5 is not in any way affected by this measure. It is only paragraph b of subsection 1 of section 2 of the Penitentiary Act that we repeal. That is done under section 1 of the Bill. When we come to section 3 of the Bill, we propose repealing sections 14 to 23, both inclusive.

Hon. Mr. TESSIER: There will be three inspectors?

Hon. Sir JAMES LOUGHEED: Provision is made for the appointment of three inspectors; but, from what I can learn from the department, it is not the intention to make a third appointment.

Section 2 was agreed to.

On section 3, new section 14—superintendent:

Hon. Mr. BOSTOCK: I notice that it is provided that:

The inspectors shall be classified as officers of the Department of Justice in Subdivision B of the First Division of the Civil Service Act.

But the new section 14 does not say what class the superintendent shall be placed in. If it is necessary to provide for the inspectors in that way, should it not be done in the case of the superintendent?

Hon. Sir JAMES LOUGHEED: The reason is that the present inspectors have already been classified. The intention of the department is to reduce the importance of the office of inspector, and this Bill also reduces the salary associated with that office. The superintendent will be charged with more important duties than the inspectors. At the present time the inspectors are charged not only with inspection, but with administrative duties. Hereafter the superintendent will administer and the inspectors will only inspect.

Hon. Mr. BOSTOCK: According to instruction.

Hon. Mr. BELCOURT: I was not here when the Bill was read the second time. Why is the administration taken from the two inspectors?

Hon. Sir JAMES LOUGHEED: The dual responsibility of the inspectors has proved

very unsatisfactory in the proper administration of penitentiaries generally, as would naturally be the case. It seems to me rather inconsistent that an inspector should be an administrator. If he is charged with the responsibility of administering, who is to determine whether he is properly administering, if he in his own person is the inspector?

Hon. Mr. TESSIER: He is inspecting his own work.

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. BELCOURT: I understood that the administration was divided, and that each inspector had a certain number of penitentiaries to look after, and that in that way there was no conflict.

Hon. Sir JAMES LOUGHEED: L am not aware of that. This is not an arbitrary definition, because an inspector carries out whatever duties of inspection or administration may be assigned to him by his minister or superior officer; but it is intended to eliminate the responsibility of administration from the duties of the office of inspector. It is equivalent to wiping out the offices as they exist and creating new ones. So far as the present inspectors are concerned, I cannot say what will happen; but invariably an official who has been in the employ of the Government for a number of years has no reason to complain of the disposition made of his office. One of the inspectors has been in the office for thirty odd years and would probably qualify for superannuation.

Hon. Mr. BELCOURT: Is it the intention to superannuate that officer? Under subsection 2 of section 15 you provide that he shall be in class B of the first division of the Civil Service. That is not the class the inspectors are in at present, and if they are to be retained in that position it would be a very—

Hon. Sir JAMES LOUGHEED: It would be a downstairs promotion.

Hon. Mr. BELCOURT: What is the salary of the inspectors to-day?

Hon. Sir JAMES LOUGHEED: I do not know.

Hon. Mr. BELCOURT: It must be more than \$2,500.

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. BELCOURT: Is it the intention to superannuate these gentlemen?

Hon. Sir JAMES LOUGHEED: At the present time I cannot inform my honour-

able friend as to whether that is the intention of the department or not.

Hon. Mr. BELCOURT: If we pass this as it is, the present inspectors will have no choice but to accept \$2,500 or superannuation.

Hon. Sir JAMES LOUGHEED: That would be the logical result.

Hon. Mr. BELCOURT: And I suppose that is what is intended.

Hon. Sir JAMES LOUGHEED: Yes, it is intended that the salaries shall be reduced.

Hon. Mr. POWER: If we were dealing with a different kind of government-a government of which this House might be supposed to be a little suspicious-we might think that this was just a plan to get rid of two officers who were not favourites of the Minister of Justice. These gentlemen who have been in the service-one of them at any rate for many years-will be told that their salaries will be very largely reduced, and it is just a question whether they will accept the reduced salary or will ask for superannuation. I assume that when we meet again we shall find that these two inspectors have retired, and that there are three inspectors of a different stripe appointed, and a superintendent with them.

New section 14 was agreed to.

On new section 15-inspectors:

Hon. Mr. BELCOURT: I suppose my honourable friend will not be prepared to accept an amendment whereby it will be provided that one of the inspectors shall be appointed superintendent.

Hon. Sir JAMES LOUGHEED: Does my honourable friend consider that that would be good policy without knowing the capacity of the inspector for the position? It seems to me that to make that arbitrary or compulsory would be unwise.

Hon. Mr. TESSIER:' I suppose he would be appointed by the Civil Service Commission.

Hon. Sir JAMES LOUGHEED: All these officers will be appointed by the Oivil Service Commission.

Hon. Mr. BELCOURT: If the Act provided that one of them was to be appointed by the Government, it would do away with the Civil Service Commission.

Hon. Sir JAMES LOUGHEED.

Hon. Sir JAMES LOUGHEED: Oh, yes.

New section 15 was agreed to.

New section 16 was agreed to.

On new section 17—ex-officio justice of the peace:

Hon. Mr. DANIEL: What is the object of making an inspector a justice of the peace?

Hon. Sir JAMES LOUGHEED: He possibly might have to act in that capacity in summary trials, or something of that kind, or for the taking of affidavits and declarations. There are many reasons why he should be a justice of the peace.

New section 17 was agreed to.

On new section 18—superintendent to make rules:

Hon. Mr. BOSTOCK: This is a new arrangement whereby the superintendent is allowed to arrange for: "The establishment and carrying on any work or industry at any penitentiary as may be thought desirable." I think the criticism might be made that one of the troubles of the penitentiaries of Canada is that they do not supply enough work for the inhabitants. It would be very much better if some way were devised of giving them more work and keeping them more fully occupied. I hope that is the intention under this clause.

New section 18 was agreed to.

New sections 19 and 20 were agreed to.

On new section 21—superintendent and inspector to have free access:

Hon. Mr. BOSTOCK: Has my honourable friend any information as to why it is necessary to give the superintendent or the inspector under his direction, powers of that kind. It seems to me rather arbitrary to give him power to summon anyone before him and to put him in jail for fourteen days if he does not attend.

Hon. Sir JAMES LOUGHEED: That is not unreasonable in the conduct of a penitentiary where an investigation may be made into some disorder that has broken out. It is necessary to give him the power to enforce penal consequences in cases of disorder that may be examined into.

Hon. Mr. BOSTOCK: The question would be whether the words: "If any person duly summoned neglects or refuses to appear at the time and place specified, or refuses to give evidence or produce the papers demanded of him," would be confined to any person found in the precincts thereof. Hon. Sir JAMES LOUGHEED: Not necessarily.

Hon. Mr. BOSTOCK: Does it refer to any one he chooses to summon?

Hon. Sir JAMES LOUGHEED: We must place a reasonable interpretation on a clause of this kind. It would be some person who would have some knowledge of the inquisition that was being held. It is a natural thing to do in order to carry on investigations of this kind.

Hon. Mr. THOMPSON: I presume that there have been investigations held before now in regard to these matters. In those cases was power given to the commissioner who was appointed, or how was the matter dealt with?

Hon. Sir JAMES LOUGHEED: Under the law as it is to-day we have this clause:

If any person duly summoned neglects or refuses to appear at the time and place specified in the subpœna legally served upon him, or refuses to give evidence or to produce the papers demanded of him, the inspectors may cause the said person, by their warrant, to be taken into custody.

Hon. Mr. THOMPSON: The inspectors exercise that power?

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. BELCOURT: That is practically the same as the wording here. There was power to put a recalcitrant witness in custody.

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. BELCOURT: Why not retain it here, then?

Hon. Sir JAMES LOUGHEED: This power is now vested in the superintendent, and he may delegate it to the inspector. That is to say, the superintendent, or the inspector under his direction, may do so and so. Heretofore this power was vested in the inspector.

Hon. Mr. BELCOURT: The inspector only?

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. BELCOURT: That seems to be a very wide power conferred upon a deputy. One can understand why the superintendent himself might be given very wide power; but if he chooses to appoint a clerk in his office and send him to Kingston to make an investigation, that clerk would have the power to put in jail anybody who he thought was not producing a certain paper which he thought ought to be pro-

S-29

duced. I am afraid that is going beyond the proper limit.

Hon. Sir JAMES LOUGHEED: If my honourable friend will look at paragraph c, he will find that it is an investigation into "the conduct of any officer or servant employed in or about any penitentiary, or of any person found within the precincts thereof," and for the purpose of that investigation he may do so-and-so.

Hon. Mr. BELCOURT: But he may subpoena any one outside.

Hon. Sir JAMES LOUGHEED: Subsection 2 must be read with paragraph c, and it would not be unreasonable for the purposes of the investigations to summon a person who, even though he is outside the precincts of the penitentiary, is familiar with the subject being investigated. Take, for instance, the case of a former servant or officer who is no longer in the employ of the penitentiary, or the case of a person who may have personally observed something which is being investigated.

Hon. Mr. BELCOURT: But take the case of a person who is outside; I mean, one who is not an employee of the Justice Department, or an inmate of the penitentiary or an officer of the penitentiary-a person not immediately under the control or direction of the department; for instance, an ordinary citizen in the city of Kingston. He may be summoned to appear before this clerk who is sent down by the superintendent to make an investigation, and may be required to produce a document containing entries of a private or personal character, which for all sorts of reasons he would not desire to produce. This clerk sent down to make an investigation-

Hon. Sir JAMES LOUGHEED: Not a clerk.

Hon. Mr. BELCOURT: This clerk or inspector.

Hon. Sir JAMES LOUGHEED: "The Superintendent, or an inspector under his direction." The person making the investigation is an officer.

Hon. Mr. BELCOURT: The officer conducting the investigation may be some one other than the superintendent—somebody chosen by the superintendent.

Hon. Mr. POWER: Look at clause 22.

Hon. Mr. BELCOURT (reading):

The minister may, at any time when he deems it necessary, appoint one or more por-

449

REVISED EDITION

sons to make a special report on the state and management of any penitentiary, and in such case the person or persons so appointed, in order to enable him or them to make such special report, shall have the powers given to the superintendent or an inspector by the two sections last preceding.

So anybody, for instance a clerk in the office of the Justice Department, may be sent down by the minister or the superintendent to make this investigation. I assume that it would be conducted at Kingston. A citizen of Kingston may be summoned to appear before this clerk and ordered to produce a private book of his own in which are certain entries, and because he does not choose to produce the book he may be yanked into custody.

Hon. Sir JAMES LOUGHEED: My honourable friend might as well say we must withhold our hand in giving commissions to justices of the peace. In many cases we appoint as justices of the peace men who are absolutely incompetent in appreciating and properly exercising the powers vested in them; but we do not by reason of that live under a system of terrorism. Here is a law which has been on the statute book for a generation. This is simply a reprint of the statute as we have it; the only change is to extend the power to the superintendent instead of the inspector.

Hon. Mr. BELCOURT: Or to any person appointed.

Hon. Sir JAMES LOUGHEED: Yet up to the present time, so far as I am aware, society has never been convulsed by a wrong or tyrannical exercise of such powers. In fact, you cannot constitute a board of investigation without giving it abundant powers for the purpose of carrying out the object which you have in view. It seems to me that this does nothing more than make provision for the necessary machinery; not machinery which may be unnecessary, but the absolutely necessary machinery for properly holding an investigation.

Hon. Mr. BELCOURT: I grant my honourable friend that the machinery is necessary, and that it may be necessary to place in custody someone who refuses to produce papers; but I do not think the machinery should be left in the hands of an ordinary clerk, to be operated by him. I would suggest that the power to order the production of papers should be given to a judge, on application of the party making the investigation. My honourable friend mentions justices of the peace. Hon. Mr. BELCOURT. Well, there is an appeal against a justice of the peace. You can take proceedings against an error of judgment by a justice of the peace, but there is no appeal from this clerk, who is the sole judge.

Hon. Sir JAMES LOUGHEED: But the Minister of Justice, who administers the department, is responsible for the acts of his officials. Then in turn the Government becomes responsible for the acts of the minister. So it seems to me that we are entertaining an apprehension which is really uncalled for.

New section 21 was agreed to.

. New section 22 was agreed to.

Sections 4 to 9, inclusive, were agreed to.

The preamble and title were agreed to.

The Bill was reported without amendment.

COMPANIES ACT AMENDMENT BILL.

CONSIDERED IN COMMITTEE AND REPORTED.

On motion of Hon. Sir James Lougheed, the Senate went into committee on Bill 65, An Act to amend the Companies Act. Hon. Mr. Watson in the Chair.

Hon. Sir JAMES LOUGHEED: I move that the words "the following section" in line 6 of section 1 be struck out, and that the following be inserted after "1917," in line 8:

The following section shall be deemed to have come into force on the twentieth day of September, 1917, the date of the commencement of the said chapter twenty-five.

Hon. Sir JAMES LOUGHEED: This amendment is introduced because of a doubt having been thrown upon the validity of what has already been done in the way of registration under the Act of last year.

Hon. Mr. BELCOURT: I do not see the necessity for this legislation at all. I do not intend to oppose it, but it seems to me to be wholly unnecessary. Under the law of the province of Quebec, for instance, the certified copy of a notarial document, delivered by the notary under his signature and seal, is prima facie authentic evidence anywhere. Under the well-known rule of law concerning evidence, documents that are in accordance with the requirements of the province where executed are accepted as prima facie evidence.

Hon. Sir JAMES LOUGHEED: It is not so much a question of evidence as

MAY 6, 1918

what is accepted by the existing law; but the existing law provides that the original shall be filed with the Secretary of State. There are cases in which the original is required to be filed with a notary. Consequently, when there is only one original, the law cannot be complied with, the original having been filed with the notary and the Companies law requiring the original to be filed with the Secretary of State. This amendment is simply to permit of a notarial copy being used for the particular purpose indicated. So this is not a question of evidence in court, but rather a question of the difficulty that has arisen in the Department of State.

The amendment of Hon. Sir James Lougheed was agreed to, and section 1 as amended was agreed to.

The title and preamble were agreed to.

The Bill was reported as amended.

PRIVATE BILL.

THE DOUKHOBORS' COMMUNITY-SECOND READING.

Hon. Mr. WATSON moved the second reading of Bill O, an Act to incorporate The Christian Community of Universal Brotherhood. He said: It may be well that I should offer a few words of explanation. The title of this Bill may attract some attention. The Bill is for the purpose of giving certain power to a community known as the Doukhobors. They have large holdings in Manitoba, Alberta, Saskatchewan and British Columbia. They have been called by this name because it is, I believe, the name by which they were known when they came from Russia. As is generally known, the Doukhobors have been doing business in the West for a number of years, and have been doing it on the community basis. The head of the community is generally known as Peter Veregin, and he has been holding in trust practically all the Doukhobors' property. The intention of this measure is to provide that there shall be a council of twelve Doukhobors, Peter Veregin being one, who will hold all the property in trust for the Doukhobors. Provision is made in the Bill for the distribution of the property that is held by this community; provision is made for the manner in which they shall do their trading; in fact, the Bill is for the purpose of allowing Doukhobors to do in a legal way business which they have been doing in a slipshod manner in the past: for the whole community, numbering about 7,000, have been dependent entirely on Peter Veregin. Up to date there is no evidence that Peter Veregin has not dealt fairly by the Doukhobors, but I understand that he realizes the responsibility which is placed on him as head of that community, and has asked for this legislation, so that matters may be dealt with in a more businesslike manner than they have been in the past. It is a peculiar sort of Bill, but it can be more fittingly dealt with and better explained in the Committee on Miscellaneous Private Bills.

Hon. Mr. McMEANS: May I ask the honourable member if this Bill perpetuates the idea of the Doukhobors holding all their property in common? As I understand, the Doukhobors do not hold any property individually, but all their property is held in common.

Hon. Mr. WATSON: That is right.

Hon. Mr. McMEANS: And this Bill is for the purpose of perpetuating the plan of all the property of the Doukhobors being held in common. Is that the idea?

Hon. Mr. WATSON: Yes. The idea is that they may by law hold the property which they have held by custom in the past. This Bill provides, however, that any Doukhobor who wishes to withdraw from the community and withdraw his share of the property may do so. This organization will hold all the property which is at the present time held by Veregin. The title of the land is at present held in the name of Peter Veregin.

Hon. Mr. POWER: If Peter died, where would it be?

Hon. Mr. WATSON: If Peter died, a great deal of trouble would result. I think Peter realizes that and wants this legislation passed so that the property will be controlled in some legal form.

Hon. Sir JAMES LOUGHEED: May I ask my honourable friend who has charge of this Bill, that he will notify the Minister of the Interior as to the date when the Bill will be considered in committee.

Hon. Mr. WATSON: Yes.

Hon. Sir JAMES LOUGHEED: The minister is very much interested and wishes to be present or to be represented, with **a** view to protecting the Doukhobors' interest in the Bill.

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

S-291

451

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FIRST READING.

Bill 58, an Act respecting certain patents of the Dynamic Balancing Machine Company.—Hon. Mr. Edwards.

DIVORCE BILLS.

FIRST READINGS.

Bill S, an Act for the relief of Francis Newman.—Hon. Mr. Blain.

Bill T, an Act for the relief of Henry Ernest Saxby.—Hon. Mr. Edwards.

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

THE SENATE.

Tuesday, May 7, 1918.

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

Prayers and routine proceedings.

CONSCRIPTION OF SAILORS.

INQUIRY.

Hon. Mr. BOSTOCK inquired:

1. Is the Government aware that sailors of the Coasting and Deep Sea Service are being called up under the Military Service Act, causing a depletion of the supply of men for ships sailing from British Columbia ports?

2. Has the Government any record of the number of certificated officers and sailors who have been called up in this way?

3. Will the Government have immediate inquiry made and stop the conscription of sailors in the future?

4. Is the Government aware that the Government of the United States is offering special inducements to men to qualify as sailors to man the ships sailing from the United States ports?

Hon. Sir JAMES LOUGHEED:

1. There is no special or exceptional authority with regard to sailors; they are subject to the operation of the law and entitled to exemption in proper cases in like manner as others affected by the outstanding call under the Military Service Act.

2. No, except as this might be gathered by examination of the records at the offices of the various registrars under the Military Service Act.

3. It is not in accord with Parliamentary practice for the Government to answer what it proposes to do under the circumstances mentioned.

4. No information in Department of Justice.

Hon. Sir JAMES LOUGHEED.

DIVERSION OF GRAIN TRADE TO UNITED STATES.

MOTION FOR RETURN.

Hon. Mr. TESSIER moved:

That an humble Address be presented to His Excellency the Governor General; praying that His Excellency will cause to be laid before the Senate, copies of any representations that have been made to the Government as to the alleged diversion of two-thirds of our western grain trade to Buffalo, New York and other United States seaports, for export, and showing the steps taken by the Government to turn this traffic to Canadian seaports.

He said: Honourable gentlemen, I am induced to put this question to the Government, after a perusal of the annual report of the Quebec Board of Trade; which seems to be in the hands of all the members of the Senate. I learn from that report that the shipments of western grain from Fort William and Port Arthur to Buffalo, apparently for export via New York, are growing from year to year with alarming rapidity, last year reaching the stupendous figure of 106 million bushels, whereas only 59 million bushels were exported from Montreal. And even this may not represent the total diversion of our trade to the United States seaports, because I understand that much of the grain which is sent to Canadian elevators on the Georgian bay and at Port Colborne, is afterwards sent on by rail to Portland and New York for export. The result is that after bleeding Canada dry to build three transcontinental railways, and piling up an enormous debt in doing so, Canadian seaports and Canadian railways east of Fort William are getting little in return for our sacrifices.

The grain of course goes where the ships are, and the ships go to New York—although it is 500 miles farther from Liverpool than Quebec is—because ample terminal facilities, docks and elevators are there to handle the trade expeditiously, and because marine insurance on vessels and cargoes is much cheaper than from Canadian ports.

I understand that it has been suggested to the Government that they should arrange with Lloyds or other underwriters that marine insurance from Canadian seaports shall be the same at all seasons of the year as from New York. If this were done, the ships would come to Montreal, Quebec, Halifax and St. John as freely as they do to New York, and the ocean freight rates would be as cheap, or probably a little cheaper, on account of the shorter sea voyage.

Another suggestion that has been made on behalf of Canadian seaports is that the MAY 7, 1918

Government should carry out the promise made to the people in Parliament when the enormous cost of building the National Transcontinental railway was consented to, to the effect that ocean tonnage would always be available at Canadian seaports to handle all the traffic of that railway. It has been suggested that the best way to redeem this promise is for the Government to build and operate at least ten large ocean freight steamers in connection with this railway, to run from Quebec and Montreal in summer and from Halifax and St. John in winter.

The war is a serious matter, and requires all or nearly all our attention. But even in war-time it is surely necessary for us to have some solicitude for the future of our country; and I think the alarming figures I have quoted and the danger of a further diversion of our trade by the new Erie canal should be sufficient to make us believe that the commercial future of Canada is in great peril.

The honourable senator for the Gulf (Hon. Mr. L'Esperance) pointed out last session that the terminal facilities of Quebec, the only seaport reached by the new Transcontinental railway over its own rails, are entirely inadequate. If it is necessary to build twenty-seven new steamship berths at Halifax and twenty-five at St. John for the winter traffic of five months of this railway, it is surely absurd to expect that its summer traffic of seven months can be handled by five new berths at Quebec.

The motion was agreed to.

DIVORCE BILLS.

THIRD READINGS.

Bill K, An Act for the relief of William L. Walpole.—Hon. Mr. Gordon.

Bill L.- An Act for the relief of Mary Claire Dawson Hislop.—Hon. Mr. Mitchell.

Bill M, An Act for the relief of Martin Hafner.-Hon. Mr. Talbot.

PENITENTIARY ACT AMENDMENT BILL.

THIRD READING.

Bill 21, An Act to amend the Penitentiary Act.-Hon. Sir James Lougheed.

COMPANIES ACT AMENDMENT BILL.

THIRD READING.

Bill 65, An Act to amend The Companies Act.—Hon. Sir James Lougheed.

JUDGES ACT AMENDMENT BILL. CONSIDERED IN COMMITTEE AND REPORTED.

On motion of Hon. W. B. Ross, the Senate went into Committee on Bill 65, an Act to amend the Judges Act. Hon. Mr. Blain in the Chair.

On section 1—repeal of annuity on retirement:

Hon, W. B. ROSS: Mr. Chairman, I move the adoption of section 1. I explained on the second reading of the Bill what this section 1 is. It stands entirely distinct from the rest of the Bill. It deals with one subject which has no connection with the other sections. I explained on the second reading that a judge may be superannuated in either of two ways. He may take a retiring allowance equal to two-thirds of his salary, after 15 years' service; and this provision was, by legislation passed after the Judges Act, extended to two of the railway commissioners, that is, the chief commissioner and the assistant chief commissioner. Then there was another Bill passed later, which extended that allowance to the circuit court judges in Montreal. The other way in which a judge may retire is by serving in some cases until he is 70 years of age, in other cases until he is 75, and in one case until he is 80 years of age, when he may retire on his full salary. Now, the object of this section 1 is to abolish altogether the retirement of judges and commissioners on full salary.

Hon. Mr. CASGRAIN: But that is not to apply to the present judges?

Hon. W. B. ROSS: We have an exception. All those who are now drawing a pension or who have been appointed judges or commissioners price to the passing of this Act are exempted. It will apply only to future appointments. If this Bill becomes law all the judges and commissioners appointed from this day on will be entitled to a retiring allowance equal to two-thirds of their salary, after fifteen years' service. That was the old provision. Section 1 will not affect anyone who now holds effice or who is now drawing a pension.

Hon. Mr. CASGRAIN: That will make it easier to pass.

Hon. A. C. MACDONELL: This Bill is of very great importance. I was here when it was read the second time, but it was quite impossible to obtain a connected account of the Bill or of the reasons that were given for its introduction. I was unable to give the matter any consideration

SENATE

or to get any consideration of it by those most interested, such as provincial governments, until it was printed and until a narrative account could be given of the reasons for the introduction of the Bill. It is therefore difficult to deal with any one particular clause of the Bill, and it seems to me that, in order to deal with the Bill intelligently, it must be discussed as if it were on the second reading; that is, we should take up the principle of the Bill and the substance of the various sections. as far as it can quickly be gathered.

It seems to me that this Bill is, or should be, essentially a Government measure and should emanate from the House of Commons. There is much to be done in the way of revising and reconsidering the status of the judges of the Dominion, and much that is contained in this Bill commends itself very highly to me. I am therefore anxious, personally, as a member of the committee, and I know every other honourable gentleman is anxious, that this Bill should be given the very best and most With regard to ample consideration. section 1, there is much in favour of the enactment of some such section. There are further features to be considered in connection with the principle involved in section 1. There is the question of having a tribunal or some accessible means for considering the continuance on the Bench of any judge whose behaviour or conduct does not commend itself to the people of the country. Provision is made hard and fast in the British North America Act for the appointment of judges and for their nonremoval, and the opinion has often been expressed that there should be some constitutional method, surrounded with ample safeguards, by which we could in our own country secure remedy or relief in the case of any individual on the Bench who offended against the proprieties of his office or against what the people of the country consider to be his duty.

Hon. Mr. CASGRAIN: Cannot a judge be impeached?

Hon. Mr. MACDONELL: That is, as the honourable gentleman knows, a very formal and almost impossible proceeding. I know there is in the minds of many one amendment that might be very favourably considered when we are dealing with the judges and the Judges Act, namely, an amendment to the British North America Act that would enable proper and ample consideration to be given in Canada to the behaviour of a judge, so that it would not be necessary to go overseas if a case should arise that Hon. Mr. MACDONELL.

would require consideration. Fortunately, up to date we have had few, if any, of such cases. But, in consolidating the Judges Act, it seems to me that provision should be made to amend the hard and fast provisions of the British North America Act respecting the permanent appointment of judges.

As I have said, it seems to me that this Bill should be a Government measure and should emanate from the Minister of Justice and the House of Commons. I am not raising any objections or diffculties in the way of the Bill; but in my opinion we are really offending against sections 53 of the British North America Act, in providing, as is proposed in section 1 of this Bill, for the payment of pensions to certain judges. Section 1 would wipe out certain pensions, or parts of pensions, for the future. It very properly applies only to future appointees to the Bench, but it provides for the payment of pensions to the judges who may retire or be removed, or who pass off the scene of their activities. Such a provision is, I think, contrary to section 53 of the British North America Act, which forbids the Senate to deal in any way with the revenues of the country or with money matters. That section is as follows:

Bills for appropriating any part of the public revenue or for imposing any tax or impost shall originate in the House of Commons.

I am not making this an objection to our dealing with the Bill in this House, but it is a question which will probably arise later on. There is much to be considered in section I. There is the question of making the judges amenable to public opinion in Canada by some Canadian machinery, instead of by an amendment to the British North America Act; and there are several other features which should be dealt with in a proper reconsideration of the Judges Act and other legislation affecting judges.

I am dealing rather liberally with this question; that is, I am discussing the principle of the Bill. The honourable gentleman who introduced the Bill very properly pointed out cases in which judges he did not use the word "intermeddle," but I will use it—intermeddle in matters which they have been appointed by provincial governments to investigate, and said that this has not been conducive to the best interests of the people. Provision is made here to interdict them from proceeding in such cases.

Hon. W. B. ROSS: I do not want to interrupt the honourable gentleman unne-

MAY 7, 1918

cessarily, but would it not be better to discuss section 1, which deals entirely with pensions, and then take up the other sections?

Hon. Mr. MACDONELL: I was going to make the suggestion that, in view of the importance of this measure and of the fact that it will be practically impossible for it to pass the Commons this session, it might be well to have the matter considered by a select committee of both Houses, a very small committee, with a view to revising thoroughly the Judges Act and drawing up a comprehensive Bill. In order to do that, it seems to me that it would be essential to consult the provinces. Honourable gentlemen will bear in mind the fact, of which we are all aware, though I fear we lose sight of it sometimes, that Canada is made up of provinces, and that the judges, although appointed and paid by the Dominion, are practically all, with the exception of those of the Supreme Court of Canada, of a provincial character, and that in the performance of their duties the judges in one province are confronted with many conditions and circumstances that are not found to exist in other provinces. The civil laws of the respective provinces differ greatly, and the work of the judges in the various provinces which make up the Dominion is highly important.

The proposition to restrict the appointment of judges to commissions under the Conciliation and Labour Act, the Industrial Disputes Investigations Act, and in certain municipal matters, does not pretend to meet the case of provinces requiring royal commissions in order to cover the proper administration of the law. I think we should have a measure that would be immensely beneficial and much more comprehensive than the Bill in hand if the whole status of judges in the various provinces were reconsidered by a select committee or other means by which we could obtain the opinion of both Houses and of the various provinces. It seems to me that the people most concerned, namely, the governments of the various provinces, should be consulted, or at least informed. This Bill, not being a government measure, has not been submitted to the provinces, and I would suggest that the honourable leader of this House should consider and deal with it in the way I have suggested. I think the Minister of Justice would lend a ready and willing ear to aiding in the preparation and enactment of the Bill, although I have no right to use his name in

this connection; but as it is highly improbable if not impossible for this Bill to be passed this session, it seems to me no harm could be done in allowing the matter to mature, especially as this is a war session, with a government elected on the war issue, and an early prorogation of the House is expected with a view to prosecuting the war to the end with the entire resources of this country. This is a matter of very great importance, and I believe the disposition of it should be as comprehensive and thorough as possible.

Hon. Mr. BELCOURT: The House passed the second reading of this Bill without any opposition, and as we are now in Committee, I think my honourable friend is too late with his remarks. It seems to me very much like mustard after dinner.

Hon. Mr. MACDONELL: I explained why the suggestion was not made on the second reading: it was quite impossible to follow the discussion, although I tried to do so. I am not pleading for myself, but with all due deference I contend that this Bill should have been submitted to the varicus attorneys general of the provinces, as it deals more vitally and particularly with them than with the Dominion.

Hon. W. B. ROSS: The British North America Act, section 99, provides a method for dealing with the judges, as follows:

The judges of the superior courts shall hold office during good behaviour, but shall be removable by the Governor General on Address of the Senate and House of Commons.

Hon. Mr. MACDONELL: That leaves it with the two Houses.

Hon. W. B. ROSS: Very well; but what amendment to the British North America Act is called for in view of that section? The appointment of a select committee would mean that this Bill would disappear, and that would probably be the last we would hear of it. As the Bill has passed its second reading, I think this House should go on and deal with it, so that we may be able to say we have done our duty with respect to it. Then, if the other House drops it, we cannot help it. I think we should dest with the Bill, section by section, kill or cure.

Hon. Mr. MACDONELL: The Bill does not provide for multifarious cases which no doubt arise in all the provinces, in which the provincial government requires the services of one or more High Court judges for commissions and similar investigations. In the province of Ontario alone, during the

last year or thereabouts, the provincial government appointed judges to hold investigations in public matters of great importance that did not come under the exceptions mentioned in subsection 2 of this Bill, thus showing that that subsection is absolutely inadequate and insufficient to meet the requirements of provinces which arise from time to time in the transaction of their business.

Hon. Mr. BEIQUE: The honourable gentleman's remarks are not pertinent to section 1, but rather to section 2, and he should wait until that section is reached.

Hon. Mr. MACDONELL: I was making the suggestion that the whole matter be considered de LOVD with a new Bill, and that if necessary a joint committee of this House and the lower House be appointed to prepare a Bill after consultation with the attorneys general or other officials of the various provinces. I was just about to mention that during the last year in the province of Ontario several cases have arisen in which that province needed the services of high court judges. Chief Justice Meredith was engaged on three commissions: one to investigate a dispute between the Ontario Government and one of the power companies in reference to the power developed under its charters at Niagara Falls: also as commissioner in connection with the Canadian Northern Railway arbitration, and as Chairman of the Shell Commission.

Hon. Mr. BOSTOCK: Those last two commissions were Dominion Government commissions.

Hon. Mr. MACDONELL: Yes, I was going to point that out. Still, the Dominion is in no better position than the provinces, as I read the Bill.

Hon. Mr. BEIQUE: The Dominion can always pass an Act appointing a high court judge as commissioner, notwithstanding such-and-such provisions in the Judges Act.

Hon. Mr. MACDONELL: I think the House might be informed, also, that Mr. Justice Hodgins has had two commissions from the Ontario Government: one in reference to medical practitioners, and the other in relation to venereal diseases; also that Mr. Justice Masten has had the insurance investigation of the Ontario Government; also that Mr. Justice Sutherland and Mr. Justice Kelly were members of the Power Commission referred to, of which Chief Justice Meredith was chairman. There Hon. Mr. MACDONELL. ,may have been other cases not covered by the exception mentioned in which the province of Ontario has found the need of the services of judges. Therefore, if judges are not permitted to serve the public on such commissions in carrying out the provincial law, the provinces are going to be greatly handicapped in the matter of legislating and carrying out the law in regard to property and civil rights.

Hon. Mr. BELCOURT: My honourable friend was not in the House last year when this whole matter was discussed. We then passed the Bill for the very purpose of obliging the judges to confine their energies to the law courts, and preventing them from sitting on those commissions of which my honourable friend has given us five or six examples. The arguments of my honourable friend might be advanced against the principle of the Bill, although to my mind they are very strong arguments for the principle. We want the judges to administer law in the courts, not to sit on commissions. My honourable friend has pointed out that one judge has sat on no less than three commissions within the last year or two. Well, how did the litigants fare during that time? What was being done with their cases? Surely those gentlemen were not appointed for the purpose of sitting on commissions. They were appointed to sit in court, and the Bill was passed last year with the view that they should not be allowed to act on such commissions. The other day we passed the second reading of this Bill unanimously, and now we should be discussing its details, not the principle; and it seems to nie that this discussion is altogether out of order.

Hon. W. B. ROSS: I would like to ask the honourable gentleman from Toronto (Hon. Mr. Macdonell) if the judges who have been acting as commissioners have not drawn their salaries as judges as well as commissioners? You will find that the Chief Justice of Ontario has had his salary as judge, and on one of those commissions he has had \$5,000; I do not know what he has had on the other one.

Hon. Mr. CASGRAIN: How much did Judge Galt get in Winnipeg?

Hon. Mr. MACDONELL: I do not know personally what was paid to those judges, if they were paid anything; but the province of Ontario adds \$1.000 a year to the salary of each of the high court judges for doing, as I assume, certain extra or special work of a provincial nature in connection with the performance of their judicial duties, and that may or may not be included as compensation.

Hon. Mr. BELCOURT: They are not appointed for that purpose, but for a different purpose altogether.

Hon. Mr. MACDONELL: That is a bargain between the province and the Bench.

Hon. Mr. BELCOURT: Not at all.

The Hon. the CHAIRMAN: I would ask the members of the committee to direct their remarks to section 1 of the Bill.

Hon. Mr. POWER: I shall try to. The present section is much the same as the corresponding one which this House passed last year, but it differs from it in one essential particular to which I shall presently call attention. What is the evil with which the honourable gentleman from Middleton wishes to deal? I think this section deals with a practice which has grown up particularly since the year 1904, when the law was altered so as to allow a judge to be retired on full pay after a certain number of years' service, and after he had attained a certain age. As the honourable gentleman from Middleton pointed out on the second reading of this Bill, the law was altered in order to induce some of the judges who desired to do so to retire on a two-thirds allowance, when they had really become disqualified for discharging their duties as judges. The alleged intention of this measure was to get the incapacitated judges off the Bench; but I may be pardoned if I repeat what was said so distinctly and put so well before the House by the honourable gentleman from Middleton on the second reading, that the cure was worse than the disease, because since the passing of that Act in 1904 or 1905 the judge who through incapacity of one kind or another was becoming disqualified from acting as a judge. did not retire, although he might do so when he had been more than 15 years on the Bench. Instead of that, the judge, no matter how incapable he may be, now insists on remaining on the Bench until he can retire on full pay. That is the evil; that is the condition which I think we have a right to try to remedy.

The point to which I direct attention is that the change which has been made in the Bill as we had it last year does away with the good effects which that Bill would have produced. The Bill of last year exempted judges or commissioners who had

retired from office; but the honourable gentleman from Middleton this year has put in the words, "or had been ap-pointed to office." What particular good did that do? As it stands, what is the effect going to be? It will not touch any of the present judges; it will not compel any one to retire; it simply provides that in the cases of judges who are to be appointed hereafter, when even the honourable gentleman from Toronto will have passed, like myself, into the land of shadows, then this Bill will begin to operate. Up to that time the country will have to suffer under the present condition of things, where judges who are not capable of discharging their duties insist on remaining on the Bench. I appeal to the honourable gentleman from Middleton to strike out those words in the tenth and eleventh lines, "or had been appointed to office," otherwise this clause is of no practical value. As a man said, "What did posterity ever do for me?" What do we care about what will happen thirty years from this? These words practically nullify the section.

Hon. Mr. BEIQUE: I am sorry to be unable to agree with the honourable member from Halifax (Hon. Mr. Power). I think we may take it for granted that many members of the Bench have consented to give up their practice and accept the office of judge because of the expectation that was given them of a full pension when they had attained the age of 70 or 75 years, as the case may be; and the suggestion of the honourable gentleman would give a retroactive character to the law. We all disappear very fast, and the present judges will very soon disappear and be succeeded by a full Bench which will be subject to the amendment proposed in this Bill. I am altogether in accord with section 1 of the Bill, which I think is in the proper direction.

Hon. Mr. POWER: The honourable gentleman from De Salaberry (Hon. Mr. Béique) has spoken of a contract. I am not aware that there is any contract. When a gentleman takes office under our law he simply takes it to hold according to the law for the time being. Many of the judges took office when they were supposed to retire on a two-thirds pension, and they have received the benefit of the change made in the law in 1904, and a number of them have retired since on full pay. If the law is going to be expost facto in the case of an increase of benefit to the judge, surely if there is some slight deduction in those benefits there is no hardship, for

he takes his office subject to the law, just as in any other case. If a gentleman who has been appointed to the bench and has served for 15 years does not feel that he can afford to retire on two-thirds salary, there is nothing to hinder him from continuing as a judge; he remains on the bench and draws his full pay.

Hon. Mr. BEIQUE: If he can do it.

Hon. Mr. POWER: If he can. If he cannot do it, I think that, instead of insisting on remaining where he cannot do his work, he should retire on two-thirds pay. What other civil servant is there who is allowed more than two-thirds of his regular pay? I think the position of judge at the present time is one of the most desirable in the country, and I think that this abuse should be put an end to, and that Canada should get the service for which it pays. We should not give a man full pay for doing nothing. As I think I said last year, we had at one time in Nova Scotia no less than three chief justices-two ex-chief justices and the acting chief justice.

Hon. W. B. ROSS: At one time three of them were drawing \$7,000 each.

Hon. Mr. POWER: That, honourable gentlemen, is a condition of things that cannot be justified. Something was said about the provinces. They have nothing to do with the fixing of the salaries of the judges, or the appointing of them. It is a matter purely for the Federal Parliament. In order to bring the question to a head, I move that subsection 1 be amended by striking out, "or had been appointed to," in the 10th and 11th dines.

Hon. W. B. ROSS: All I wish to say about that is that it is one of the penalties that I think we have to pay for bad legislation. We are now seeking the repeal of what may fairly be said to be vested interests acquired under the statute. As the honourable gentleman from De Salaberry (Hon. Mr. Béique) pointed out, there may be men on the Bench who say that, when they accepted office and, in substance though not in form, made their contract to serve as a judge, they took into consideration the fact that, besides having the right to retire at the end of fifteen years, they could remain on till the age of 70 and retire on full salary. To be absolutely fair with the judges, as we are asking them to be absolutely fair with the people of this country, although it is a little hard, it is far better to leave that interest, whatever Hon. Mr. POWER.

it may be, and put ourselves in the position of doing absolute justice.

The amendment of Hon. Mr. Power was negatived, and section 1 was agreed to.

On section 2—judges restricted to judicial duties:

Hon. W. B. ROSS: For the information of honourable gentlemen who have not read it, I will read section 33 of chapter 138. It says:

No judge of the Supreme Court of Canada or of the Exchequer Court of Canada or of any superior or county court in Canada shall, either directly, or indirectly as director or manager of any corporation, company or firm, or in any other manner whatever, for himself or others, engage in any occupation or business other than his judicial duties; but every such judge shall devote himself exclusively to such judicial duties.

That section was passed in 1905 at the time the judges received a 50 per cent increase in their salaries. There had been complaints, and to my certain knowledge in some cases they were well founded, that judges were drawing their salaries and engaging in business of one kind or another, and neglecting the duties of their office. It was said that many judges had gone on the Bench at \$4,000 a year, which had been increased to \$6,000, and that sometimes they were receiving one or two thousand dollars for outside work. There have been many complaints made to me by members of the Bar of more than one of the provinces on account of the judges engaging in these outside businesses.

I do not want to branch off to what I said on the second reading of the Bill, but I have made an attempt by sections 2 and 3 to provide for enforcing section 33. There is no doubt that section 33 was intended by Parliament to compel judges to give their whole time to the duties of their office. That condition was imposed upon them, I say, as a justification for the increase in their salaries. Last year we met with a difficulty in connection with labour. I understand that when boards are being formed to adjust difficulties between capital and labour they very often have difficulty in getting a third arbitrator, and that labour is very much disinclined to accept any one as an umpire other than a judge. That is a very important question, and I accordingly modified the section this year. I shall read section 33 as it will be amended:

No judge of the Supreme Court of Canada or of the Exchequer Court of Canada or of any superior or county court in Canada shall MAY 7, 1918

act as a member of any commission, except as a member of any board or committee appointed under the provisions of the Conciliation and Labour Act or of the Industrial Disputes Investigation Act, 1907, or as a member of a commission appointed under the law of any province to investigate municipal matters, or shall, either directly or indirectly, as director or manager of any corporation, company or firm, or in any other manner whatever, for himself or others, engage in any occupation or business other than his judicial duties; but every such judge shall devote himself exclusively to such judicial duties.

That requires a judge to give himself entirely to the discharge of his judicial duties, except where he may be appointed under the Conciliation and Labour Act or the Industrial Disputes Act, or by a province.

Hon. Mr. MACDONELL: What statute is the honourable gentleman reading from?

Hon. W. B. ROSS: Chapter 138, section 33, and the Bill.

Hon. Mr. MACDONELL: I just want to repeat what I have already said, and to add to it. The judges of the various provinces, both high court and county court judges, are, as I have said, appointed and paid by this Government. There ends the connection of the Dominion Government with the judiciary. The judges are selected in the various provinces because of their knowledge of the law of those provinces, and the Dominion Government puts its imprimatur of appointment upon them and sends them back to their provinces to carry out the laws and act judicially. Property and civil rights are dealt with by the provinces, and all the work the judges do is in the administration of the law provincially. No attention has been paid to the needs of the provinces in the drafting of this Act. The honourable gentleman who presents this Bill apparently had in his mind, and he has told us in a very casual manner, of certain cases of hardship or improper dealing or overreaching in his own province. This Bill deals with the whole of Canada. As I have said, Ontario is constantly affording itself an opportunity of employing the judges for various matters-to act as tribunals of investigation and reporting tribunals; and the exceptions mentioned in the Bill are wholly inadequate to cover a great number of urgent cases with regard to various matters in the province of Ontario, and, I believe, in the western provinces, that require to be investigated and reported on. As I have read from a memorandum, during the last year or thereabouts, in the prov-

ince of Ontario there were some five or six commissions that would not be covered by the provisions of this amending Bill. It seems to me rather drastic that this House take away from the provinces, without consulting them, the right to use the judiciary in a proper and lawful manner for the needs of the provinces.

I ask honourable gentlemen to bear in mind the fact that the Senate, unlike the Commons, is a body representative of the provinces. Under the statute we are here for that purpose-to represent the respective provinces from which we have been appointed. The members of the Commons appear for the whole people, or for the little community which they each represent in their own electoral district. Therefore it behooves us, I submit with all due deference, to consider the provincial aspect of this matter- an aspect that cannot be considered in jumping off a spring-board, if I may use the expression-and not to deprive the provinces of the services of judges in various fields of usefulness and necessity to the community. I quite approve -no doubt we all do- of the idea that judges should be removed from politics or quasi politics. They should not have anything to do with the investigating of political affairs.

I think it would be the proper thing to allow this Bill to stand. One idea in my mind is this. I think the selection of judges in any province to sit on commissions or provincial investigations of any kind should be left to the board of judges of that particular province. That is, if the Government of the province of Ontario, of Alberta, of Saskatchewan, or of any other province, requires the services of a judge to act as a commissioner, the selection of the judge or judges should not be left to the partisan Government of the day, but should be done by the board of judges of the particular province in which they are acting. As we all know, the judges have a board which combs out, as it were, the work that they are to perform as a body, and distributes and allots 10 to the different judges. If they got a request from the attorney general to supply a judge, they could very easily allot Judge Smith or Jones or Brown, as the case might be, to a particular work which the province might require to be performed. I fear that we are taking away from the provinces, without consulting them, the services of men who were appointed by His Majesty and who are paid by His Majesty, via the Dominion of Canada, for general services in those provinces,

except in the three cases mentioned in this Bill as exceptions. Cui bono—what is the good?

Hon. Mr. BELCOURT: Mr. Chairman, I rise to a point of order. I think we have had that all over again three times this afternoon. We are discussing the principle of the Bill. We have had enough of that, surely. Let us get on with the Bill.

Hon. Mr. MACDONELL: I am not discussing-

The Hon. the CHAIRMAN: I shall have to ask the honourable senator to direct his remarks to the Bill.

Hon. Mr. MACDONELL: I am saying that the three exceptions mentioned in section 2 are not sufficient to meet the public needs. I am discussing section 2 and absolutely nothing else. I say that the exceptions contained in that section, permitting judges to act, are not sufficient; there are a great many other cases in which the provinces need their services in the public interest.

Hon. W. B. ROSS: I would like to point out, honourable gentlemen, that by subsection 14 of section 92 of the British North America Act, the provinces have this power:

The administration of justice in the Province, including the constitution, maintenance and organization of Provincial courts, both of civil and criminal jurisdiction and including procedure in civil matters in those courts.

Now, if the provinces have any matter that they want to have dealt with judicially, they can assign it to the courts- to the supreme court or the country court or the district court, as the case may be. Then that work is taken up by a judge, as a judge, who is regularly appointed, and he will do it as part of his work, earning thereby part of his salary. The honourable gentleman (Hon. Mr. Macdonell) does not touch and does not yet comprehend what we are driving at. What we are driving at is this: to stop outside interference with the courts of the province, or to prevent judges who, instead of attending to their judicial duties, are pulling strings in order to be put on commissions and be paid, not only the judicial salary-

Hon. Mr. MACDONELL: That is not fair.

Hon. W. B. ROSS—but the salary of a commissioner as well.

Hon. Mr. MACDONELL.

Hon. Mr. MACDONELL: That statement, that they are pulling strings to get work, is a slander on the judges.

Hon. W. B. ROSS: Well, slander or no slander, it is a fact.

Hon. Mr. McMEANS: I would like to point out to the committee that in recent cases in the province of Manitoba there were four judges of a court engaged upon a commission. The commission on which they were sitting was inquiring into the building of the parliament building. It is an old scandal and the people know all about it. The commission had to pass upon the character and the acts of certain persons who were afterwards charged with crime. When these parties came on for trial, there was a great deal of difficulty in getting judges who were not interested and who had not sat on the commission to try the case. In one case, where the trial went on for, I think, from four to six weeks, one judge had to take the entire trial, and there was a disagreement of the jury. Consequently there was a new trial, and the same judge had to take the new trial, because all the other judges had sat upon the commission or were interested in some such way that they could not carry on the work of the criminal courts of the province. I think this section is one which, if we had had it a few years ago, would have saved a great deal of trouble.

Hon. Mr. POWER: The honourable gentleman from Toronto (Hon. Mr. Macdonell) perhaps did not always hit the nail on the head; but he made some valuable suggestions. One, I think, was that the selection of a judge who was to sit on a commission should be made by the Board of Judges instead of by the Government of the day. I think there is a great deal to be said in favour of that.

Hon. Mr. BELCOURT: We do not want the judges to sit on commissions at all.

Hon. W. B. ROSS: We are not going to allow them.

Hon. Mr. POWER: Excuse me. If honourable centlemen will turn to clause 5 of this Bill they will find that there are various commissions on which a judge can sit. Clause 5 says :

5. (1) Nothing contained in the last preceding section shall be construed so as-

(a) to affect any payment to a judge of a superior, county or district court if such payment is provided for by the law of any province in connection with the judicial duties of such judge; or

MAY 7, 1918

(b) to prevent any judge from receiving his travelling and living expenses as a member of any board or committee appointed under the provisions of the Conciliation and Labour Act or of The Industrial Disputes' Investigation Act, 1907; or

(c) to prevent any judge from receiving from any provincial authority his travelling and living expenses when acting as a member of a Commission appointed under the law of any province to investigate municipal matters.

So the judges are not prevented from acting as commissioners in various matters. The thing to which I wish to call attention is this. The honourable gentleman from Toronto (Hon. Mr. Macdonell) thought that this measure should have come from the Department of Justice, that it should have been a Government measure. Well, I feel that, if the honourable gentleman had stopped to think, he would have realized that his suggestion was rather malà-propos, because within the last few weeks we have had the Government take probably the most active member of the Supreme Court of Canada and put him on what we may call a fiddling commission in connection with the Military Service Act.

Hon. Mr. MACDONELL: Hear, hear. That is a good point.

Hon. Mr. POWER: That was not sufficient. There is of course a great deal of political feeling involved in that matter. Then there is another matter in which there is a great deal of political feeling, that is, the Canadian Northern inquiry. The Government appointed a gentleman as Chief Justice of the Supreme Court of Nova Scotia, and before he had time to get back, I think to Halifax. he was appointed a member of the commission which is roving over the country to inquire into the question of the Canadian Northern railway. Now, honourable gentlemen, how could you expect a Government who had just done these things to frown on the issuing of commissions to judges or to support a measure to prevent the issuing of commissions to judges?

Hon. Mr. BELCOURT: I want to propose an amendment to section 2. I propose that the words, "except as a member of any board or committee appointed under the provisions of the Conciliation and Labour Act or of the Industrial Disputes Investigation Act, 1907," be struck out. I am prepared to go perhaps further than some honourable gentlemen in this House in this matter, because I hold very strong views. My view is that judges are appointed, not for the purpose of settling industrial disputes, not for the purpose of enabling

provincial governments to relieve themselves of certain responsibilities by throwing them upon judges, but for the purpose of administering justice to the litigants of the province. My honourable friend from Toronto (Hon. Mr. Macdonell) does not make a distinction between the government of the province and the people in the province. It is the people in the province who are entitled to the services of the judges. For them the judges are appointed, and it is in order to perform their duties as judges that they are paid by the Dominion Government: and for my part I propose to see, if I can, that the judges are confined to the performance of their judicial duties. It is for those they are appointed and nothing else, and I do not see why they should be pitchforked into all sorts of businesses, which not only detract from the performance of their judicial duties, but also expose them to a great deal of comment, very serious and disagreeable comment. I do not care how well disposed people may be; I do not care how honest they may be in their criticism: judges who perform duties outside their judicial duties are going to be blamed even when they are right. We all know that when a judge gives his judgment he is damned at least 24 hours by the man who loses. If the judge is blamed in the court of justice, where he is performing duties which he spends his whole life in trying to discharge, how much more is he to be blamed when he goes outside his natural functions as a judge. For my part, if I could convince the House, we would confine the judges exclusively to the performance of their court duties, and with that object I propose to strike out the words which I have read.

Hon. W. B. ROSS: I may say that if I had my own way I would adopt the view of the honourable member from Ottawa (Hon. Mr. Belcourt), for I am at one with him about that. But I belong to a class of persons who prefer half a loaf to no bread, I can see a chance of getting this Bill through by making the exceptions contained in section 2, whereas if they are taken out the section as amended will not carry. It is of course a known fact that labour is a very skittish thing in this country at the present time, and, while I agree that the labour representatives cannot dictate to us at all-and I do not think they are attempting to dictate to us-it has been found very difficult to get men who are suitable for appointment as referees. or third members of conciliation boards.

Hon. Mr. BELCOURT: There are plen: y of lawyers who could do just as well as the judges.

Hon. W. B. ROSS: If you could only get the labour men to think so. The honourable gentleman from Welland (Hon. Mr. Robertson) can tell us something as to how labour regards the appointment of judges as referees or third members of conciliation boards. He referred to that question last year, and it was to meet his view that these words were inserted in this subsection. I myself could wish that it were not so, because the ideal thing would be to have the judge confine himself to his judicial duties as defined by statute.

Hon. G. D. ROBERTSON: Honourable gentlemen, I was under the impression that the honourable gentleman from Middleton (Hon. W. B. Ross) had been converted last session to the idea that it was right and proper and desirable that judges should be permitted to act as chairmen of boards of conciliation under the Industrial Disputes Investigation Act. I endeavoured to point out at that time, and I feel still, that it would be very unfortunate to debar judges from sitting upon those tribunals or commissions. Briefly stated, the feeling of the labour interests throughout the country is that our judges are unbiased and unprejudiced in their views, and are in a position to render a judgment or decision purely upon the evidence submitted, and are entirely removed from influences which perhaps might be brought to bear upon a layman occupying the position . of chairman of a board. Furthermore, the common people of Canada, the every-day workingmen working for their daily wage, have a respect for and a confidence in our judiciary that they probably do not entertain for any other class of persons, and it is quite easy to understand how they arrive at that conclusion. Parliament has declared that, when a dispute arises between an employer of labour and his employees and they are unable to agree, they ought not to adopt the old means of testing their strength the one against the other, bringing about public inconvenience as a result, but both parties ought to be content to have an impartial investigation of the difficulty with a view to bringing about an amicable adjustment of it without inconvenience to anybody. That proposal was at first very seriously objected to; but the longer the Industrial Disputes Investigation Act is in force the greater the favour it

Hon. W. B. ROSS.

receives from, I believe, both the employing classes and the employees. The principle of compulsory investigation must be admitted to be fair and right; but if the services of the class of gentlemen of this country in whom all our people should have absolute confidence are not to be within our reach, then, I fear, the usefulness of the Act itself will be very seriously impaired, and the prevention of judges from acting on commissions will tend very seriously to increase industrial unrest in Canada. For these reasons I was delighted that this House last year saw fit to leave that proviso in section 2, and I hope it will not be removed this time.

Hon. Mr. WATSON: Honourable gentlemen, I am sure we all fully appreciate the importance of having labour satisfied with those tribunals that are appointed for the purpose of settling industrial disputes. I have had a little to do with one or two of those tribunals, and in my judgment men more competent to act as arbitrators in such matters could be secured off the Bench than on the Bench. I think that for the settlement of an industrial dispute the proper man to get is a first-class business man who is familiar with the business which he is adjusting. We know that judges as a rule give their decisions according to precedent, and when a board is appointed in an industrial dispute the first thing the Minister or the Department of Labour does is to send out particulars of all the disputes of similar character that have been settled in Canada. Of course, the great majority of those disputes are settled by these conciliation boards. In my judgment the best interests of the country would be served by each case being dealt with on its merits. The judges do not settle the disputes on their merits; they settle them according to precedent. They think that because a certain case has been settled in Halifax, they can settle one in Manitoba or Saskatchewan along the same lines. I think that a board of good business men should be selected for that purpose. If that were done we should get better results than by appointing judges. For that reason I do not think that we ought to make any exception in this Bill so far as judges are concerned, and I heartily support the contention of the honourable gentleman from Ottawa (Hon. Mr. Belcourt). I think that if we are going to confine the judges to their judicial work we should make no exception in favour of particular boards or of any particular class in the country.

MAY 7, 1918

Hon. Mr. BEIQUE: There may be something in what the honourable member from Portage la Prairie (Hon. Mr. Watson) has said; but we must bear in mind that we have on our statute books a very important Act, the Industrial Disputes Act, and it has worked admirably up to the present time. In the operation of that Act the judges are as a rule called upon to act as referees. Now, I wish the labour organizations would view the situation aas do the honourable member from Portage la Prairie (Hon. Mr. Watson) and the honourable member from Ottawa (Hon. Mr. Belcourt); but we cannot impose our own views upon them, and the danger is that closing the door to the possibility of judges acting as chairmen of boards in such cases might very seriously interfere with the working of that very important Act. For that reason I would not be disposed to support the amendment moved by the honourable gentleman from Ottawa.

Hon. Mr. ROBERTSON: I think that the remarks which I made a few moments ago have been amply justified and proven by those of the honourable gentleman from Portage la Prairie (Hon. Mr. Watson), wherein he has suggested that a commission consisting of business men should pass upon labour disputes. There is the very essence of the whole trouble. Under the Industrial Disputes Investigation Act each party to the dispute may select one representative; and if, as in many cases in times past, they are unable to agree on a third party, each fearing that his side may not be properly represented by the chairman, who is the third member of the board, both parties have been able to agree finally upon a judge to act as chairman, having confidence in his impartiality and neutrality; and in some cases where they have not been able to agree the Minister of Labour has wisely appointed a judge. I have attended, on behalf of employees, probably twenty different cases under the terms of the Act, and in most of them a judge has been chairman of the board; I have also had the opportunity of observing as a member of a board, having served on four or five different boards on which judges were chairmen; and, speaking from that experience, I believe it would be most undesirable and disadvantageous to the future welfare of our industrial position for judges to be debarred from serving as chairmen on those boards.

Hon. Mr. BELCOURT: I must say I am not quite convinced by what my honour-

able friend from De Salaberry has said; but an amendment of this sort would be of little value unless it commanded almost the unanimous support of this House. Evidently my amendment would not receive that unanimous support, and I will not press it.

Hon. Mr. WILLOUGHBY: I am quite in sympathy with section 2. The only question I would raise is whether there is any provision for a judge acting on a commission at the time this Act would go into force.

Hon. Mr. ROSS: I have provided for that under section 5.

Section 2 was agreed to.

On section 3-statement to be filed by judges:

Hon. Mr. POWER: I do not show the utmost tenderness to the judges, but I think the honourable gentleman from Middleton might modify this section. Subclause 2 requires that—

Every such judge shall, in the month of December in each year, file with the Minister of Justice a statement to the effect that he has complied with the terms of this section, or. if not, the manner in which he has departed therefrom.

One can hardly understand how a judge with a keen sense of dignity could bring himself to make a return of that kind. I think these returns should be limited to cases where some question has arisen. I move that in lines 27 and 28 the words "in the month of December in each year" be stricken out and the following substituted: "when required by the Minister of Justice;" so that if any question arises the Minister of Justice can call on the judge to file his statement.

Hon. W. B. ROSS: In my opinion the effect of that amendment would be to destroy the whole utility of section 33, because it is not a very pleasant thing for a member of the Bar to file a complaint with the Attorney General or with the Minister of Justice in regard to the conduct of a judge. If we do not contrive some way of having a report from the judges, it means that the greater part of the violations of duty will be passed over. Members of this House are required to make a statutory declaration with regard to their attendance; at least, I have been, and I have not found it injurious, either to my dignity or in any other way, to make that statement. I am not asking for a statutory declaration from the judges, but simply for a return, so that

the rather unenviable duty of a member of the Bar or a brother judge shall be dispensed with, and by the method outlined in this section we may have a report of the work of the judge for the year without the slightest reflection on his dignity or his honour. In the last month of each year, if the judge has confined himself to his judicial duties, he merely fills in and signs the form in the schedule set out in section 6; if he has gone outside to do some work, he states it. I regard that as one of the most valuable parts of this Bill, the very thing that is going to make it effective.

Hon. Mr. MACDONELL: Surely this section would impose a very severe and drastic penance on a judge before there is any evidence of his guilt. We would presume guilt, and put the judiciary of this country, from ocean to ocean, upon the defensive, by requiring each and every one of them during each and every year to make a declaration, which I suppose should be sworn.

Hon. W. B. ROSS: No, not so.

Hon. Mr. MACDONELL: You might just as well apply the same treatment to members of this House or of the House of Commons.

Hon. Mr. BELCOURT: That is just what we are required to do: we have to file a statement.

Hon. Mr. MACDONELL: No; the declaration made by an honourable member of this House or of the House of Commons simply states that he did attend for a certain number of days. In the House of Commons no record is kept of the attendance of members. and there must be some method of checking them up; but the plan in that House is in favour of a member, because he is allowed to state in his declaration that he has been absent on account of illness for a certain number of days; and, if he has exceeded the time limit of absence apart from illness, and has a proper excuse, he can put that in the declaration; and he receives remuneration for the time during his illness when he was not attending if he lived in Ottawa during that time. Therefore it is an advantage to the member to be allowed to make that declaration. There is no imputation against him because there is no record of attendance kept in the Commons. The declaration required by the judges under this Bill would be laughable if it were not an unpleasant feature and a direct

Hon. W. B. ROSS.

insult to the judiciary, as I take it to be. Surely honourable gentlemen are not going to put a penance measure of a drastic nature upon a man who has not been found guilty—indeed, against whom there is no evidence. It is an unheard-of thing in a British country and I hope the matter will be dropped forthwith.

The amendment of the Hon. Mr. Power was negatived.

Hon. Mr. BEIQUE: The language of this section—" No salary shall be paid to any judge who has failed to file such statement "—implies that if the judge files no statement he will not be entitled to any salary and can never get it. I would therefore move that after the first word " statement" in line 32 the following words should be added: " until the same has been filed."

Hon. W. B. ROSS: I will accept that.

Hon. Mr. WILLOUGHBY: I was just going to suggest that. I think it would be necessary to insert such words.

The amendment was agreed to, and section 3, as amended, was agreed to.

Section 4 was agreed to.

On section 5-exceptions:

Hon. Mr. BEIQUE: I beg to move that there be added to this section the following subsection:

(d) to prevent any judge from being a professor or lecturer in the faculty of law of any university or law school, and receiving the fee provided therefor.

It is known that judges very often act as lecturers in a university. This is very proper, as it adds very much to their qualification as judges and keeps them in better contact with the law and with the practice. I am sure that the honourable member from Middleton will not object to this amendment.

Hon. Mr. McMEANS: Does not the honourable gentleman think that many members of the profession could fill such positions just as well as the judges?

Hon. Mr. BEIQUE: Yes, but I think it is an advantage to the whole community that judges be permitted to lecture. Of course, universities are at liberty to appoint a judge or a lawyer, but I would not approve of closing the door to judges being appointed to give those lectures when there is no reason to object to their doing so. The amendment of Hon. Mr. Béique was agreed to.

Hon. W. B. ROSS: There is a fear on the part of some honourable members that persons who are now acting as commissioners under appointment might be affected by this Act. I do not think they would, but as it is not worth while having any conflict on that matter I propose to move that a new sub-clause be added as follows:

(e) to affect any appointments as commissioners made before the passing of this Act.

The amendment of Hon. W. B. Ross was agreed to.

Hon. Mr. POWER: I would move to add a subsection as follows:

(f) to prevent any judge who at the time of the passing of this Act is acting as executor or trustee of the estate of a deceased person from continuing to so act and being remunerated therefor.

Hon. W. B. ROSS: That is all right. I think he should be allowed to carry out his duties.

Hon. Mr. McMEANS: I do not think that amendment goes far enough. Suppose a man who is a trustee is appointed to the Bench.

The Hon. the CHAIRMAN: It is moved by the honourable member from Halifax (Hon. Mr. Power) that there be added to section 5, paragraph f, which reads:

To prevent any judge from acting as an executor or trustee to a deceased person's estate, and receiving remuneration in such capacity.

Hon. W. B. ROSS: I would like to point out that the words used in section 33 are as follows:

No judge shall engage in any occupation or business other than his judicial duties.

Therefore if he happens to be a trustee or an executor it cannot be said that he is engaging in any occupation or business if he discharges the trust imposed on him. I think it would be better to leave the Bill as it is.

Hon. Mr. BEIQUE: There is this additional reason, that we have had the law in operation as it is, and I think it has been working satisfactorily. As the law has been interpreted, I think it does not prevent a judge from acting as an executor or a trustee provided that his doing so does not interfere with his judicial duties. If we amended section 5 by adding

S-30

this paragraph, it would go, I think, to the very root of the Bill. What we are seeking to do is to have the judges confine their attention as much as possible to their judicial duties; and by this amendment we would be opening a door and expressly sanctioning their acting as trustees and executors, even if it should take half of their time. I think the wording is too wide.

Hon. Mr. POWER: I think the Committee will find it a little difficult to reconcile the views of the honourable gentleman from Middleton (Hon. W. B. Ross) with those of the honourable gentleman from De Salaberry (Hon. Mr. Béique). The objection of the honourable gentleman from Middleton to the amendment is that he does not think it necessary. He thinks that as the law stands a judge may be an executor or trustee. The honourable gentleman from De Salaberry, on the other hand, seems to think that it is just the other way about, and that if we allow a judge to act as an executor or trustee we are opening the door to further extensions. I am not a legal pundit; but, looking at the matter from the point of view of the ordinary wayfaring man, I think that, in order to remove any doubt, it is better to say distinctly that a judge may act as a trustee or executor. What harm does it do to put that in the Bill? Can any honourable gentleman tell me ?

Hon. Mr. MACDONELL: If this Bill passes and becomes an Act to amend the Judges Act, it will certainly override the present law on the subject; and, as the present Act expressly provides that no work other than his judicial duties can be lawfully done by a judge, and that he cannot make any charge for it, it would be held that he could not act as executor or carry out any business or vocation other than what is provided for in this Act. Therefore, if you are going to allow a judge to act as a trustee or executor, you should certainly say so in this Bill.

The amendment of Hon. Mr. Power was negatived on division: years, 3; nays, 16.

Section 5 was agreed to.

Section 6 was agreed to.

The Bill as amended was reported.

PRIVATE BILL.

SECOND READING.

Hon. Mr. MULHOLLAND moved the second reading of Bill I, an Act respecting

REVISED EDITION

The Church and Manse Board of the Presbyterian Church of Canada.

He said: Honourable gentlemen, in moving the second reading of this Bill I may be permitted to say a few words in explanation. The Church and Manse Board was originally incorporated in 1883 for the purpose of purchasing church and manse sites and assisting in the building of churches and manses. The board has found it necessary to give more efficient aid in securing sites and buildings in the larger centres of population for the purposes of the Board of Home Missions and Social Service than the present constitution warrants. In order to give this aid, we are seeking such legislation as will extend the power of the Church and Manse Board to purchase or take conveyance of and hold all property necessary, in their discretion, for the purposes of the said Board, or of the Board of Home Missions and Social Service, and to execute any mortgages thereon for any balance of unpaid purchase money thereof or otherwise as the case may be. They are anxious to do for the Board of Home Missions and Social Service what has already been done for particular congregations and mission fields, especially for its work in the congested down-town sections of our larger cities, where it is frequently necessary to have the property held and financed by this board instead of by local congregations. Hence the request to this honourable Senate for an amendment to the Act of Incorporation.

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

DIVORCE BILLS.

Bill P, an Act for the relief of Ida Sophia Wardell.—Hon. Mr. Nicholls.

Bill R, an Act for the relief of Edward David Hill.—Hon. Mr. Laird.

COMPANIES ACT AMENDMENT BILL. SECOND READING.

Hon. Sir JAMES LOUGHEED moved the second reading of Bill Q, an Act to amend the Companies Act in various particulars.

He said: Honourable gentlemen, section 2 of this Bill refers to associations and corporations without capital. It was intended that such associations having branches in various parts of the country should be incorporated under this section; but a doubt has been expressed as to whether the section which we passed last session would have that effect; and this

Hon. Mr. MULHOLLAND

amendment is for the purpose of removing any doubts which might arise so that the assets and liabilities of each branch may be kept separate and one branch may not be rendered liable for the debts of another. It goes without saying that there are safeguards surrounding this measure. The letters patent issued by the Departement of State can make provision for those safeguards. The department, therefore, would have ample control in guarding the exercise of the powers.

The third section of the Bill arises from the difficulty, in some provincial cases, such as pharmacies, of carrying the powers into operation where it may be necessary. It has been pointed out as an illustration that the provincial legislation of Ontario requires that the manager of a pharmacy store shall be a director of the company, and consequently, if a company should have stores in excess of the maximum number of directors, they could not possibly comply with the legislation of the province. Hence it is considered desirable that power should be given under the Act to appoint directors without fixing a maximum number, so that in such cases the provincial law can be complied with.

Hon. Mr. BOSTOCK: All that is done, then, is to fix a minimum number?

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. BOSTOCK: They can go up to auy number they like?

Hon. Mr. BELCOURT: The present law is that the number of directors shall be not less than three nor more than fifteen. It is in order to do away with the limit of fifteen.

Hon. Sir JAMES LOUGHEED: If that limitation is placed upon a company it cannot comply with the provincial law in such a case as that which I have pointed out.

The last section, section 5, is to remedy certain inaccuracies which have crept into form F, the words "memorandum or articles of association" being left in when they should have been replaced by "supplementary letters patent or by-laws."

Hon. Mr. BELCOURT: Those are the words of the English Act.

Hon. Sir JAMES LOUGHEED: Honourable gentlemen will remember that when we were considering the Act we introduced many sections from the English Act, and we apparently introduced the phraseology of that Act.

MAY 7, 1918

Hon. Mr. BEIQUE: I am afraid that section 2 of the Bill is liable to create some difficulties. It provides for the division, so to speak, of the corporation into as many different corporations as there are branches, and for making each branch alone liable for the debts which may be contracted by that branch, and it makes that branch the owner of the property. I call the attention of the honourable leader of the Government to this. There will be but one corporation, and unless we go further and enable the branch to protect its propertyto take action, for instance, if action is to be taken-the action will have to be taken by the corporation, and the corporation will surely become responsible for the costs anyway. So I think that the Bill should go further so as to provide for a proper operation of the law, if the Bill becomes law. I have not had time to consider the matter fully, but it strikes me very forcibly that the section is not sufficient as it stands.

Hon. Sir JAMES LOUGHEED: My honourable friend will remember that this deals only with the class of associations and corporations without share capital.

Hon. Mr. BEIQUE: Yes.

Hon. Sir JAMES LOUGHEED: When the House goes into Committee I shall be very glad to have any suggestions which my honourable friend may choose to make, and we might consider any proposed amendment along the line which he has just mentioned.

Hon. Mr. POWER: It is my impression that this particular question was considered last session—

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. POWER:—and that this House decided then not to give to the branches the power that this clause proposes to give.

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

INSPECTION AND SALE BILL (HAY AND STRAW INSPECTION).

CONSIDERED IN COMMITTEE AND REPORTED.

On motion of Hon. Sir James Lougheed, the Senate went into Committee on Bill 20, an Act to amend the Inspection and Sale Act (Hay and Straw Inspection). Hon. Mr. McMeans in the Chair.

On section 1, new section 340-hay grades:

Hon. Mr. BOSTOCK: Is the inspection under this Act compulsory, or is it left to $S--30\frac{1}{2}$

the public to avail themselves of it if they wish to do so?

Hon. Sir JAMES LOUGHEED: It is not compulsory. The Bill simply fixes the standards for certain grades of hay, so that in the event of sales taking place contracts may be based upon the particular grade which may be the subject of the transaction; and of course, if there be any litigation to enforce the contract, it will be readily provable what quality the hay is, because there may be then an official inspection in order to decide as between the purchaser and the seller.

Hon. Mr. BOSTOCK: But the contract would have to be made according to the terms of the section?

Hon. Sir JAMES LOUGHEED: Yes. It renders more feasible the sale of hav, because the contract would provide for the sale of a certain grade of hay. Referring to the Bill which we have before us, let us take, for instance, the first paragraph. If a man entered into a contract for "prime timothy," the Act would describe what constitutes prime timothy. The Government has provided in the Inspection and Sale Act the machinery for an inspector to make the proper inspection to determine whether the hay is up to grade or not. The sections which make provision for the grades are substantially, with slight alterations, the law as it is to-day.

Hon. Mr. BOSTOCK: As I understand it, the grades in clause 340B, for hay grown in the provinces of Manitoba, British Columbia, Saskatchewan, Alberta and the Northwest Territories, are entirely new?

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. BOSTOCK: I would point out to my honourable friend that in clause 340 provision is made for No. 1 clover:

No. 1 Clover shall be clover with not more than one-quarter of timothy or other tame grasses mixed, of good colour, sound and well cured.

Hon. Sir JAMES LOUGHEED: Shall we leave that until we come to the question of grades?

The first paragraph of section 1 was agreed to.

Hon. Sir JAMES LOUGHEED: Now we will deal with the proposed new section 340. What is the point which my honourable friend (Hon. Mr. Bostock) was making? Hon. Mr. BOSTOCK: The point I was making is that in clause 340 provision is made for No. 1 Clover, No. 1 Clover Mixed, and No. 2 Clover, but when you turn to clause 340B you will find there is no provision made for Clover at all. There is a grade of "No. 1 Timothy Clover Mixed," and "No. 2 Timothy Clover Mixed," but there is no straight Clover. Did the department when dealing with this matter gather the necessary information?

Hon. Sir JAMES LOUGHEED: Section. 340 refers to the Eastern Provinces; 340B refers to the Western Provinces. This Bill is the outcome of a conference which was held between this Government and the Provincial Governments. This Government, or rather the Department of Trade and Commerce, sent one of its officials to interview all the western Provincial Governments upon the question of grades, and this is the result of a mutual arrangement. As my honourable friend will see, clause 340B provides that "the grades for hay grown in the provinces of Manitoba, British Columbia, Saskatchewan, Alberta, and the Northwest Territories shall be as follows."

Hon. Mr. BOSTOCK: But I should have though it would have been well to have had a grade for clover hay, at any rate in British Columbia, where a great deal of clover is grown. It seems curious that no provision is made for clover hay, but only for timothy and clover mixed.

Hon. Sir JAMES LOUGHEED: , Clause 340, which we are now considering, applies to Ontario, Quebec, Nova Scotia, New Brunswick and Prince Edward Island.

Paragraphs a to g, inclusive, of new section 340 were agreed to.

Hon. Sir JAMES LOUGHEED: It has been pointed out by some of the Maritime Province members that there should be grades for dyke grasses. Consequently I move that after paragraph g, the following paragraph be inserted.

(h) No. 1 Dyke shall be timothy and couch with not more than one-eighth of clover or other tame grasses mixed.

That will be paragraph h of clause 340, and it applies only to the provinces mentioned in that subsection.

The amendment of Hon. Sir James Lougheed was agreed to.

Hon. Sir JAMES LOUGHEED: I move that after the new paragraph h the following be inserted as paragraph i:

Hon. Sir JAMES LOUGHEED.

(i) No. 2 Dyke shall be timothy and couch with not more than one-third of clover or other tame grasses mixed, of fair colour, sound and well cured.

We have in paragraph h described No. 1 dyke; now we are dealing with No. 2 dyke.

The amendment of Hon. Sir James Lougheed was agreed to.

The Hon. the CHAIRMAN: The paragraphs printed h to k will have to be relettered. They will be j, k, l and m.

New paragraph j (formerly h) was agreed to.

Hon. Sir JAMES LOUGHEED: I move that new paragraph k (formerly paragraph i) be amended by inserting after the word "grassy" the word "or," and by striking out after the word "stained" the words "or out of condition."

The amendment of Hon. Sir James Lougheed was agreed to, and paragraph k as amended was agreed to.

The Hon. the CHAIRMAN: The other paragraphs are as printed in the Bill.

Hon. Mr. BOSTOCK: But there is no change in the definitions?

The Hon. the CHAIRMAN: No, except in paragraph k.

Paragraphs 1 and m were agreed to.

New section 340A was agreed to.

On new section 340B—hay grades, western provinces and the Northwest Territories:

Hon. Sir JAMES LOUGHEED: All these grades have been agreed upon between the respective provinces interested and the Department of Trade and Commerce. What was the suggestion made by my honourable friend?

Hon. Mr. BOSTOCK: The suggestion I made was that there was no grade for clover, but I see in reading over this clause that the definition given of "No. 1 Timothy Clover Mixed" in the case of the western provinces is very much the same as the definition for "No. 1 Clover" in the case of the eastern provinces. So I presume it does not matter.

Hon. Sir JAMES LOUGHEED: However, this was all carefully considered, I am informed, between the different provinces, particularly the province of British Columbia, and the Department of Trade and Commerce. I move the adoption of clause 340B, paragraphs a, b, c, d, e, f, g, h, i, and j.

Paragraphs a to j, inclusive, of new section 340B, were agreed to.

On part II of new section 340B-wild grasses:

Hon. Sir JAMES LOUGHEED: These were similarly agreed upon.

Part II of new section 340B was agreed to.

Part III of new section 340B was agreed to.

On new section 340C-grades of straw:

Hon. Mr. BEIQUE: Is that the old Act?

Hon. Mr. BOSTOCK: This is for grades of straw. This is the first time we have attempted to grade straw.

Hon. Sir JAMES LOUGHEED: This is entirely new. There has been no grade hitherto for straw.

Hon. Mr. BEIQUE: But does this clause read properly?

No. 1 Straw shall be bright, clean, well-saved oat straw, suitable for feeding purposes.

Hon. Sir JAMES LOUGHEED: Yes, I am told so.

Hon. Mr. BEIQUE: "Well-saved oat straw?"

Hon. Sir JAMES LOUGHEED: Yes. This has all been agreed upon.

Hon. Mr. BEIQUE: I do not quite understand that.

Hon. Sir JAMES LOUGHEED: The definitions have been considered by experts.

Hon. Mr. BOSTOCK: I think my honourable friend's (Hon. Mr. Béique's) question is: why should the definition be confined to oat straw? Why should not wheat straw, or rye straw, or barley straw, be included?

Hon. Mr. WATSON: Oat straw and wheat straw are not in the same class for feeding purposes. I would say that on the average a ton of oat straw would be worth two tons of wheat straw for cattle feeding.

Hon. Sir JAMES LOUGHEED: I am informed that it is most difficult to get the kind of straw that would grade up to No. 1; consequently it has been graded in this way.

Hon. Mr. BOSTOCK: In defining No. 1 straw, I presume it was considered that any other straw was not suitable for feeding purposes?

Hon. Mr. SMITH: That is the idea.

Hon. Sir JAMES LOUGHEED: No. 1 straw would be equal to hay.

New section 340C was agreed to.

New section 340D was agreed to.

On new section 340E—imported hay and straw; how to ibe graded:

Hon. Mr. BOSTOCK: Does clause 340E make the inspection compulsory:

When hay imported into Canada is inspected, it shall be inspected and graded in accordance with the provisions of this Act.

Hon. Sir JAMES LOUGHEED: It is only when the inspection machinery is put in motion by the parties interested that this shall be done.

New section 340E was agreed to.

Hon. Sir JAMES LOUGHEED: I move that the following clause be inserted as 340F:

Every seller of baled hay or straw in Canada shall affix to every bale of hay or straw sold or offered for sale, a tag having thereon plainly written and legible, his name and business address, and the weight of the bale. Such tag shall be securely fastened to the bale and shall be of not less than one and a half inches in width and three inches in length.

The amendment of Hon. Sir James Lougheed was agreed to.

Hon. Sir JAMES LOUGHEED: I move the adoption of this further amendment:

340G. Any seller of hay or straw who fails to attach a tag to each bale of hay or straw, as prescribed by this Act, shall, on summary conviction, be liable to a fine of five dollars for each such violation.

The amendment was agreed to.

New sections 341 and 342 were agreed to.

The Bill as amended was reported.

PRIVATE BILLS.

FIRST READINGS.

Bill 27, an Act respecting the Toronto, Niagara and Western Railway Company.— Hon. Mr. Bradbury.

Bill 43, an Act to incorporate the Canadian Niagara Bridge Company.—Hon. Mr. Mr. Milne.

Bill 59, an Act to incorporate the Gospel Workers' Church in Canada.—Hon. Mr. McMeans.

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

THE SENATE.

Wednesday, May 8, 1918.

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

Prayers and routine proceedings.

PRIVATE BILLS.

THIRD READINGS.

Bill 46, An Act respecting the United Grain Growers, Limited, formerly the Grain Growers Grain Company, Limited.—Hon. James H. Ross.

Bill I, An Act respecting the Church and Manse Board of the Presbyterian Church in Canada.—Hon. Mr. Mulholland.

Bill E, An Act respecting the Fire Insurance Company of Canada.—Hon. Mr. Foster.

SECOND READINGS.

Bill 58, An Act respecting certain patents of the Dynamic Balancing Machine Company.—Hon. Mr. Edwards.

Bill 43, An Act to incorporate The Canadian Niagara Bridge Company.—Hon. Mr. Milne.

Bill 59, An Act to inconporate the Gospel Workers Church in Canada.—Hon. Mr. McMeans.

DIVORCE BILLS.

SECOND AND THIRD READINGS.

Bill S, An Act for the relief of Francis Newman.—Hon. Mr. Blain.

Bill T, An Act for the relief of Henry E. Saxby.—Hon. Mr. Edwards.

HALIFAX RELIEF COMMISSION BILL.

FIRST READING.

Bill U, An Act respecting the Halifax Relief Commission.—Hon. Sir James Lougheed.

CANADIAN PATRIOTIC FUND BILL.

FIRST READING.

Bill V, An Act to amend the Canadian Patriotic Fund Act, 1914.—Hon. Sir James Lougheed.

Hon. Sir JAMES LOUGHEED.

SUPREME COURT ACT AMENDMENT BILL.

FIRST READING.

Bill W, An Act to amend the Act of the Present Session, intituled, An Act to amend the Supreme Court Act.—Hon. Sir James Lougheed.

JUDGES ACT AMENDMENT BILL. THIRD READING.

Eill C,An Act to amend the Judges Act.-Hon. W. B. Ross.

INSPECTION AND SALE ACT AMEND-MENT BILL (HAY AND STRAW INSPECTION).

THIRD READING.

Bill 20, An Act to amend the Inspection and Sale Act (Hay and Straw Inspection). —Hon. Sir James Lougheed.

COMPANIES ACT AMENDMENT BILL.

CONSIDERED IN COMMITTEE.

On motion of Hon. Sir James Lougheed, the Senate went into Committee on Bill Q, an Act to amend the Companies Act in various particulars. Hon. Mr. Poirier in the Chair.

Section 1 was agreed to.

On section 2-branches:

Hon. Sir JAMES LOUGHEED: I explained this yesterday.

Hon. Mr. BOSTOCK: Is my honourable friend going to say anything more about it?

Hon. Sir JAMES LOUGHEED: I do not know that I can say anything more except that we have already incorporated a number of these clauses into legislation which we have extended to benevolent organizations, and honourable gentlemen will find before them to-day a Bill in which the same principle has been introduced. Under these circumstances, inasmuch as Parliament has already approved of this principle.

- Hon. Mr. BOSTOCK: Does not my honourable friend think that in dealing with this question in this way we are practically establishing these branches as independent corporations in the provinces, and, to a considerable extent, interfering with the rights of the provinces in dealing with these matters? It seems to me that under this clause each branch of the corporation would practically be an entity in itself, with power to hold property and to sue and be MAY 8, 1918

sued, and we may find that the provinces will very strongly object to our infringing upon those rights. It may be all right to do this in a particular case, as we have done in a private Bill; but we are now dealing with the question in general, and I think we are establishing a wrong precedent in handling it in this way.

Hon. Sir JAMES LOUGHEED: As I have said, we have already introduced the principle into other legislation which not only has recently been passed, but has been on the statute book for some time. If Parliament has sanctioned this principle as it now extends to such organizations as benevolent and religious associations, there is no reason why it should not apply to associations and corporations without share capital. The provision is limited to that class of corporation.

As to the objection raised by my honourable friend touching the invasion of provincial rights by this Parliament, I have no apprehension at all. This limitation of liability has nothing to do with the exercise of provincial authority respecting the organization of companies. It is simply a domestic arrangement entered into between the parent company and the branch companies which it may establish. At the most, it would only be the public who would object to any restriction being placed upon the question of liability. That is a matter that can always be regulated by the province under the exercise of its authority in relation to property, civil rights, and contracts. It is quite manifest that, by this process of incorporation of organizations with branches, we could not invade provincial rights or take to ourselves the authority which exclusively belongs to the provinces. Even if we expressly legislated along the lines mentioned by my honourable friend, that would not give us the authority. Under the British North America Act the rights of the provinces are defined, and they could not be exercised by this Parliament no matter in what language we might assert authority. It seems to me that the principle to be considered is not whether we are interfering with provincial rights, but rather the more important principle as to whether it is desirable to establish entities growing out of the parent corporations and being in themselves complete legal entities, and to release the parent corporation, so to speak, from the liability which in other cases would attach to the parent corporation.

'Hon. Mr. NICHOLLS: I should like to ask the honourable leader of the Government whether he can give any explanation as to why this clause has been brought forward. In the absence of some definite information, it looks to me to be a very dangerous clause. There are many commercial and manufacturing companies that have branches in every province.

Hon. Sir JAMES LOUGHEED: It would not apply to them.

Hon. Mr. BELCOURT: It would only apply to charitable, religious, fraternal, benevolent, or sporting corporations.

Hon. Mr. NICHOLLS: That explanation is quite satisfactory.

Hon. Mr. LYNCH-STAUNTON: I have a strong objection to this class of legislation; but, as the leader of the Government says it has been adopted, I will confine myself to a criticism of this amendment.

The proposed amendment is to my mind most vague. It contemplates that branches may make contracts on their own account; but it does not provide that branches shall be liable for any of the debts they incur. It only says that the corporation shall not be liable for the debts which the branches incur. If the branch is part of the corporation, and the corporation is exempt, is not the branch exempt? To my mind it is a hybrid class of legislation in any event, and one which should never have been adopted by this Parliament. I heard it discussed in the Committee last year, when it was con-demned on several occasions. I have never yet heard any good reason for allowing it. If a corporation, religious, charitable, or otherwise, chooses to have branches throughout the country, it can arrange that they shall make contracts only in respect of the local property; and the public should not be put to the trouble of inquiring whether it is the corporation or the branches of the corporation that are liable. A religious society may be known to be a wealthy corporation, and it may have a branch that has no property whatever except perhaps a rented house. That branch might incur a liability, and the ordinary public might think that it could look to the whole corporation for the debt, and yet it would have no security whatever. see no necessity for such a provision and I see a great many objections to it. Certainly if this clause is to pass, it should provide, in clear, unequivocal language, that those branches and the property of those branches should be liable for the debts of the branches. This section says:

The letters patent may provide for the establishment of a branch or branches, and that such branch or branches may own or hold property, and that such property shall not be subject to the liabilities of the corporation.

Hon. Mr. THOMPSON: That is, the parent corporation.

Hon. Mr. LYNCH-STAUNTON: The Bill does not say so. This may be hypercritical; but when a case gets into the law courts the judges do not decide it on what was intended, but on what is said in the legislation: and if the branch is not liable for the debts of the corporation, the judges might come to the conclusion that the branch was not liable for any contract whatever. At all events, the Bill gives the branches no power to do anything more than to hold property. If that is the intention, the Act should so provide. What. follows? A corporation might put all its property into the hands of a branch, and then the creditors of the corporation could whistle for their money. I think this clause leaves the corporation in a very wrong position before the public if it is doing business-I do not mean commercial business, because these corporations do business in the same way as people do in their private capacity. That clause is not drawn with the clarity with which it should be drawn. It should clearly express what is intended. All I make of it is that the branches may own property. Can they buy property? Can they sell property? Can they contract generally? What is the intention of the clause?

Hon. Mr. BEIQUE: Yesterday I took exception to this Bill on the same lines as those just expressed by the honourable member for Hamilton (Hon. Mr. Lynch-Staunton) and I was in hopes that the leader of the Government, upon further consideration of the matter, would be prepared to amend section 2 of the Bill. May I inquire whether he has prepared any amendment?

Hon. Sir JAMES LOUGHEED: No. If the honourable gentleman moves an amendment I shall be very glad to have it considered.

Hon. Mr. BEIQUE: The Bill provides for only one corporation, and there is only one corporation that could be sued or that could sue. The branches might, as was said a moment ago, possess all the property of the corporation and be free from the debts of the corporation. Surely that is not the intention. I have no objection to giving the powers there stated, provided that the branches be designated by a special name so that they may be distinct from the main

Hon. Mr. LYNCH-STAUNTON.

corporation, and that provision may be made whereby they may be liable on such property as is vested in them, and may sue and be sued. It would be necessary for the protection of the branch itself, and for the protection of the creditors, that the by-law providing for the establishment of the branch should be published in the Canada Gazette, and that a copy of it should be deposited with the Secretary of State in order that the public might have the proper information. I am willing to prepare an amendment which would come after subsection 8.

Hon. Sir JAMES LOUGHEED: I am quite willing that the committee should rise and ask leave to sit again.

Progress was reported.

GERMAN TRADE IDENTIFICATION BILL.

SECOND READING.

The Senate resumed from May 1 the adjourned debate on the motion of Hon. Mr. Lynch-Staunton for the second reading of Bill D, an Act for the Identification of Traders in German Goods.

Hon. Brigadier-General MASON: This Bill is very moderate in its requirements. It stipulates merely that any dealer having in his possession German or Austrian goods, provided that he acquires them after the passing of this Bill and brings them into Canada, is bound to announce that fact. The Bill does not apply to any goods now in the possession of a dealer, or that are in Canada at the time of the passing of this Act: hence there does not seem to be any hardship in the Bill unless it is considered a harship to discourage trading with the enemy. The War Measures Act provides that there shall be no dealings with the enemy at the present time. The Bill, as I take it, is intended to come into active operation at the conclusion of the war. What may be done by the Allied powers, and no doubt by neutral powers also, in regard to dealings with the enemy may become a burning question. Different nations are holding views more or less alike on that subject. This Bill is a beginning for Canada, and if adopted will have far-reaching effects. I fancy that no citizen of Canada is desirous of assisting the Germans, or the Central Powers, in any way; so I do not think that after the passage of the Bill there will be any material difference in the attitude of the Canadian people.

MAY 8, 1918

In order that we may understand the object of the Bill, I propose to state a few facts and give some figures showing the character and extent of the German trade.

Hon. Mr. BOSTOCK: Would the honourable gentleman allow me to ask him a question before he goes on? Is he aware that we are importing anything from Germany at the present time?

Hon. Brigadier-General MASON: While importations from Germany ceased at the beginning of the war, some exceptions were made by Order in Council. It appears that some dyes and other goods that were urgently needed by Canadian industries were permitted to come into Canada. There were also some goods in bond, and some in transit in England and in the United States. The entry of those goods was permitted. The amount was insignificant. All the details regarding these entries appeared in the official publications of the departments of Customs and Trade and Commerce.

The subject of this Bill is so important that I ask the permission of the House to quote some figures to show that by trading with Germany we are assisting that nation, or the Central Powers, to strengthen their armies and their navies, and thus endanger other countries. The figures are conclusive, I think, in that regard. Nothing to my mind indicates more clearly the condition of the industries of a country than its consumption of iron and coal. These materials enter so largely into every sort of manufacturing industry that the extent of their use shows clearly the extent of the manufacturing industries of that country. I may assure honourable gentlemen that the figures I propose to give are taken from authentic and thoroughly reliable sources. Now, the production of iron ore, in Germany and Great Britain respectively, is shown by the following comparison:

Production of Iron Ore.

	nany. Britain. ons. Tons.
1880	39,000 18,026,000
1890 11,40	13,781,000
1900 18,90	54,000 14,028,000
1909 25,50	05,000 14,980,000

So we see that during those periods the production in Germany rose from 7,000,000 tons to 25,000,000, while Great Britain's production fell from 18,000,000 to 15,000,000 tons.

The next item to which I will refer is the consumption of coal and lignite. Taking the same periods, the figures are as follows:

Consumption of Coal and Lignite.

			Germany. Tons.	•	Britain. Tons.
880	 	 	57.008,000		129,078,000
890			90,798,000		152,876,000
			149,804,000		179,083,000
907			208,195,000		195,466,000
			206,321,000		198,080,000

Honourable gentlemen will note that in 1880 there was a difference in favour of Great Britain of 71,000,000 tons, but in 1909, Germany consumed 8,000,000 tons more than Great Britain. That shows the trend of trade in the respective countries.

Now we come to consumption of pig iron, the products of which are of course used in almost every kind of manufacturing industry:

	Consumption of Pi	g Iron.
	Germany. Tons.	Great Britain. Tons.
1880	2,713,000	6,176,000
1890	4,940,000	6,825,000
1900	9,106,000	7,705,000
1907	13,016,000	8,273,000
1909	12.308.000	8,501,000

It will be noticed that in 1880 Great Britain consumed 3,400,000 tons more than Germany, but in 1909 Great Britain's consumption was short of Germany's by 4,000,000 tons. That shows very clearly how the trade in Germany was not only overtaking but passing that of Great Britain.

Now we come to another important matter, that of German imports. I might state in explanation that Germany imports largely articles capable of further manufacture for re-export as finished goods. Germany's imports and exports for the year 1910 were as follows:

Total imports into Germany. £476,755,000

Total exports from Germany. 403,985,000 In that year the exports to Great Britain and British Dominions formed over 20 per cent of the above total.

The exports from Germany of German manufactures for the four decades between 1880 and 1910 were as follows :

E	xpo	rts	of	Gern	nan	Manufactures.
1880)					£ 83,500,000
1890)					107,440,000
1900)					149,100,000
1910)					239,800,000
See 1	wo	th	10 '	trade	has	s been growing

Now, as to the export of goods, confining myself to Great Britain and Canada, I have here the German trade with the United Kingdom for the years from 1901 to 1913 :

Germany's	trade with the	United Kingdom.
Img	oorts from	Exports to
Unite	ed Kingdom.	United Kingdom.
1901	£32,245,098	£45,000,000
1902	30,421,568	47,328,441
1903	40,858,000	48,416,700
1904	47,063,142	48,707,288
1905	38,389,623	51,776,800
1906	40,352,422	52,236,906
1907	48,830,000	50,302,000
1908	34,845,000	49,875,000
1909	36,035,000	50,750,000
1910	38,330,000	55,100,000
1911	39,283,683	65,280,739
1912	40,362,767	70,948,152
1913	40,697,030	80,411,057

Totals .£507,000,000 £716,000,000

There is a very slight increase in imports from Great Britain into Germany, but a very decided increase in exports from Germany to the United Kingdom; the former being only £8,000;000, whereas the latter nearly doubled, running from £45,-000,000 in 1901 to over £80,000,000 in 1913. In that period of thirteen years the total imports from Great Britain into Germany amounted to £507,000,000, whereas the exports from Germany to the United Kingdom totalled £716,000,000. In this way the United Kingdom contributed to Germany's revenue and prosperity in those thirteen years the difference between the total exports and imports, amounting to £209,000,-000; and there is no doubt that other Allied countries dealing with Germany also contributed to various extents, and thus helped to place Germany in the strong position which it occupied at the beginning of the war as a military and naval power.

Now, I will give you the official figures from the report of the Department of Trade and Commerce to show the amount of Canada's trade with Germany during the years from 1910 to 1914 inclusive, as follows:

Canada's trade with Germany.

	Imports.	Exports.	Total trade.		
1910	\$ 7,958,264	\$ 2,501,191	\$10,459,455		
1911	10,087,199	2,663,017	12,750,216		
1912	11,146,746	3,814,914	14,961,660		
1913	14,473,833	3,402,394	17,876,227		
1914	14,686,069	4,433,736	19,119,805		

So that we did our share in a small way towards the support of the German manufacturer, and consequently for the support of the German Government and its war policy.

Now, what did Germany do with this money?— It very largely increased the strength of its army and navy. I have a few figures here showing the increase in the strength of its army:

Hon. BRIGADIER-GENERAL MASON.

Strength of the German Army.

		- 4%	Of	all	Ranks
1892-	-Peace	establishment,	about	5	0,000
44	War	44	66	1,50	0,000
1912-	-Peace	44	66	6	56,000
64	War	44	64	3,33	20,000

By the law of 1913, there would be available by 1915, 5,400,000 fully trained men. All the expenses of that fighting force had to be paid for, and we did our share to pay them, which can be well illustrated by the following statement:

Revenue of Germany in 1911, ordinary and extraordinary, £146,239,500; army expenditure, £39,603,070; navy expenditure, £21,694,173; total, £61,297,243, or over 42 per cent of the total revenue.

This naval expenditure was one-half for new construction and does not include expenditure for submarines. This was kept secret. The total naval expenditure for 1901 was £9,530,000. In the ten year period between 1901 and 1911 Germany's annual expenditure on the navy rose over 130 per cent, while Great Britain's in the same period rose less than 50 per cent.

The German method of doing business is calculated to give Germany an advantage over almost any other nation. They have a system of what they call kartels, or syndicates, which means that a number of industries of a similar character in the same locality unite, and are controlled by certain regulations, so that if the demand for their goods should fall off, one or if necessary more than one will drop out, causing a saving in the overhead expense, while others continue to supply their goods. In selling their goods they usually have an agent who acts for all. As part of this system, they have nearly always a bank represented, which facilitates the trade of the syndicate.

Reports of activities in Germany during 1917 show that a-great union of German technical and scientific societies has come about, approved of by Kaiser Wilhelm. The aim of the union is to further the development of scientific and technical aids to warfare by uniting the scientific and military forces of the country for work together. The work is to be carried on by the following technical commissions: 1, commission on chemical raw materials for the production of munitions-producing materials; 2, commission on chemical war materials (powder, explosives, gas, and the like); 3, commission on physics, including ballistics, telephony, telegraphy, determination • of targets and distances, measurements, etc.; 4, commission on engineering and communication; 5, commission on aeronautics;

6, commission for obtaining and preparation of metals.

That is the whole powerful scientific profession is being ransacked to put the ablest men on work connected entirely with warfare. For this war, or the next?

This question of dealing with the Central Powers is becoming a burning one, and is engrossing the attention of all the allied and neutral nations. What they will eventually do nobody knows; but there is a trend of opinion towards placing an embargo on the trade of Germany, or boycotting it. Most of the honourable gentlemen no doubt Saw the announcement in the newspapers the other day as to the action of the British Seamen's Union. The newspaper despatch was as follows:

London, May 2.—(Via Reuter's Ottawa Agency.) —Havelock Wilson, president of the British Seamen's and Firemen's Union, in a statement as regards the sacrifices of the mercantile marine, says that 15,000 British seamen have been murdered by German pirates during the war. Sea murders are growing, despite the decline in the number of ships attacked, because the Hun is more determined than ever that sailors in sunken ships should not live to tell the tale:

British sailors were in deadly earnest in their determination to apply a punitive boycott to Germany after the war. Masters, officers and seamen were in hearty unanimity in their determination not to handle stuff in any way connected with Germany after the war. A year ago the limit of the boycott was for two years. Now, owing to the increase of such crimes, it had been extended to five and one-half years. Mr. Wilson emphasized that the strongest

boycott would be enforced to the uttermost. He said he had proofs that the commercial folk in Germany were the more uneasy on this account because they knew that British sailors possessed a power and influence to make good their threat.

He added that the Seamen's League was growing daily. Already it had a hundred thou-sand members. Candidates for parliament at the next elections who did not espouse the league's policy would have a poor chance. Branches of the league were being organized in every constituency and it would run candidates against those not satisfying its objects.

I have also a circular of the American Guardian society for the protection of Americans and American industries, from which I quote the following:

F. Cunliffe-Owen says:

F. Cunliffe-Owen says: "Of all perils, the one that the Germans dread most is an economic boycott after the war. Great Britain, France, and the other Powers of the Entente have long been com-mitted to the policy of economic boycott of Germany." The Chamber of Commerce of the United

States savs:

"Only through industrial intercourse with the United States can the military party of Germany get the sinews with which to precipitate a second great world war.

"By a vote of 1204 to 154 the organization members of the United States Chamber of Commerce have decided to boycott Germany after a responsible instrument controlled by the German people."

Other utterances are of the same tenor. Then we come down to the question, shall we or shall we not in this country enact legislation which will in some way protect us against German aggression in the future? I think the conclusion which must be arrived at, with the information I have given, is that the best way to accomplish that is to cease our trade with Germany or continue it only on such conditions as will ensure or prevent a repetition of this most disastrous war.

I shall support the Bill with great pleasure.

Hon, WILLIAM ROCHE: We all recognize the amiable disposition of the honourable gentleman who has just spoken, and we recognize also the design and object of the Bill. I want to point out that if the Bill is intended to diminish German trade we may give some support to it; but if its object is to penalize and victimize Canadian citizens, I think it will fail to attain its object, and I would like to call attention to one or two particulars.

It is quite true that a very limited quantity of goods of a peculiar nature, such as cannot be produced elsewhere, will be allowed to come into Canada through the ' Customs. It is quite clear that till the end of the war there will be no large trade in German goods, because the War Measures Act prevents trading with the enemy. and because relations are not favourable for the transaction of business. It would be very difficult to bring in the articles if they were purchased, on account of there being no commercial intercourse between the two countries. Therefore there need be no dread of goods being imported from Germany at the present time on such a large scale as would lead to the support of Germany's armies and navies and the building up of the German power in antagonism to the operations of the Allies. So far as practicable our Government has attended to that.

At the termination of the war peace will be negotiated. The parties to that peace will take care, as has been pointed out already, that the favoured nation clauses are introduced into the terms of the treaty. Therefore this proposed Act will be at once nullified by those arrangements. If the zollverein be accomplished or meditated, and if there is to be no intercourse between the principal trading and commercial nations, the whole code of international law will have to be rewritten; all the terms upon which nations trade and have intercourse will be reversed and we shall be introducing a state of perpetual war. We hope this war will be terminated, and terminated soon, so that the arts of peace may be pursued; but legislation of this character, unfriendly and hostile acts—

Hon. Mr. LYNCH-STAUNTON: To Germany.

Hon. Mr. ROCHE:—continued after the declaration of peace, will lead to hostility of nations and will frustrate the best designs which have been formed in the introduction and codification of international law, promoting to a large extent intercourse among nations.

After the war, when the honourable gentleman who proposed this motion intends that the Bill shall apply, goods can be brought in through the customs. If any goods are imported, they will be put on the shelves of dealers. Just consider the effect of that. Suppose a dealer in hardware has a very large stock of British goods. He may have some of Boker's cutlery or some other iron goods - anything in his line. He may have goods which are partly the production of Germany and partly the production of Englandgoods that are made in England, sent to Germany for some process, then brought back to England and shipped from England. That man would be required to put up over his main entrance a notification intended to boycott and destroy his business. He may not know of what country these goods are the product; he may not know that Germany has had any part in their production; he knows that they have been shipped to him from Great Britain and he may think they are British goods. Although that man may have posted up in conspicuous letters over his shop or place of business a notice of his being a German trader, if a similar notice is not printed on every letter of his, is not on every bag that he sends out, is not on all his stationery and everything of that kind, he is liable to a fine of \$590 or imprisonment for six months, or to both. So a trader may be imprisoned by some Dogberry of a magistrate-unfortunately we have such in this country-and the magistrate may think he is doing God's or the King's work by imposing on the man, who may be comparatively innocent in the mat-

Hon. Mr. ROCHE.

ter, a fine of \$500, or by incarcerating him in jail for six months.

Now, take our manufactures of sugar. We know that the supply of cane sugar throughout the world is short, and it will be probably a year more before a supply can be maintained in Canada. The manufacturer or refiner of sugar must go all through the process required by this Bill, and every grocer throughout the country must have the notice printed on his correspondance, must have the sign posted up above his door, must have it on every bag of sugar that he puts out; because not only will the raw sugar, produced in Germany, be necessary to mix with the cane sugar, but the manufacturer who mixes it must post himself up as a German trader, and every customer of his, every grocer throughout the land, must take care to announce himself as a German trader, must take care that the notice is printed on his stationery and is on every bag. Otherwise he may be brought before the court, fined and imprisoned and have his whole trade interrupted. The object of this is to dissuade Canadians from dealing with Germany.

Another article which was alluded to is hosiery. There are many other articles, but I will deal with only this one. The Germans have peculiar processes of dyeing.

Some Hon. SENATORS: Yes, they have.

Hon. Mr. ROCHE: Yes, dyeing; they dye well. They have a peculiar process of dyeing stockings or hosiery, drugs and other articles. No other nation possesses it. The British manufacturer of stockings sends to Germany for a particular dye. Some British concerns have arrangements with the German manufacturers of dyes. Notwithstanding the antipathy in the United States to the importation of foreign goods, the unwillingness of the people to receive German goods and the high tariff which is put upon them, the Germans have been able to capture the entire trade in hosiery in the United Stated.

Hon. Mr. SMITH: They didn't know they were German.

Hon. Mr. ROCHE: Now, the object of this Bill is to stop that.

Hon. Mr. SHARPE: We want to stop that.

Hon. Mr. ROCHE: But the effect will be to make a dealer in German goods a millionaire. The women are going to be the ruling factor in this country. They have the larger number of votes. Hon. Mr. LYNCH-STAUNTON: The Germans will not gain much from them.

Hon. Mr. ROCHE: They are going to control the legislatures; they are going to control the town councils; they are going to manage the boards of trade. Very well. These German goods will have to be sold at lower prices than British or American goods.

Hon. Mr. SHARPE: Why?

Hon. Mr. ROCHE: Because the Germans know that in order to get them in they will have to sell them cheaper. In any town, for instance in my honourable friend's town, if there is a store where the women know that their stockings or any other articles can be got cheaper than elsewhere, all the women will flock to that store.

Hon. Mr. NICHOLLS: I doubt it.

Hon. Mr. ROCHE: And if there is the faintest suspicion that goods have been smuggled in, every woman in the community is captured.

So far, then, I think that the object of this Bill will not be attained in diminishing the consumption of German goods.

Hon. Mr. LYNCH-STAUNTON: Then why does the honourable gentleman object to it?

Hon. Mr. ROCHE: Now, let us look on the other side. Before the war a considerable trade was being built up between Canada and Germany. Germany was taking our flour, our wheat, our bacon, our cheese, and other articles that we had to export. The trade was increasing. We were taking in exchange what we absolutely required : raw sugar, some articles of wear, and other articles of that kind-I am not going into details. Are we going to cut off our export trade to Germany? If the consumptive power of Europe is reduced, if this zollverein, or trade combination, or national combination, is introduced and enforced, with whom are we going to trade? After this war we shall enter upon a period of severe commercial and navigating competition. The great nations are getting ready for it. England is getting ready for it, Germany is getting ready for it, and, above all, the United States is preparing. And the United States will be the great factor in trade and commerce. She has all the money now. She is building the ships. She has iron and coal and all those commodities within her boundaries. Having the money, she will be the financial centre of the world. The people of the United States are preparing to send their commodities overseas in their own ships.

They allowed the British to carry their goods before, because the British could do so cheaper than the Americans could; but now, with the increased cost of labour and of seamen's wages and the higher prices of everything in England, the United States rules the world.

Where are we going to find a market for our products? Tell us the nations. The Scandinavian nations, Norway and Sweden? They will trade with the United States. They have their line of communication now. Italy? Italy cannot take our goods. What other countries have we? Germany is the main, and will be the main, market for Canada.

Hon. Mr. SHARPE: Never.

Hon. Mr. ROCHE: Why? Because she wants our articles. Great Britain will make a treaty with Germany for a free exchange.

Hon. Mr. LYNCH-STAUNTON: She wants our articles for nothing.

Hon. Mr. ROCHE: And we must have some opportunity of vending our products and increasing our trade, in the severe competition which is coming on.

England is indebted to the United States. Formerly the United States were indebted to England. Britain must send to the United States large quantities of manufactured good's. Britain manufactures, in proportion to her population, far more goods than any other country. Therefore she must seek markets for her goods. No longer can England hold out to us the hope, nor may we expect, that we shall receive preferential treatment in articles of food and in raw products which we send over to her. We can no longer look or hope for that preference. What nation will enjoy it? The United States. They are on friendly terms with Great Britain. Great Britain cannot afford, in view of sending her products to the United States, to offend, or to place at a disadvantage, the people of the United States. Therefore we can have no hope in that direction. Now, then, point out to me the countries to which you are going to send your good's? We hope to have a production far in excess of the consumption of our present or our future population. We must be a great producing nation. Where shall we send our lumber? The Norwegians have come down to the east coast of England and captured that market. The Norwegians can make four trips to France to our one. The Norwegians can capture all that trade that we have enjoyed, because our freights hereafter will be very high. Where shall we send our wheat, the excess of our production? Where shall we send our flour?

Where shall we send our bacon? Where shall we send our cheese? For all these products we must have nations that will consume them, and we must be prepared to take goods from them in return. Therefore I say that non-intercourse legislation, looking to a remote period when it will come into operation, when it will likely be of a damaging character, is not in harmony with the spirit of the age and will react upon the nation that adopts that class of restrictive legislation.

Hon. PASCAL POIRIER: Honourable gentlemen, I am sorry-possibly I had better say I am not sorry-that I differ with my honourable friend from Halifax (Hon. Mr. Roche) on this question of our relations with Germany after the war. The honourable gentleman asks whether this Bill means the penalizing of our Canadian traders or the restriction of German trade with us. I believe neither is intended. The Bill simply aims to protect us Germany may, after from Germany. the war is over, ask for our goods. We may be able to export to Ger-But we know that Germany many. before the war expected, and now expects, more than our goods: Germany expects Canada itself. One of Germany's objects in going to war with England, with France, with the world, was primarily, it is pretty well known now, to get possession of the colonies of England, and foremost among those colonies which Germany desired to possess, as we now have the proof, was Canada. Now, is it strange or unatural that we should protect that dear Canada of ours against German aggression after the war as we are protecting it now by sending our best, our noblest, our most generous, to shed their blood in defence of Canada and of the Empire? Relations with Germany, we now know, are dangerous. It is not only a question of the commercial relations to which, reference has been made; but unfortunately for that heretofore great nation which we have all admired, before whose genius the world has bowed, the Germans have proved themselves to be a nation of spies. We know that along with their commercial aggression there is the idea of getting information concerning the peoples with whom they are trading, in order that they may eventually do what they are trying to do now, and what, with the help of the good God, they will not do -dominate the world.

It is our duty, honourable gentlemen, to take with respect to Germany measures that may be, that are, drastic, but that are Hon. Mr. ROCHE.

necessary for our self-preservation. It is not by our will that we are at war. The world did not want war. Who wanted it? Germany. Who prepared it? Germany. There was no need for Germany to go to war.

The figures given by my honourable friend the Brigadier-General (Hon. Mr. Mason) showed conclusively-and in passing let me thank him for the very significant and alarming figures that he has given us-showed conclusively that Germany was on the eve of assuming a hegemony over the world, not only by her army, but also by the tremendous increase of her trade. In Canada, a young country, where we have raw materials to export, we were buying from Germany four times as much as we were selling to her. Germany was encroaching upon England, the greatest commercial country in the world, and was gaining upon her. Before the war the port of Hamburg had-I have not the figures, but I believe-more tonnage, more exports and imports, than London itself. London was up to that time the foremost exporting and importing city in the world.

Now, honourable gentlemen, we have to take steps to protect ourselves. What the honourable member from Halifax (Hon. Mr. Roche) dreads, that the legislation we are passing may be of no avail, I do not dread in the same way as he does. We are an autonomous colony. We have been allowed the privilege of making our own customs laws. Who will take that privilege from us? If such legislation is passed, when the Peace congress gathers, it may help England, France, the United States, the world, to take an attitude which they might not take if there were not some precedent for it. I grant that the Bill is drastic. I will go one step further, and say that, in view of the fact that goods are now in transit, in England, in the United States, subsection 3 should be amended. That subsection says:

The provisions of this section shall not apply to dealings in any such goods, wares or merchandise as are in Canada at the date of the passing of this Act.

There should be the further exception that the provisions of the Bill will not apply to goods that were shipped with the leave of the Government before or during the war. The people dealing with those goods should be protected, and it will be easy to protect them by amending subsection 3.

Although drastic, although exceptional, although extraordinary, I for one, though

MAY 8, 1918

reluctantly, will support—I do not say in its entirety—legislation of the nature propounded in this Bill. I do so, not for the purpose of penalizing Canadian tradesmen; not to restrict German trade, which will extend itself; but for the purpose of protecting Canada; so that we may not deliberately put ourselves in a position of which Germany has taken advantage in later years, and so that we may not be for Germany a sort of vantage ground through which they, knowing exactly the condition of Canada and of the Empire, may try another assault for the conquering of the civilized world.

Hon. FREDERIC NICHOLLS: I desire very briefly to point out the inconsistency of the honourable gentleman from Halifax (Hon. Mr. Roche). In the first place, this Bill does not prohibit the importation of German goods; it simply provides that any person exposing German goods for sale shall notify the public that he is a dealer in German goods.

Hon. Mr. ROCHE: Will my honourable friend permit me? The honourable gentleman who supported the Bill the other day denounced what the honourable gentleman from Toronto announces now.

Hon. Mr. NICHOLLS: I am dealing entirely with the Bill as I read it, which, after all, is all that we have to consider. The honourable gentleman was afraid that if this Bill went into effect it would depreciate very largely our trade with Germany, and that Canada would suffer. In the very next sentence he adduced the argument that the men who dealt in German goods and had the sign, "Dealer in German goods." over their doors would become millionaires; that every one, the women particularly, would rush to those stores to the disadvantage of other stores; and that therefore, instead of diminishing or destroying our trade with Germany, this measure would build up German trade to a greater extent than was ever anticipated.

Secondly, I want to point out that this is not a new policy. Every incorporated company is obligated to have the word "limited" printed in such a way as to show that it is limited in liability; patent medicines must have the formulæ printed on the bottles; oleomargarine must be labelled as such; and no druggist can sell poison without having the word "Poison" on the label—and I want to say to the honourable gentleman that, on this, the third anniversary of the sinking of the Lusitania many Canadians would almost as soon drink

a dose of poison from a bottle without a label as trade in German goods unknowingly.

The only object I had in rising was to draw attention to the striking inconsistency of the honourable gentleman's argument.

Hon. F. L. BEIQUE: Honourable gentlemen, if only the interest of trade in this country were to be considered, there might be a difference of opinion as to the advisability of enacting laws of this kind; but for my part, and I am sure that I am in accord with every Canadian in that, after the atrocities which have been committed by Germany, I have felt almost from the outset of the war that Germany had placed itself outside of the pale of civilization, and I have been hoping that the Allies would take the means of protecting themselves against a nation of that kind until that nation had given some sign of repentance. I cannot but think that the best way to accomplish that would be by legislation of this nature, legislation which would prevent all commercial intercourse between the Allied nations and Germany until there has been some reparation, or until the minds of the German people have been changed. Therefore, as far as I am concerned, I am in accord with the principle of such legislation.

It seems to me, however, that it is premature for us to pass a Bill of this kind. I think this is a question on which we should be guided by such countries as England, the United States, and France. We are not the country which will be preparing and planning the conditions of peace, and it is quite possible that the conditions of peace may involve the repealing of laws of this kind, and I do not think that we should expose ourselves to the possibility of such humiliation. If laws of this kind are to be enacted the advisability of repealing them should not be subject to the dictation of the mother country. Therefore I think it is premature. If this consideration is not to be acted

If this consideration is not to be acted upon, and if this honourable House decides that it is advisable to enact legislation of this kind, I think it should be considerably amended. Surely you are not going to expose a merchant to the possibility of being arrested and prosecuted, and put upon him the responsibility of showing that he has taken the necessary precautions to ascertain whether the goods he is selling are, in part, of German origin.

Hon. Mr. NICHOLLS: Is not that one of the details to be dealt with the Committee to which the Bill will be referred?

Hon. Mr. BEIQUE: It may or it may not be; but I was attempting to show that in my opinion the Bill goes altogether too far. I understand that there is in England an Act that provides that goods manufactured in Germany shall be advertised and marked as such. I could understand legislation of that kind. I call attention to section 508E, which says:

Every person who deals in goods, wares or merchandise which are, in whole or in part, the growth, product or manufacture of Germany or Austria, shall keep posted in letters easily legible over every outside entrance to his premises the words "Dealer in German Goods."

Whatever part of an article, may come from Germany or Austria, the dealer would be liable to prosecution. The other provisions also, I think, go too far. I think the Bill is premature.

Hon. N. A. BELCOURT: If the honourable gentleman from Hamilton (Hon. Mr. Lynch-Staunton) will change the provision of his Bill which puts the onus of proof of innocence on the dealer, I will support his Bill. It would not have occurred to me that during the present war with Germany, when our business, and our sole business, is the killing of Germans, we would want to buy or sell German goods. I should have thought that every one in ·this country would long ago have made up his mind that ne would not have anything to do with German goods. If there are people dealing in German goods, the sooner we know it the better I think it will be for the country. Speaking for the people whom I more particularly represent, I am quite sure that-whatever may have been their feelings with regard to certain questions, such as conscription-they would have no truck nor trade of any kind with Germany. I feel strongly about this matter; but if my honourable friend will alter the provision which puts the onus of proof on the dealer, and shift it to the person making the accusation, I will support the Bill.

Hon. Mr. LYNCH-STAUNTON: I will be glad to do that when the Bill gets to the Committee.

Hon. W. C. EDWARDS: I take it that the object of the honourable gentleman is to restrict trade with Germany. There is no one here who loves Germany; but we have a good deal of regard for our people and do not wish to injure them. All this talk to-day of the restriction of trade is one of the greatest mistakes that could be made. My honourable friend laughs, but I am a thoroughbred: I am not a free trader to-day and a protectionist to-morrow;

Hon. Mr. NICHOLLS.

I am a free trader under all circumstances. A great mistake was made by the Allies at the Paris conference, which took place two vears ago. The proceedings there were in effect a premium to promote the continuance of this war, which was not the act of statesmen, but a serious mistake and the act of very small men. There is no penalty that I am not in favour of imposing on Germany when this war is won by the Allies, as I sincerely hope it soon may be. I would keep that country working for the next fifty or perhaps one hundred years to pay the indemnity; but I would not take from my own people the means of enabling Germany to pay this indemnity. What is trade? It is an interchange, of commodities between countries. Do you suppose that it would be beneficial for the other countries not to trade with Germany? On the contrary, it would be detrimental. I hope that England will impose heavy penalties and heavy indemnities on Germany, but that she will not make the fatal mistake of placing restrictions on German trade after the war is over. I am not in favour of supporting any measure which has that effect. I repeat that, if I am living, I shall be glad to see penalties imposed which will keep the Germans working for the next fifty or one hundred years; but I will not bite off my nose to spite my face, nor will I ask any other person to do so.

Hon. L. G. POWER: Honourable gentlemen, the House may feel that they have heard enough on this subject, but I think it only right to say that I do not agree with my honourable colleague from Halifax (Hon. Mr. Roche) in the views which he has expressed on this question, and I shall endeavour in a comparatively feeble way to give my reasons for differing from him.

It is laid down to us as Christians that if one is smitten on one cheek he is to turn the other cheek. That is a very commendable spirit when applied to individuals in the same community; but I do not think it has ever been held by any church, or even by any philanthropist, that the same rule applies in the case of nations. If one nation attacks another and wrongs it, the second nation is not obliged by any law that I know of to put up with that treatment and to make no attempt to reply in kind.

Something has been said about the German Government. Two or three years ago the opinion appeared to be very prevalent that while the governing classes in Germany, the Junkers, were filled with hostile MAY 8, 1918

feelings to the Allies, and with ambitious schemes for extending German domination over the world, the great masses of the population did not feel that way at all. But one of the remarkable features in connection with this war is that, although the people of Germany and Austria have suffered very keenly from its continuance, they appear to-day to be more resolute and more unanimous in supporting the war à outrance than they were three or four years ago. Consequently I think we need not bother our heads about the sufferings of the people in Germany: they had better look out for themselves.

As to the honourable gentleman from Rideau (Hon. Mr. Edwards), he is a free trader out-and-out. I am a free trader, but perhaps not quite as out-and-out as that honourable gentleman. Let us look at the position. We shall suppose the war ends in a year or so. In England they have been making preparations for what they shall do when the war is over; in the United States they are also making preparations. As I understand, they propose to penalize Germany, and prevent that country from reaping any commercial advantages from the peace. What is the position as to Germany? Although, in a way, Germany did anticipate the war, still there were a great many people in that country, business men among them, who were taken rather by surprise by the declaration of war; and I am of opinion that you will to-day find German workshops and manufactories containing large stocks of goods which were on hand for export at the beginning of the war. If the war ends to-morrow, those goods will be poured forth upon the world in very considerable quantities, and in that way I think Germany would gain a very decided advantage. From what we read in the papers, the Germans are calculating on the end of the war, and are getting ready to take such steps as will enable them when it is over to regain largely, if not wholly, the trade which they have lost. I think that Canada can learn from the enemy, according to the old Latin maxim, and that if Germany and the United States and England are getting ready, Canada should do so too; and I believe that the measure which the honourable gentleman from Hamilton has introduced is a very important step in the way of getting ready.

My own colleague from Halifax (Hon. Mr. Roche) made some reference to the lack of dyes on the part of the Allies. While it is true that when the war broke out there were a number of dyes of which Gurmany had established a complete monopoly, every honourable gentleman knows that since that time the United States and England have succeeded in discovering the method of manufacturing those dyes, and are now making them in quantities sufficient to meet the urgent demands of business. That process will go on and develop and I think that if we were to allow Germany forthwith to send her dyes into the markets of the world, it would simply tend to defeat and render useless the efforts and discoveries that have been made in England and the United States.

Then my honourable colleague wanted to know where the flour and grain and bacon of Canada would go to if not to Germany. Well, our grain, flour and bacon, particularly bacon, at the present time find a market in England, and I suppose the British market will not be closed to us by the ending of the war. The United States would probably not produce any more, relatively to Canada, than they do at present, and it seems to me that we could find a market for all that we raise.

The honourable gentleman from De Salaberry (Hon. Mr. Béique) thought that any action by this House would be premature, as the treaty of peace would override the Act. Well, we shall see. We do not know what the treaty will be, and if it does override the Act we cannot help it; there we are. If the treaty does not override the Act, we are still in the proper place. I think that to wait until peace has been made, and the terms of peace have been agreed upon, and the bitter feeling towards Germany has to some extent passed away, would be a mistake; it would be more difficult in the future to get legislation which is desirable to prevent commercial intercourse between this country and Germany, and so punish that country. It seems to me that now is the time.

Hon. JOHN W. DANIEL: I think the honourable member from Halifax (Hon. Mr. Power), who has just sat down, has touched the vital point in this matter. The honourable member from Rideau (Hon. Mr. Edwards) stated that if we passed this legislation we should, in a sense, be cutting off our nose to spite our face. As a matter of fact that would not be so. If conditions should be the same after the war as before, it would probably be so, for before the war Germany had a practical monopoly in certain processes of manufacture which the rest of the world could not use-for instance, in chemicals and dyes. There were other things like

S-31

REVISED EDITION

optical glasses, fine instruments such as microscopes, and articles of that kind, on which Germany had a very considerable monopoly; but that condition has now entirely disappeared, both in the United States and England. During the last winter I had the pleasure of hearing a very instructive address by the Hon. Mr. Redfield, a member of the cabinet of President Wilson, on that very subject. He had with him a large number of articles which the United States has now succeeded in making in commercial quantities, but which were formerly practically monopolized by the Empire of Germany. He passed among his audience those various articles, and I distinctly remember that one of them was an optical glass, a piece of glass over an inch in thickness that was as perfect to see through as any piece of glass is was possible to make. So I think that when we consider trade with Germany after the war, the argument that we are going to injure ourselves by boycotting German goods has now no strength or force whatever. Therefore, I feel very much like supporting this Bill

I think that the honourable member from Rideau (Hon. Mr. Edwards) was very illogical when, after saying that it would be desirable, if we are fortunate enough to be in a position to do so, to force a very large contribution from Germany, in order that that country may explate her crimes as far as possible in a financial way, and pay large moneys for the trouble she has caused, he added that he thought we ought to help her to pay the bill. That is where the honourable senator is not logical.

Hon. Mr. EDWARDS: What I want is, not to put Germany in the position of being unable to pay the bill; that is very different.

Hon. Mr. DANIEL: No, I think the honourable gentleman wanted us to help her pay the bill.

Hon. Mr. EDWARDS: Oh, no.

Hon. Mr. DANIEL: In that way I think he was very illogical. I think that the point made by the honourable member from Halifax was a very important one, and quite does away with the objection which the remarks of the honourable gentleman from Rideau had made previously.

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

Hon. Mr. DANIEL.

SHIPBUILDING IN CANADA.

DEBATE CONTINUED.

The Senate resumed from April 12 consideration of the question brought up by Hon. Mr. McLennan:

That he will call the attention of the Senate to the encouragement of a permanent shipbuilding industry in Canada, and inquire of the Government if they will make investigation of the effects of governmental aid to shipping in other countries, before settling on such a policy.

Hon. A. B. CROSBY: The mover of a motion to adjourn a debate in this House is somewhat in the position of the man in the story, who, intending to commit suicide, thought the best way of doing so was to get on the railway track and let the train run over him. He finally selected one of the railways in Canada, I will not mention which one, and prepared himself for death; but he starved before the train got up to him. This debate was adjourned on my motion on the 2th day of April until the following Tuesday. I could have had an opportunity of taking it up on the next Friday, but I asked that it be adjourned again, not because I thought that in the meantime I could prepare to deal more adequately with this important subject, but because I thought it better to wait until the gentlemen who had left for their homes on Friday should return to their duties, so that they would have to suffer with the others in listening to me.

I must say that the honourable senator who introduced this subject presented a very excellent case, and gave us a great deal of information on chipping. From reading the resolution, however, one can hardly tell what he intended, and when he ended his speech I came to the conclusion that he was trying to get a drydock built. If that was his intention, I am with him. The shipbuilding is a great industry. Not long ago we were told by the Premier of Canada that every ship contributed a direct effort in an effective way towards the winning of this war. If that be so, no apology is necessary for discussing the shipbuilding industry in this House. The Government of this country, it seems to me, have done all that could possibly be done in the way of establishing and assisting that industry, to bring ships into existence to assist us in this great calamity. We have first the Imperial Government sending out a commission and giving everybody in this Dominion an opportunity to construct ships on a rather easy plan, the best plan they could possibly establish. They say: "Build us a ship; we will help you to build her, and when she is built we will pay you just what you ask for her." That is practically the situation in this country, and no man could take exception to it.

But if the present Government were to undertake to inaugurate a permanent policy for ship construction in this country many men would take exception to such a step. This is not the time for adopting permanent policies, though it is the time for building ships; and I think the Canadian Government are to be congratulated on their position in this matter. What have they done? They have said: "We are going to build ships just as soon as the Imperial Commission has been withdrawn; we will take over the shipyards that are established in Canada, and we will build the ships." No further policy is required, but this country is going to furnish the money and is going to build the ships. It is essential that that should be done. If the Government had adopted any other line of policy there would be an opportunity for opposition; but there is no possibility of opposition to what they have proposed. Every one knows that the first and essential battle of this war was won, and that was the battle for the freedom of the seas. We put Germany off the high seas, and even if she were to cover every inch of France to-morrow she would still be beaten by our Allies. There is not the slightest doubt or question about that. Then I say, honourable gentlemen, that if by virtue of the fact that she had the navy she was able to win that victory, of what use would it be if we had not a mercantile marine which was capable of doing the work which has to be done? How could we have got our men to Europe? How could we have shipped food to Europe? How could we have car-ried on this war? I say, honourable gentlemen, that while giving all due credit to the navy, we must also give credit to our Empire for having established, what is an essential part of our system of defence, a mercantile marine which is the greatest in the world, and equal, or almost equal, to the mercantile marines of all other nations together. If it were not for our position in that respect we would not be where we are to-day.

I desire to place some figures before this honourable House. I often feel when I am listening to figures that are being read from trade returns that they are very dry especially when we hear them repeatedly but we do not often hear figures of the kind $S-31\frac{1}{2}$

that I intend to read to-day. It is regrettable that the attendance this afternoon on the other side of the House is such as would lead one to believe that Friday had come around again, whereas it is only Wednesday. There are very few members present. Nobody seems to care very much about the things we are now discussing. Still they are very important. It seems we have members who come here only once in a while, when they have something to lay before the House. I desire to put before honourable gentlemen some information which I think is necessary and will be of advantage. I dare say that many honourable gentlemen here know as much about the matter as I do, but apparently nobody has attempted to give this information upon the question to the House.

After the speech made by my honourable friend (Hon. Mr. Roche) this afternoon, I intended to make an apology on rising to speak, in case it should happen that I showed signs of weakness from the effect of the German air that has pervaded the House: but now I feel quite strong and hearty, and I think that, as the atmosphere of the building is clear again, I shall not be stifled, but shall probably be able to proceed.

Hon. GEORGE TAYLOR: The speech came from Halifax.

Hon. Mr. CROSBY: My honourable friend says it comes from Halifax. Well, Halifax is one of those places where you can find both the good and the bad, but, I am glad to say, more of the good than of the bad. I always say that about my own country, Ireland. The best in the world comes from Ireland, and sometimes, I am compelled to say, also the worst; but I do say that the great majority are of the best.

I desire to present some statistics with reference to the tonnage held by Great Britain and under the British flag, in order to show how Great Britain compares with Germany, of which we hear so much. Under the British flag we have eight very large ships, the Adriatic, the Aquitania, the Baltic, the Britannic, the Cedric, the Celtic, the Mauritania and the Olympic. These are ships ranging close to 50,000 tons. The Britannic is the largest and the Olympicnext; they are of practically the same size. One is a vessel of over 47,000 tons and the other of about 46,000 tons. The Germans have two ships that are larger than either of these, namely, the Vaterland and the The Bismarck is 56,000 tons. Bismarck. They have the Amerika, of 22,622 tons. They have seven large ships.

423 .

SENATE

I may explain that while we really have the greater tonnage, the Germans have tried to deceive the world in respect to their tonnage, as in everything else, and have succeeded to some extent. You will find that while the Bismarck is the longest ship in the world and the Vaterland is the next longest one, measuring 912 feet and the other 909 feet, yet they are not the largest ships. The Olympic is a larger ship. Although her tonnage is not as great, her depth and length and beam, taken together, are of very much larger measurements than those of the German vessels. However, the Germans have always made more or less display in order to impress the world.

In the next class of ships, those between 22,000 and 15,000 tons, the Germans have very few. We have 17 ships in that class, and the Germans have but 14. I am giving these figures to the House because I think they are worthy of being placed on Hansard. Of ships between 15,000 and 10,000 tons the British have 121 as compared with the Germans 14. Those are very large ships, you will observe. Of ships between 10,000 and 7,000 tons we have 292 and the Germans have 71. Coming to the ships of normal size, I will quote a few figures so as to give you an idea of the relative strength. We have 944 ships of 5,000 to 4,000 tons, and in that class the Germans have 151 ships. We have 1,131 ships of 4,000 to 3,000 tons, while they have 122. Of ships of 3,000 tons to 800 tons we have 2,650, while the Germans have 557. Of 7,000 tons to 5,000 tons we have 601 and the Germans 159.

Without taking up the time of the House further on this point, I may say that the United States is ahead of Germany in shipping. Germany comes, I think, next to the United States. I might give particulars regarding United States vessels, but I will not take time for that. My purpose in giving these figures is to show that if it were not for our superiority in mercantile shipping we could not succeed in winning this war, notwithstanding the fact that our navy was able to sweep from the seas every obstacle that stood in our way and every nation which had any intention of being against us. Not only would it have been practically impossible for us without or mercantile shipping to provide the necessary transportation, but I am quite sure that this very question of the naval supremacy of Great Britain was the greatest factor in bringing the United States into this war. The Monroe doctrine had been preached in the United States for many years, and it is plainly and definitely in the minds of the people Hon. Mr. CROSBY.

of the United States to-day; but it would have been of very little use to talk about the Monroe doctrine if the Germans had been able to come over from Europe to America. The Germans would not have paid much attention to the Monroe doctrine, and the United States had come to that. conclusion.

Let me say a few words with regard to the maritime nations which were mentioned in this House the other day-Holland, Denmark, Norway and Sweden. There was talk of those nations going to war. Well, you may rest assured that if Holland or Denmark or Norway or Sweden go to war, there is only one side for them to take and that is the side of the Allies. For any of them to do otherwise would mean total destruction for that nation; it would be defeated inside of six months. The reason is that those are maritime nations, depending wholly and solely upon their merchantile shipping. Otherwise, I dare say, the situation might be different. Not only is this the case, but, as I showed beyond the shadow of a doubt when discussing the shipping question last year, the success of the shipping interests of Norway, Sweden, Holland and Denmark is largely due to Great Britain, for Britain helped to build up those countries. They had no trade of their own-no trade amongst themselves; but they sent their ships abroad and they depended wholly and solely upon the overseas trade between Europe and the British possessions and other countries in every part of the world. They have, as I have stated, no trade of their own. The only country in the world that has a very large domestic trade is the United States. Canada comes next, but, I am sorry to say, we have not protected our interprovincial and our coastwise trade as the United States have protected theirs. The United States have taken very great care, indeed, of their interests in that respect.

As I was saying, we sometimes hear of the tonnage of ships, and, as some honourable gentlemen are not perhaps thoroughly familiar with the matter, it might be well for me to give one or two illustrations to explain it. Let us take, for instance, the tonnage of the Olympic. The gross tonnage of a ship is the tonnage measured from her main deck down—all the decks that are enclosed—all the space that can be used in the carrying of cargo. But after the ship is measured in that way, deductions are made of the space for the crew, for the accommodation of all the provisions and supplies required by the crew, and for

the engines and boilers. The reduced measurement is the registered tonnage of the ship if it is a cargo ship; but if the vessel is intended to be used for passengers, then further deductions are made of the spaces allotted for the accommodation of passengers, which may be 1,000, 2,000, or 3,000 tons. In the case of the Olympic, the gross tonnage is 46,359 tons. After deducting the space required for the crew, etc., the tonnage is 35,047. Her net registered tonnage is 22,350. That is the tonnage available for the cargo after deductions are made of the crew space and the space that is allotted for passengers.

The net tonnage of the Britannic is calculated in the same way. She is a ship of 47,500 tons, and, without detaining the House by going into the details, I may say that her net tonnage is 24,000 tons.

The Vaterland, as I have mentioned, is supposed to be a larger ship than any of those flying the British flag, but while her gress tonnage is 54,282 tons, the tonnage, after deducting the crew space and, the boiler and engine space, is 37,384, and her net registered tonnage is 24,000 tons—exactly the same as the Britannic. The Bismarck is the same.

Let us consider another class of vessel, with which we are familiar, the ships of the Canadian Pacific Railway. While the remark does not apply to this argument, I am reminded with reference to the Canadian Pacific Railway ships of the discussion which I had the other day with my honourable friend from Kingston (Hon. Mr. Richardson), who has his eye on me now. He wanted to convince me that grain should not be carried to the Old Country through Canada, but should be sent by way of Portland. He is a good grain man and knows a great deal about the grain business; still, he does not know everything, and there are some things about which he will have to change his mind, and I know he will be glad to change his mind. The Canadian Pacific Railway have demonstrated beyond the shadow of a doubt that Canadian-grown grain can be carried by Canadian railways down to the shores of the Atlantic, in Nova Scotia and New Brunswick, shipped from a Canadian port, and delivered in Manchester, London, or Liverpool on better terms than it can be carried through any port in the United States. That has been demonstrated clearly and distinctly by the Canadian Pacific Railway. How did the Canadian Pacific Railway demonstrate that? That great body of men, who grew up with this country, understood well the trade condi-

tions of Canada, and, unlike railway companies that were established here before them, they had faith in Canada and they planned to do that which would help this country and help themselves as well. They have succeeded. They went about acquiring their own steamers, not only for the Atlantic, but also for the Pacific. When the Canadian Pacific Railway say to a man in the West that they will land his grain in London, Liverpool, or Manchester for a certain sum of money, the man to whom they make that offer knows very well that he has the authority and assurance of the greatest transportation company in the world, a transportation company that can take his goods from the place of loading and land them at the place of delivery in perfect order and condition and as cheaply, if not more cheaply, than they can be transported by any other route in America.

May I say here, for it all has reference to the question of shipping, that the Government of the day have acted wisely in taking over the Grand Trunk Pacific, the Canadian Northern and the Transcontinental. In taking over those roads and in starting a programme of shipbuilding, the Government are providing another line of transportation which is very essential in the interests of this country, in order that we may not be wholly and solely dependent on the Canadian Pacific railway. That is a policy for which this country cannot speak too highly of a Government seeing so far ahead as this Government has done in that respect. At this particular time, when money is scare and there is need for every available dollar for the purpose of winning this war, this Union Government, so far-sighted, so well fitted to carry on the affairs of this country, feeling that they could not bring in any policy which might destroy unanimity, decided to furnish the necessary money and to build ships of their own. The Government have made a contract with a Canadian concern, the Dominion Iron and Steel Company, whereby the Government agrees to take 50,000 tons of steel plate from that company each year and to have that steel plate converted into steel ships. The Government will connect up the railways which they have taken over and will be in a position to offer in the great West the lowest freight rates for the transportation of grain and other products from the West to London, Liverpool and Manchester and all the great markets of the world, the markets for which all countries have been competing. My honourable friend from

Halifax (Hon. Mr. Roche) understands the situation. There is not a man in who knows the to-day Canada than he does. situation better I hope he will change his views as far as Germany is concerned. He is very competent to deal with these matters, and knows as well as any man in this country that the establishment of the railways to which I have just referred is a great thing for this country, although he is not a strong supporter of Union. I hope the honourable gentleman from Rockland or Rockdale-I do not know which it is-I know it is some kind of a hard place-and his friends will give a little time and attention to this matter, as I am sure, they will. The great parties and the great men from both sides have come together as has often happened before. There is good feeling and good hope in this country, and I trust that honourable gentlemen will say that the Government is doing what is best in the interests of the country.

As I have said, I had an argument with my honourable friend from Kingston (Hon. Mr. Richardson) about the Canadian Pacific Railway. He says it does not pay to take grain from the West over the long haul to the Atlantic seaboard, and ship it to Liverpool, London, or Manchester. That argument is answered by the success of the Canadian Pacific Railway Company. Does any man in Canada want that railway to make any more money than it is making now? The success of that undertaking is the only answer that I can make to that argument. If it has established a line from the West to the East, and is capable of taking the grain from the farmer and delivering it in Europe at a lower rate than any other line can offer, is there any room for argument at all? If the present Government follow up the policy which they have inaugurated, the people of the West and the people of the East will have a safety-valve against that great corporation

Hon. Mr. McMEANS: Build another transcontinental railway.

Hon. Mr. CROSBY: We have three of them now.

Hon. Mr. McMEANS: Build another.

Hon. Mr. CROSBY: I might possibly go so far as to agree with the honourable gentleman in that. It seems to me that he must be looking for a charter; but I advise him not to come for it now, as we have as much as we can do at the present time.

I have always been delighted to find the Hon. Mr. CROSBY. honourable gentleman from British Columbia (Hon. J. D. Taylor) standing up for that great and beautiful province. I have never had an opportunity of visiting his province, but if I live long enough I hope to do so in the future. The honourable gentleman seemed to be very much agitated over what he termed " the permanent policy of the Minister of Marine and Fisheries." I want to tell him that he is altogether mistaken-that it is not a permanent policy. It is an emergency policy, and, as I said before, the Government is to be congratulated upon having the foresight, the faith, and the energy to establish that policy. There is nothing to prevent the production of iron, and plenty of it, in British Columbia-nothing is too good for my honourable friend. I am glad to hear that in that province they have plenty of coal, plenty of iron, plenty of lime, and plenty of every other ingredient that is used in the manufacture of iron and steel. I hope they will soon start making those important articles in that province, because they will never have a better opportunity. Just as soon as they start, the iron will be bought from them at the highest prices.

Yards for the building of wooden ships have been established in the province of British Columbia-if not by this Government, at the invitation of this Government to the Imperial Government. Why was this? It was because of the knowledge the Government had of the resources of that splendid province. The Imperial Government have established shipyards in that part of the country, and they are building ships of splendid quality. If we had had more ships-and it is a great pity that we did not have them-we could have carried out the suggestion made the other day by the honourable gentleman. We could have had ships on the Pacific which could have gone to Australia and New Zealand to bring back the mutton of those countries, and the grain that is rotting in their ele-The Canadian Pacific Railway vators. Company have some fine ocean-going ships on the Pacific. If - they had had sufficient of them they would have been able to help us out on the Pacific. as they did on the Atlantic, and we could have filled this Canada of ours with plenty of good wheat and mutton and other produce, and there would be no talk of starving.

I read very carefully the statement made in the House of Commons by the Minister of Marine and Fisheries, and what he said should appeal to my honourable friend from MAY 8, 1918

Rockland. The minister went over to the United States with a view to acquiring steel plates at the lowest possible cost, and he came back and said that he could make a better bargain in Canada than he could in that great country to the south of us. As I said before, no permanent policy has been established; it is simply a policy of expediency, a policy of necessity. The present Government is doing all that it possibly can to win the war and bring about a condition of peace, unity, and safety to the world. When the war is over, all that we in this country have to do is to continue the Union Government in power, and they will go on as they have done in the past, and do everything in the best interests of the country. I see the leader of the Opposition smiling. I know that he agrees with me to the letter, and that he will be with us all the time, as he has been during this session. As a matter of fact, he seemed to be rather anxious to come over with us last session. He feels, and we all feel, that we want unity.

When the war is over there may be a few Germans, but there will be no kaiserism. If there is kaiserism, I for one do not want to be here. This reminds me of an incident which took place in one of the constituencies in my province during the last campaign. I went down to say a few words of consolation to the people there. A gentleman of the good old Scottish name of Cameron-he thought so much of me that he will not mind my mentioning his name-came to me and said, " Mr. Crosby, I am glad to meet you, and glad to shake hands with you." He had three sons at the front, and I said to him: "I am glad to shake hands with a man who has three sons at the front; I hope your sons will come back as they went over, and will be able to take their places in Canada." And he said in his Scotch dialect: "If my sons will come back with the Kaiser's scalp in their belts they will be welcomed home and the fatted calf will be killed; but if they fail to bring the Kaiser's scalp they will not be wanted." That is the sentiment that we want in this country. Kaiserism must be destroyed; there can be no peace without its destruction; and without any doubt it is going to be destroyed. Therefore I say, what is the use of taking up time in discussing the Bill of the honourable member for Hamilton. a matter that is not going to do any harm, even if it does not do any good? If there is going to be no Germany after the war, then let the Bill go through.

I am glad to see my honourable friend

from Toronto (Hon. Mr. Nicholls) here. I am sorry that he was not here a little sooner, because he always inspires me, and if he had been present when I was speaking of the shipbuilding industry it would have helped me greatly. I well remember the first time I met the honourable gentleman. I do not want to say how long ago it was, because I understand that he is a widower -I am a married man, so as far as I am concerned it does not matter. I remember going to Toronto and meeting him and some other gentlemen and coming down to Ottawa for the purpose of asking the House of Commons to give us an opportunity and assistance to commence the shipbuilding industry in the Dominion of Canada. Of course, I felt very highly honoured to be in the company of such men, and I remained with them to the last. In that connection I want to ask my honourable friend the free trader from Hardrock or Rockliffe if he is not proud of the iron and steel industry of this country to-day? I want to tell him that the steel industry of this country would never have been what it is if it were not for bounties granted by his good party-and there was some good in his party, but we have taken it all into our party now. If the shipbuilding industry had been dealt with in the same way, it would now be in the same position as the steel industry.

I hope, Mr. Speaker, that you will not call me to order. My regard for you makes me desire to keep within the limits, and I do not want to put you to the bother of interfering.

As I was saying, the steel industry was brought into existence and organized through the bounties which the Liberal-Conservative party gave. What did the Liberal party do? Did they put it out of existence? No, they did not. They did say that it was an awful thing to do, but they kept on giving the bounty until 1911, when the Liberal-Conservative party came in. Then they said: "Boys, you have had it long enough; we will have to take it away from you." That is the policy that should prevail in this country, or in any young country. We should do what we can to establish industries, and when they become established we should let them help themselves. Canada was put in that position by reason of our neighbours to the south of us. If, on the occasion when I accompanied the honourable gentleman from Toronto before the then Finance Minister, Mr. Fielding, we had succeeded in getting a bounty, our position in this respect

would be excellent to-day, because we would be building ships and sending them all over the world.

My honourable friend who introduced this matter, spoke of the necessity of shipbuilding; but I think his argument was rather in favour of drydocks. I shall say only a few words with regard to drydocks. We are in a very bad position so far as they are concerned. You may say that the first thing to be considered is the men in the trenches. I quite agree with that; but I say that in order to get our men and our materials and our foodstuffs there we must have ships. What is the situation to-day? I have a telegram in my possession which was sent to me by J. W. Madden, a former member of the Commons, in which he states that in the vicinity of Lunenburg alone there are some 76,000 tons of ships on the shore,-I can give you the names of the ships if you so desire. This is in the vicinity of Louisburg, one of the best ports in the world, a port that is excellently suited for the shipbuilding or the drydock industry. He says that these ships could be taken off if there was any place where they could be repaired. We are doing all we can to get ships; but the construction of a ship takes some time. The repair of a ship depends upon the damage. Many of these ships are not badly damaged, but it requires a drydock to put them in proper shape. A ship never gets a hole in it above the waterline unless it is run into by another. Therefore it never sinks when a ship runs into it unless she strikes it below the water-line. A ship in distress, whether on the shore or elsewhere, must have had a hole put in her below the water-line, and in such a case has to be put in drydock; and where do we have to go? To New York? To Boston? New York has a number of docks, but only two that are 700 feet In Boston they have two of that long. length; but in Halifax we have a dock that is less than 600 feet. The only dock we have on the Atlantic coast is that drydock in Halifax, less than 600 feet, but not capable of taking a ship over 572 feet on the blocks.

I am glad to know that in the province of Quebec there are two splendid Government-owned docks, one of 600 feet, and the other 1,150 feet, the largest dock in the world. I cannot understand why the Government, when they started building that dock in Quebec, did not build in Halifax the dock 1,200 feet long which they had intended to construct. It would have been a greater help than any four shipyards Hon. Mr. CROSBY.

we could have, because within a close radius of Louisburg there are 76,000 tons of shipping lying on the shore. Nothing can be done, because there is no place to put the ships for repairs, and they may as well be left as they are for that reason. We have 50,000 tons of shipping lying on the shores within the harbour of Halifax and about the drydock. In New York to-day, and also in Boston, dozens of Canadian ships are lying, waiting for the opportunity to get into the dock.

I regret that the honourable leader of the Government is not here, in order that I might try to impress him with the thought that there is no problem in which the Government should be so much interested today as the construction of drydocks on the Atlantic seaboard. In Great Britain every little seaport has drydocks. In Liverpool there are something like 21 large ones, ranging from 300 feet to one of 1,050 feet, which I think is the largest one on the other side of the ocean. A steel steamship has to go on the dock at least once a year for cleaning and care, and to be fitted to do her work properly; yet the United States-that country that has been prepared to furnish money for everything, that country of men who will put money into anything brought before them-had not a dock in which they could put That large dock in the Vaterland. Quebec could have accommodated the Vaterland, for two large ships, one 600 feet long and the other 500 feet, can be put into that dock at one time. Drydocks are things that the national Government must take care of; yet when the United States built their first large warships they had to bring them to Halifax from year to year until they had a drydock in their own country.

I am only sorry that the Government did not go on with the 1,200 foot dock in Halifax that was to have been begun in 1913 or 1914. They had provided an estimate .of \$300.000 in 19144 for investigation, but the breaking out of war upset everything, and delayed the starting of that work. I came to Ottawa and talked with the then Minister of Public Works, who was very anxious to go on with the construction of the dock, but he said it could not be done without the consent of Britain. He went over to England in company with our Premier, and tried to impress on the authorities there the necessity of constructing the dock. When he returned he told me that he had put the proposition before the British authorities, but it had not received the at-

MAY, 9, 1918

tention it should have received. I would like to impress on this Union Government the dire necessity of commencing to-day the building of that dock in Halifax, the construction of one in Louisburg, and another in Sydney. There is no money that could be better spent. The great thing in the construction of docks is the necessity for bold water up to where the dock is constructed. We have such water on our Atlantic seaboard; you can build your dock as deep as you like in any part of our harbour, and all that is needed is to put your gate on, build your walls, and let your ship come into your drydock; and when your ship is ready to go out it is not necessary to wait a minute, as there is always plenty of water. Drydocks can be built on the Atlantic seaboard cheaper than in any other part of the world, except possibly in British Columbia. On our seaboard we have deep water right up to the very shore. There are no places where a ship cannot come up in the harbour of Halifax, and few places where a ship cannot go to the very edge of the shore, even if she is drawing 30 or 40 feet of water.

I want to impress this House, and I think I shall have to make this speech over again, and I will have a good excuse for making it, as the leader of the Government is not here. Even if he is a Union Government man, he ought to be present.

Hon. Mr. BEIQUE: Let the honourable gentleman allow me to move the adjournment of the debate.

Hon. Mr. CROSBY: To tell you the truth, I do not know whether it will come on again or not. If I were really in the best of health I would accept that offer; but, feeling as I do now, I might die before the matter could come up again, and that would be rather hard on me.

Hon. GEORGE TAYLOR: It will come up to-morrow.

Hon. Mr. CROSBY: Well, my second leader says it will come up to-morrow. With his assurance I will accept the adjournment of the debate.

On motion of Hon. Mr. Beique, debate was adjourned.

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

THE SENATE.

Thursday, May 9, 1918.

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

Prayers and routine proceedings.

PRIVATE BILLS.

THIRD READINGS.

Bill 43, an Act to incorporate the Canadian Niagara Bridge Company.—Hon. Mr. Milne.

Bill 45, an Act respecting the Nipissing Central Railway Company.—Hon. Mr. Gordon.

Bill 37, an Act respecting the Toronto, Niagara and Western Railway Company.— Hon. Mr. Bradbury.

Bill 47, an Act to confirm an agreement between Vancouver, Victoria and Eastern Railway and Navigation Company and Northern Pacific Railway Company.—Hon. Mr. Shatford.

Bill 44, an Act respecting the Kettle Valley Railway Company.—Hon. Mr. Watson.

Bill 36, an Act respecting Ottawa and Montreal Transmission Company, Limited. -Hon. Mr. Belcourt.

Bill 24, an Act respecting the Montreal, Ottawa and Georgian Bay Canal Company. --Hon. Mr. Belcourt.

Bill 58, an Act respecting Certain Patents of the Dynamic Balancing Machine Company.—Hon. Mr. Edwards.

Bill 59, an Act to incorporate the Gospel Workers' Church in Canada.—Hon. Mr. McMeans.

Bill H, an Act respecting a patent of Jacob David Wolf.-Hon. Mr. Belcourt.

Bill[.] N, an Act to incorporate L'Ordre des Dominicains ou frères prêcheurs au Canada.—Hon. Mr. Belcourt.

SOLDIERS' PENSIONS.

On the Orders of the Day:

Hon. GEORGE GORDON: With the permission of the House I would like to say a few words about a matter which I consider of vital consequence to this country. A little over three years ago a certain man enlisted in the Canadian army, went overseas, and served three years on the other side, both in England and in France. A short time ago he was honourably discharged, and presented himself before the Medical Board. The report of this board was sent to the Pensions' Office here. It showed that the man was suffering disability to the extent of 20 per cent. I will not read the whole report, but it concluded:

This disability will incapacitate him to the extent of 20 per cent in earning a livelihood in the general labour market. Its probable duration will be 6 months.

According to the evidence and my knowledge of the case, this man before going away was strong, active, and able, but since he has come back he is not fit to work to anything like his former capacity. Later on I will show what I am driving at. After the report was sent to the Board of Pension Commissioners, this reply was received from them:

I have the honour, by direction, to inform you that the Medical Board which examined you, prior to your being discharged, reported that you had no disability due to or incurred during your military service. It is not considered, therefore, that you are eligible for pension.

I have the honour to be, Sir, Your obedient servant,

The Secretary, Board of Pension Commissioners for Canada.

I understand the chairman of this board was pronounced to be 100 per cent physically unfit, and in consequence of that he is tc-day drawing a pension of \$2,140. He is also drawing a salary of \$5,000 a year for his services on the board. I would ask that the honourable leader of the Government bring this matter to the attention of the Government. A feeling prevails amongst all the people I have met that they cannot and will not stand for a man drawing a total disability pension of \$2,140 and at the same time being employed as chairman of the Board of Pensions at a salary of \$5,000 a year. How can he pronounce upon a case like this? To my mind this is one of the worst features that we have seen for some time, and what aggravates the matter more than anything else is that the gentleman who is occupying that position is a brother-in-law of the Minister of Militia and Defence and also of the Minister of Railways and Canals. It makes my blood boil to think that the Government would allow such a condition of affairs to exist even for a day, and I hope that something will be done, not some time hence, but immediately, to relieve the public mind of the uneasiness which prevails in regard to such a thing as this.

Hon. Mr. CLORAN: The honourable gentleman deserves a great deal of credit for the courage of his statements.

Hon. Mr. BELCOURT: Does my honourable friend know by whom the decision was arrived at in this case?

Hon. Mr. GORDON.

Hon. Mr. GORDON: Which decision?

Hon. Mr. BELCOURT: The decision in the case to which my honourable friend refers. Was that the decision of the board or of somebody outside?

Hon. Mr. GORDON: In the case of the soldier to whom I referred?

Hon. Mr. BELCOURT: Yes.

Hon. Mr. GORDON: I understand that the decision came from the board of which the gentleman I refer to is chairman.

'Hon. Mr. BELCOURT: The inference then is that he pronounced on his own case?

Hon. Mr. GORDON: I do not know whether he pronounced on his own case or i.ot, but I understand that he pronounced upon this case anyway.

Hon. Mr. CLORAN: If he came to the Senate he would be all right. Anyhow the honourable gentleman deserves credit for his courageous statements.

TRANSLATION OF THE DEBATES. PROPOSED AMALGAMATION.

Hon. Mr. DENNIS moved that the third report of the Standing Committee on Debates and Reporting of the Senate be concurred in.

Hon. Mr. POWER: Honourable gentlemen, I do not rise for the purpose of opposing the adoption of the report, but to suggest a modification; I mean, in dealing with the report later. The report says:

Your Committee recommend that His Honour the Speaker and the Chairman of the Debates Committee be appointed a Committee for the purpose of considering a more effective and economic arangement for the translation of the Debates—

The report is correct to that point. The committee did decide that and agreed to report that. But then the report goes on:

—and particularly having in view the amalgamation of the Translation Branches of the Debates and bluebooks of the two Houses of Parliament.

That portion of the report was not adopted by the committee. There was something said about it, but it was not adopted. I am not going to move an amendment, but just wish to call attention to the matter, so that hereafter, if it is proposed to make a different arrangement from that suggested here, we should not be precluded from doing it by the wording of this report.

Hon Mr. DANDURAND: I beg to differ with my honourable friend to a certain

extent. He says that the last part of the resolution was not carried—that there was only a discussion over the matter. There was certainly a mandate given to study the amalgamation of the translation branches of the debates, but as to blue-books, I do not remember that the discussion bore upon that point.

Hon. Mr. DENNIS: I may say that nothing will be done until the report of the committee is brought in and passed upon by this House.

The motion was agreed to.

GERMAN TRADE IDENTIFICATION BILL.

CONSIDERED IN COMMITTEE AND REPORTED.

On motion of Hon. Mr. Lynch-Staunton, the Senate went into Committee on Bill D, an Act for the Indentification of Traders in German Goods. Hon. Mr. Murphy in the Chair.

On section 1-dealing in goods, etc., of German or Austrian origin:

Hon. Mr. CLORAN: Before this section is adopted I would like to give my views in regard to this very important matter. I believe this Bill is very laudable in its purpose and one that appeals to every Canadian in the Dominion; but I have to point out to the honourable gentleman from Hamilton (Hon. Mr. Lynch-Staunton), the originator of the Bill, that it is quite inadequate in its scope. There is no doubt in my mind that Canadians as a rulethat is, the common people, the consumers -do not in any way wish to advance the cause of Germany during this tremendous strife, or even afterwards. That is admitted. But as to the scope of the Bill, I hold that it is not adequate, because it refers only to Germany and Austria, while there are more countries than those which should be barred from trading with Canada during this war. All the enemy countries which are forcing Canada to send her sons to the front and to increase her national debt to stupendous proportions should be included in this Bill. Trading with Bulgaria and Turkey is helping the enemy, and those enemy countries should be included. That is why I say the scope of the Bill is not adequate. I would also suggest to the honourable senator that the Bill should include all dependencies of Germany and Austria, and of those other Central Powers that are now fighting the allied countries of the

world. What about Hungary? That country is almost as large as Austria, yet this Bill would not prevent trading with Hungary, nor Bulgaria, nor Turkey, nor the dependencies of those countries.

Then the Bill speaks of German-made goods; but what about goods made outside of Germany proper? Under this Bill they would still have a right to be traded in and imported into Canada. I know that the honourable gentleman from Hamilton wants his Bill to be made as effective as possible, and that is why I am making these suggestions; not that I want to go him one better, but simply to help him in his laudable purpose. Goods made in Germany and Austria could be sent to Canada through Bulgaria, through Hungary and through Turkey, and if this Bill passes, the business men of Germany and Austria would take good care that no goods would be shipped directly from their country, but they would pass through the customs or business firms of other enemy countries. I hope the honourable gentleman from Hamilton will see the point in this matter, if he wants this Bill to be effective and to cover the entire ground, which at present it does not. As far as the merits of the Bill are concerned, I endorse it, and have no quarrel with its provisions as far as they go, in the way of restraining trade with Germany now or hereafter; all I want is to supplement the work which the honourable gentleman wishes to be done.

Now, apart from the merits of the Bill, this honourable committee will allow me to state some facts. I can conceive of no incentive on the part of the citizens of Canada to sell German-made, Austrianmade or enemy goods except for the sake of profit. That is a poor excuse for such conduct-that a man would sell German goods only on condition that he made large profits; his only incentive for contributing to the prosperity of Germany, Austria and other enemy countries being his own financial benefit, or that of a company. I contend that any man or company in Canada directly contributes to the success of the German cause who profits by the sale of and trade in German or enemy goods, or even who profits by the sale and trade of Canadian goods. No Canadian to-day should take advantage of this tremendous strife of war, trouble, death, and blood in order to add to his fortune, to increase his profit, to double his revenue.

The men and companies of Canada who do so are no friends of the British Empire, or of the people of Canada. It is as great a SENATE

crime to-day for business men, banks, insurance companies, railroad companies, munition companies, or any other companies, to make undue profits out of the present situation, on account of the war, as to trade with Germany, and the men and companies who make these undue profits, doubling the fortunes of the men at the head, and increasing the dividends of shareholders beyond compute, are directly opposing the best interests of the Empire and of Canada generally, and working to the advantage of the enemy. While the blood of the common people is flowing in the trenches, the men who by and through the war are adding to their fortunes are not doing their duty either by this country, by England, by France, or by the other Allies. Yet that is being done to-day in Canada. This Bill endeavours to cover, in a measure, the condition of things which exists, and which is not creditable to Canada. There are in Canada to-day more millionaires than there were before the war, and more multimillionaires than before the first of August, 1914. There is to-day more luxury in some homes in Canada than ever there was; there are more motors and luxurious conveniences in Canada to-day than there were before the war. And where does all this luxury come from? It comes from the undue profits, the blood profits, of the men who are to-day raising the prices of everything that goes into consumption for the maintenance of human life, and for its convenience and comfort. There are not vast numbers of these men; there is a small number. I hold that this condition lof things should be fought, not by an individual member of Parliament, but by the representative Government of the people. There was a gentleman who said one day: "To hell with profits !" I wish he and others like him had stuck to that motto.

The Hon. the CHAIRMAN: I call the honourable gentleman's attention to the fact that we are discussing section 1 of Bill D.

Hon. Mr. CLORAN: I am discussing section 1—trading in German goods. Trading in German goods is not half as bad as trading in the blood, discomfiture and starvation of the people of Canada. Does that meet the Chairman's view?

The Hon. the CHAIRMAN: No, not under this section.

Hon. Mr. CLORAN: Trading in German goods can be overcome by a Bill of this kind, but trading in the blood of the people Hon. Mr. CLORAN. cannot. It takes the strong action of a strong Government to bring that condition of things to an end. Gentlemen, this is a serious matter, and the Government will have to meet the situation in a very short time. The national debt of this country is now nearly \$2,000,000,000. They call it \$1,000,000,000 by putting up assets such as canals, parliament buildings, and custom houses, and calling them worth \$900,000,000. That is tomfoolery. They are assets, if you will, but who is going to buy them? The billion of money that we owe has got to be paid, and the interest thereon.

The Hon. the CHAIRMAN: I will again ask the honourable gentleman to discuss the section.

Hon. Mr. CLORAN: I am discussing trade, and I do not see why any chairman should interfere, when a deliberate assembly like this does not. As has been said in the other House—

The Hon. the CHAIRMAN: If they are willing to permit you, I am satisfied.

Hon. Mr. CLORAN: Then keep quiet. That is the only thing a chairman has to do. I am discussing trade and commerce and its results, and you should not interrupt me in that way. I think the points I am making appeal to the common sense of this House.

Hon. Mr. CROSBY: Will the honourable gentleman allow me? I do not rise for the purpose of interrupting the honourable senator from Victoria, but I would like him to tell me why he is opposing this Bill, and whether it can do any good or any harm except to express a sentiment. The only thing I see in the Bill is sentiment.

Hon. Mr. CLORAN: The honourable senator from Halifax always has my admiration, and I attribute his not understanding to his deafness, not to his mentality. He must have been deaf, because I am supporting the Bill with all my might, and he says I am not.

Hon. Mr. CROSBY: If my honourable friend is supporting the Bill, so am I, and if he will stop speaking he will help to get the Bill through. I did not know whether he was supporting the Bill or was against it; but if he wants to get it through, let him join me and we will put it through. I do not think it is going to do anybody any good or any harm. It is only an expression of sentiment.

Hon. Mr. CLORAN: Evidently the honourable gentleman was not here or he had

his ears closed, because my preliminary remarks were strongly in favour of the Bill. I do not attribute the honourable gentleman's doubt to his mentality, but to his ears. I have asked the honourable gentleman from Hamilton to improve his Bill, to make it more effective, to make it wider in its scope. I believe he heard me, and I do not believe he has any objection to doing that. If the honourable gentleman from Halifax (Hon. Mr. Crosby) will listen, he will understand. I want this Bill to be effective, not only against Germany and Austria, but against all enemy coun-tries such as Hungary, Bulgaria, Turkey and all the dependencies thereof, present and future. I am glad the honourable gentleman from Halifax interrupted me. He broadens the horizon. I used the words "dependencies at present," deliberately, and if the honourable gentleman from Hamilton will look at the matter in the proper light, he will add to his Bill, "The German dependencies of the future," that is, to-morrow and the day after. German goods will be made in vast portions of the Russia of to-day; German goods will be made in Bulgaria; German goods will be made in their colonies; and this Bill does not prevent the importation of any of those goods into Canada. If the honourable gentleman from Halifax will only remain, I think I will convince him that I am right in saying that if the honourable gentleman from Hamilton will do as I suggest, his action will meet with general approval as making the Bill more effective.

Another point which the interruption has given me the opportunity to develop is this. This Bill would be absolutely unnecessary if the Government did its duty. The provisions of this Bill will be very onerous in its administration. The idea of forcing every business man in this country, from the wholesaler down to the small retailer, the huckster, to post a sign on every door going into his establishment that he has German goods or has no German goods for sale does not appeal to me, when it can be better put into effect by other means. The Bill says that a man must put up signs at every entrance. He may have back doors and front doors, and cellar doors, and he will have to paste his entire establishment with these advertisements "German-made goods". I suggest to the honourable gentleman from Hamiltonnot that I want to take away his glory, not that I want to diminish his prestige before the country-that the Government should adopt the principle of this Bill. The Government has the power and is the proper

and should not leave it to private individual initiative. The Government could effect the whole purpose of this Bill by inserting one line in the Customs Act: "German or enemy-made goods shall not be imported into Canada." That would cover the entire scope, and more than the. scope of this Bill, and would fulfil the purpose of it. Why not have the Government do it? The importer is the only man who should be forced to put over his door and over his goods and on his stationery what this Bill demands. The importer is the only person responsible for the importation of goods into Canada. Why impose on tens of thousands of men a duty which could be performed by one man? Germanmade or enemy-made goods cannot be got into this country without importation, and the importation is done by a few men in the country. Let these men label themselves as dealers in German goods. That would cover the entire situation. These importers or wholesale men should give a guarantee to every purchaser that their goods are according to the law of Canada, and not German-made goods. By doing that you would relieve the entire community of anxiety and of the danger of being arrested and fined \$500 and sent to jail for six months. It would save the poor little hucksters and retailers in the country who by mistake would have a Germanmade watch, or a part thereof, or a German-made knife, or a part thereof, from the liability of a fine of \$500 and six months imprisonment. Legislation of this kind does not appeal to me when it could be concentrated and consolidated in one line under the proper authority, the Government of the day.

body to deal with a matter of this kind,

I make these suggestions in the best interests of the cause which the honourable gentleman from Hamilton has at heart. We all have it at heart. We do not want to be contributors to the success of Germany along economic, industrial or trade lines, and we do not want our business men in any walk of life, from the manufacturers down to the retailers, to make profits either in German goods or in Canadian goods or in goods of any of the Allies, to the detriment of the cause for which we are all sacrificing everything we have. Many of our men are sacrificing their health, as was pointed out by the honourable gentleman from Nipissing (Hon. Mr. Gordon). The honourable gentleman, mentioned the case of a man who, after three years in the trenches, was

MAY, 9, 1918

declared to be as good as he was before. We do not want that. I admire the honourable gentleman for having the courage to stand, not only by the individual of whom he spoke to-day, but by the thousands who are in the same case, and who have no one to voice their condition, pitiable, lamentable, sorrowful as it may be. We only get before the Parliament of our country individual cases such as the honourable gentleman has mentioned; but how many thousand widows and orphans are suffering to-day owing to the mismanagement of our public affairs under the present Government? I tell you, honourable gentlemen, this condition must be met and faced, and this Bill helps to do that. I again recommend finally my suggestions to the honourable father of this Bill, so that it may be made effective and sufficient to carry out the purpose which he had in view.

Hon. Mr. BELCOURT: My honourable friend from Hamilton stated the other day that he would be willing to change the Bill so as to shift the onus of proof to the prosecutor. I suggest that section 1 should be amended by inserting the word "knowingly" in subsection 1, after the words "every person who," and by inserting the word "Hungary" after the word "Austria" in the tenth line. It would then read in this way:

Every person who knowingly deals in goods, wares, or merchandise which are, in whole or in part, the growth, product or manufacture of Germany or Austria-Hungary.

Then, I would suggest striking out all the words after the word "Act" in line 21, to make it consistent. I think the onus of proof would then be shifted, and I think the honourable gentleman's object would be met.

Hon. Mr. LYNCH-STAUNTON: I am satisfied to accept the suggestion of the honourable gentleman from Ottawa.

Hon. Mr. POWER: Hungary is a part of Austria.

Hon. Mr. LYNCH-STAUNTON: If it is, I am satisfied; but I thought it was called the Empire of Austria-Hungary.

Hon. Mr. CLORAN: Put in Turkey and Bulgaria.

Subsection 1 of new section 508E, amended as suggested by Hon. Mr. Belcourt, was agreed to.

Subsection 2 was agreed to.

- Hon. Mr. CLORAN.

Subsection 3, amended as suggested by Hon. Mr. Belcourt, was agreed to.

The Bill was reported with amendments.

IMPORTS OF PETROLEUM OILS AND SPIRITS.

DISCUSSION CONCLUDED.

The Senate resumed from April 30 consideration of the motion of Hon. Mr. Domville:

That an Order of the Senate do issue for a return giving a statement of imports of petroleum oils and spirits (gallons, value and duty) during each of the following fiscal years ending March 31: 1909-10-11-12-13-14-15-16-17, and for each month of the unexpired year ending March 31, 1918.

Hon. Mr. DANDURAND: I am surprised to find my name at the bottom of this Order. I was asked by an honourable colleague to adjourn the debate for him. After the honourable gentleman from Antigonish (Hon. Mr. Girroir) had finished speaking, the honourable gentleman from Rothesay (Hon. Mr. Domville) wanted to make a few further remarks. I understand that he made his remarks; therefore I am surprised to find this Order in my name.

Hon. Sir JAMES LOUGHEED: We have been carrying this Order along most carefully, and with every consideration of the wishes of my honourable friend, hoping that he was going to enlighten the House with some observations on the subject.

Hon. Mr. DANDURAND: Then, I will move for an Order for the return asked for.

The motion was agreed to.

SHIPBUILDING IN CANADA.

DISCUSSION CONCLUDED.

The Senate resumed from May 8 consideration of the question brought up by Hon. Mr. McLennan:

That he will call the attention of the Senate to the encouragement of a permanent shipbuilding industry in Canada, and inquire of the Government if they will make investigation of the effects of Governmental aid to shipping in other countries, before settling on such a policy.

Hon. A. B. CROSBY: Mr. Speaker and honourable gentlemen, when I finished at about six o'clock yesterday, I think I had fairly well gone over all that was interesting in connection with shipping.

Hon. Mr. BOSTOCK: I do not want to interrupt the honourable gentleman; but I would refer him to what happened yesterday. According to our record, the honourable gentleman from De Salaberry moved the adjournment of the debate.

Hon. Mr. CROSBY: I take things as I find them, Mr. Speaker, and my name is on the Order Paper.

Hon. Mr. BOSTOCK: Is the honourable gentleman speaking a second time?

Hon. Mr. CROSBY: I adjourned the debate and I am here now. At 6 o'clock the honourable leader of the Government was not in his seat. I stated that the Government had done everything possible for the encouragement of shipbuilding; but when I came to the question of drydocks I felt that I could not proceed unless the leader of the Government was in his place, and I asked that the debate be adjourned until to-day in order that the leader of the Government might be in his place while I said a few words on what I considered to be a very important subject.

There was one thing which I overlooked yesterday in dealing with the question of tonnage. I discussed three classes of tonnage, but there is another class which I overlooked—the dead-weight tonnage or capacity, which is about double the registered tonnage of the ship. That is to say, with a cargo like coal, plaster, iron goods and similar dead-weight goods, the ship will carry about double her tonnage. Goods are carried on the basis of 2,240 pounds to the ton.

Now we come to the question of drydocks. Down in the province by the sea our shores are actually teeming with ships. I stated yesterday that there was 76,000 tons of shipping in the vicinity of Louisburg, and it was useless to take those ships off the shore, because it would cost a great deal to take care of them. I said also that within the harbour of Halifax we had something like 50,000 tons of shipping. I am speaking of registered tonnage, and if you double that you will see what it means in dead-weight capacity. In the harbour of Halifax there is no means of getting those ships repaired. There are ships owned by the Dominion Government lying in the port of New York to-day until opportunity offers for them to be put into drydock. I therefore say to the honourable leader of the Government in this House that it is urgent, it is essential, that the Government at once take up the question of drydocks. Looking at the present situation, we realize the possibility of the war continuing for some time. I referred yesterday to the dock at Quebec, the largest in the world, a dock of 1,150

feet. It was supposed to be finished in 1916. It has been commenced since the beginning of the war. I have no objection whatever to that. There are two docks in Quebec, one 600 feet and the other 1.150 feet. The larger one is constructed to take in two ships, one 600 and one 550. It is essential to have suchaccommodation, and I have no complaint to make respecting that; but I do say that the Government should at the same time have constructed in Halifax the dock which they had under consideration in 1913 and 1914, and for which they placed in the estimates the sum of \$300,000 for preliminary work. They located the dock and it should have been built. I desire to say to the honourable leader of the Government that that work should proceed; I do whether it is done by not care Order in Council or how it is done. I understand that Orders in Council are very speedy; so let the construction of the drydock in Halifax be arranged by Order in Council. We must have a dock built in Halifax. All the large ships must come there. There is another reason why we should have that dock: Halifax is a port which is armed. An honourable member of this House told me to-day that he had misunderstood me. He said he understood that we could not build docks on the shores of the Atlantic because the submarines would be able to come in. I desire to say to my honourable friend-he is not here, but those who are here can tell him-that no submarine can come anywhere near the port of Halifax; no submarine can get within 16 or 17 miles of Spion Kop, where we have guns mounted. They will not shoot quite as far as the German guns, but we will soon have big guns too; but no enemy ship can get within from 16 to 20 miles of Spion Kop, which is 40 miles from the place where it was planned to locate the dock. In fact, no matter where in Halifax a dock is located, there is no danger of Germans or anybody

else interfering with it. So much for the situation at Halifax; and I desire to impress upon the Government the importance of considering the matter immediately. There is another reason why docks should be constructed in places like Halifax. There is in that city a large population of skilled workmen, who will be available for shipbuilding and repairing as soon as the drydock is opened.

The situation is similar at Trenton, where two large ships are now being built. A large one has already been built for the Nova Scotia steel works. There is already 496

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a dock at Trenton. I must give credit for that to the Liberal Government, which built it, although it was not entitled to any credit at the time. However, the unexpected happened, and I am glad to be able for once in my long life to attribute some good to Liberalism. That dock was built for the purpose of enabling ships coming from the sea to go to Trenton with cargoes of iron According to the information given cre. me to-day by Mr. McGregor, who represents the constituency of Pictou in the cther House, it could be made a perfect diydock, 570 feet long and 60 feet wide and capable of taking in the largest ships owned by the Canadian Pacific railway. That will give you some idea of it. In fact, there are not more than perhaps 50 ships sailing to-day that could not be taken into that dock. Therefore all that is required, I would point out to the honourable leader of the Government, is that the Minister of Public Works should go or should send somebody down to look into the situation at Trenton. I am anxious that that should be done because the Northland, a ship of 17,000 tons, lies not far from there and could be taken into that dock and repaired. I do not know of any other place except New York where she might be repaired, and she would have to lie in New York har. bour waiting for repairs until the war is over. So I desire to impress upon the honourable leader of the Government that the Minister of Public Works should be asked to send a competent man down there at once. Some say that the gates are not as strong as they ought to be. I under-. stand that the gates are made of 24 by 24 timber, and, while I do not pretend to be an engineer, in my judgment 24 by 24 timber will keep out any water that we have on our shores; but if the gates are not what they should be, the putting in of new gates is not a very difficult matter and would take only a very short time. The dock at Trenton has a concrete bottom and it was built so as to hold enough water to take in ships drawing 25 feet of water. That depth is sufficient for any ship that is owned by the Canadian Pacific Railway, and for other ships of the same class, ranging from 8,000 to 17,000 tons. So that dock will take in almost any ship that may come along our coast. At Trenton, as I have stated, two steel ships are now being built, and there are plenty of workmen, both skilled and unskilled, available there to do such work.

Now, honourable gentlemen, let me say a few words with regard to the Island of Hon. Mr. CROSBY.

Cape Breton, which I have the honour to represent in this House. Some time ago the honourable gentleman, who is the senior member for Halifax-he is not in his place now-said he was anxious to tell the members of this House that I did not represent Halifax. Well, when I looked at him and considered who was making the statement I said to myself, "Thank God." With reference to the Island of Cape Breton, I do not feel that I can adequately represent it, but I will do the best I can to help that part of the province, and that is all that any man can do. The harbour of Louisburg is one of the finest harbours in the world. It is an old French fortified harbour, and is second to none. You can build your dry-dock anywhere in that harbour, and you need not be afraid of the submarines or anything of that nature; the dock will be quite safe. Louisburg is also a terminal of the Dominion Coal Company, and there is a plentiful supply of labour there for the work of repairing ships.

Now we come to Sydney. You may ask me, why have so many docks? Let me tell you, honourable gentlemen, that Britain is filled with docks.

Hon. Mr. CLORAN: All drydocks?

Hon. Mr. CROSBY: Well, not as dry as they are over in Hull; but they are all drydocks-because there is no use putting a ship into a dock unless you can make it dry after you get the ship in. The drydock has a gate, and when you get the ship in you close the gate, and then you must pump all the water out of the dock; then you have a drydock. It might be well if a similar method could be used in some other cases. However, that is the way you get all the water away from the ship, so as to get to her bottom and do the repairs which are needed. In the city of London there are between 30 and 40 drydocks. None of them are as large as the docks in Quebec, and I am proud of that; we are all proud of it, because Quebec is in Canada. Liverpool has the largest dock in Great Britain, a dock of 1,050 feet, and she has about 21 docks. The situation is simi-lar in Manchester. These docks are not built by private companies, but by the corporation, and it makes money out of them. Let me tell you, honourable gentlemen, that when a ship like the Olympic comes into dock and remains there a day, she has to pay \$10,000 for that day and \$7,000 a day for every additional day she remains in the dock. The dock is a money maker. The Government have taken over railways MAY, 9, 1918

and they are building ships; but, after hearing the remarks made by my honourable friend when we were dealing with the Canadian Northern, you never can tell what a railway will do, whereas you certainly can depend on the drydock.

I may be asked: why are there not enterprising business men ready to build drydocks? As I said yesterday, though the United States is a great and wealthy country, private individuals there could not be got to put money into the building of drydocks. When the United States built their warships they were obliged for some years to send them to the port of Halifax in order to, put them into the dock there, because they did not have a drydock of their own for their warships. The United States Government had to build docks, and they now have seven or eight.

We want in Halifax a drydock of 1,200 feet, built like the dock in Quebec, so that it can take in two or three ships. It should be a sectional dock, so that the whole of it may be in use all the time. We want a dock in Sydney because in that port we have the great steel works of the Dominion Iron and Steel Company. If we did not have that great iron and steel works, we would not have been able to furnish the plate required by this Government for the building of ships. The Government of the day have made a contract with the Dominion Iron and Steel Company for that company to furnish them with 50,000 tons of steel plate every year for a number of years, and the company are now putting in a mill which will cost them something like \$5,000,000 for the purpose of manufacturing that steel plate. I repeat, we should have a drydock there. Some honourable gentleman may say to me. Sydney is a place whose geographical situation is a disadvantage. I admit that, but that disadvantage will exist for but a short time. It might also be asked, why locate at Quebec a drydock 600 feet long and another one 1,150 feet long, when there is a disadvantage in the geographical situation there? But we do not regard that as a good reason for not constructing the dock, because, when the navigation season opens there is a traffic on the St. Lawrence which warrants the drydock in Quebec. There is likewise a traffic which will warrant the construction of a dock in Halifax-yes, two or three docks; but we are asking for only one at the present time.

As I was saying, we want a drydock at Louisburg, and we want a dock at Syd-S-32 ney. Sydney has the advantage of being a centre of labour, where a good supply of skilled workmen is available at any time. And let me add: you can start almost any other kind of manufacturing industry the manufacture of clothes, or ladies wear, or candy, or anything else—in any town or village, but there is no industry that employs more highly skilled or better paid labour than the iron and steel industry. Wherever you find an iron and steel industry, there you find prosperity, because the employees are all highly paid and, though they work hard, they spend their money freely.

Therefore, I claim that there is at the present time a great necessity for the construction of drydocks. To build a new ship costs a great deal of money. The construction of such ships as we are talking about would cost anywhere from \$2,000,000 to \$5,000,000, but the construction of a drydock on our coast would not cost nearly as much. All that is necessary is to put up the gates and the walls and you have the drydocks. It might not cost more than \$1,000,000; in fact, I do not think the docks already built down there cost anything like that.

Then, the dock in Halifax which is now owned by a company should be taken over by the Government, because there would be a great advantage in Government ownership. The Government would have the advantage of whatever profit they make. and, besides all engineering or machinist companies would have an equal right to tender on any repair work required to be done. At present, if for instance five or six engineering companies desire to get a contract for the repairing of a ship, the company owning a dock such as we now have at Halifax have the whip-handle over every other company, and the others may not be able to get a ship into the dock, because the company owning it can make the dock as exclusive as they like. Therefore I say that docks are in the class of property which should be owned by the Government or by the corporation.

I thank you, honourable gentleman, for having listened to me. I have not been able to put this matter, important as it appears to me, before this House in the way I would wish to do. I would be glad if I could make my honourable friend the leader of the Government feel the importance of this matter as I feel it. I think it is of greater importance than the construction of ships, because it takes considerable time to construct a ship, but very little

REVISED EDITION

SENATE

time to construct a drydock, and if a drydock is built it can turn out ships almost every week. As I stated yesterday, and perhaps again to-day, we have 50,000 tons of shipping lying within the harbour of Halifax, inside of McNab's Island. Those ships cannot be taken into drydock, even in New York. The British Government have in Bermuda a dock that might be used, but Bermuda is 750 miles from Halifax and on the open sea, and it is a very difficult task to tow a boat from Halifax to Bermuda; and when you get the boat there you are confronted with the difficulty of finding a sufficient supply of suitable, labour. The dock at Bermuda is a floating dock owned by - the British Government. It was towed from the old country to Bermuda. One who, like myself, is so much interested in this war, having two sons there, and my son-in-law for some years, cannot but feel that every effort that we can jointly put into the construction of ships would help to win the war; for, as the Premier has said, every ship that is produced is a direct effort towards that end. If that be so, then nothing is more urgent to-day for the Government to take hold of than this project which I have been putting before you.

Hon. H. J. CLORAN: The honourable gentleman who has spoken so highly of the province of Quebec will allow me to sympathize with him as deeply as possible in his appeal to the Government in this matter. He can rest assured that as far as my colleagues from that province and myself are concerned, we will give him our hearty support in having the Government perform this national work for the marine of Canada, of the Empire, and of foreign countries also. Though I am not a mariner, I have common sense to understand that a ship, like every other mechanism, needs repairs, and requires a special place wherein to make those repairs, and the only place in which this work can be properly done for a ship is a drydock. The plea for the building of drydocks is just as well founded as that for the building of ships; for what is the use of building a ship that may be crippled a day, or month, or year after its launching, if it cannot be repaired? The repairing of a ship is just as essential as the building of it. I think that is the idea which the senator from Halifax (Hon. Mr. Crosby) wishes tc prevail. Just as a ship is liable to destruction, so it is liable to severe injury, and certainly drydocks are required for the repair of such injuries. I am in favour of his appeal to the Government to take hold Hon. Mr. CROSBY.

of this matter. The province of Quebec has led the way, owing to appeals made to the Government of the day, such as the honourable senator has made to-day, that the navigation of the St. Lawrence needed those docks; yet they were not constructed in one or two years, or after one or two appeals; it took years for the Government to come to a decision. It is very strange that Governments take a long time to reach decisions in very serious national matters. though they can come to conclusions in trivial matters very quickly. But this is no trivial matter, and I think the case made by the honourable gentleman from Halifax will meet with the approval of the farmer of the West just as well-as that of the sailor of the Maritime Provinces.

Hon. Sir JAMES LOUGHEED: I am sure that not only this House but the country will be indebted to the honourable gentleman who moved this motion, and also to the different honourable gentlemen who have spoken in its support. I need not say to this Chamber that the Government is deeply sensible of the many responsibilities and obligations falling upon it at the present time, and we need not be surprised at the natural impatience of a large section of the population, particularly the more enterprising sections, in demanding that very large expenditures should be made and very extensive programmes be adopted by the Government for the purpose of meeting the requirements of Canada at the present time. The upheaval which has taken place, not only in Europe but on other continents, owing to the titanic struggle which is now being carried on, will necessarily involve every Government of every country giving deep consideration to the great changes which will undoubtedly take place in the near future in order that they may keep pace with the march of progress which will be made by all civilized nations. This Government is not insensible of that responsibility being cast upon them.

It is possibly not an answer to the criticism which has from time to time been levelled at an alleged tendency to inaction on the part of governments to say that they are charged with other equally great responsibilities, namely, those having to do with the carrying on of the war upon the great scale on which we have entered, and which we must continue until there is a successful conclusion of that great issue. But, entirely apart from the many other activities upon which the Government has

entered, and which it is pursuing with all its energy and ability, this particular problem has not at all been overlooked.

Both on the Atlantic and on the Pacific very considerable attention has been given by the Government, not only to the promotion of the shipbuilding industry, but to all those incidental enterprises which are germane to that very important one. No later than some four weeks ago the Government of Canada committed itself to an expenditure of, I think, \$50,000,000 for the purpose of encouraging the building of iron ships. Growing out of that programme a contract has been entered into between the Dominion Government and the Dominion Steel and Coal Company that will permit of that company building the first steel plate mill in Canada-an enterprise which will involve an expenditure by that corporation of at least \$5,000,000, and an obligation on the part of Canada to take, within the next five years, no less than 250,000 tons of steel at a fixed price which will enable the company to enter successfully upon the obligation which they have assumed.

I may say that through the intervention of this Government shipbuilding upon the Pacific coast has received a considerable impetus. The honourable gentleman from Westminster (Hon. J. D. Taylor) directed our attention the other day to the establishment of shipbuilding yards in British Columbia. I am informed that no less than twelve wooden ships are now in those yards awaiting the installation of equipment before being launched. I understand that one or more of those ships have already been successfully launched, and it is to be hoped that that industry will develop into much more important proportions than it has at present reached. Iron shipbuilding is not included in the industry on the Pacific coast, I am informed. True, that industry is in its infancy, and I am not at all surprised that there is more or less impatience and even dissatisfaction, on the part of honourable gentlemen who come from that province, with what has already been done. Dissatisfaction lies at the very basis of all progress. If we were contented with the degree of enterprise which we have reached, we would grow stagnant before a great length of time passed over our heads; therefore it is fortunate that a measure of discontent at present progress should characterize our people on both coasts, and I am not surprised at my honourable friend from Halifax (Hon. Mr. Crosby) expressing himself in the manner he has done this afternoon. S-321

We appreciate the magnificent heritage which Canada possesses in our ports on both coasts, and the great possibilities that await this country if proper attention is given to the development of our shipping. Yet, at the same time, it cannot be overlooked that there are limitations to what this Government may and can do. As I think I pointed out the other day, governmental machinery is not calculated to bring about to the same extent as private enterprise the development of great industries. and the most we can hope is that a government may properly become seized of the importance of acting in accordance with . assisting in every possible way to develop the resources of the country. I think I am justified in saying that this Government has given an earnest of its desire to give due consideration to every line of industry and activity, and to the development of our natural resources in whatsoever way their human ability will permit. They have demonstrated that desire by the very large sums which they have appropriated for the purpose of helping those different activities. But I hope, honourable gentlemen, that this will simoly be a beginning of the programme which this Government will adopt for the purpose of encouraging, stimulating, and giving the greatest pos-sible impetus to the development of the trade and the natural resources of Canada.

I can assure my honourable friends that the minister who is at the head of the department on which will depend the initiation of most of these enterprises, Hon. Mr. Ballantyne, is only too anxious to know the wishes of the public in a practical way, so that he may give all the assistance he can towards carrying out those great enterprises on both coasts. Under these circumstances I hope that we may not be disappointed in the outcome of the programme which is not only being carried on but which is to be enlarged in the near future.

My honourable friend from Halifax (Hon. Mr. Crosby) has made special reference to the importance of increasing our drydockage facilities on the Atlantic coast. I may say that, even prior to 1911 all the recent governments of Canada have been very anxious to assist in promoting the building of drydocks, recognizing the necessity of these very important enterprises. The Government which immediately preceded the present one placed upon the statute book very substantial encouragement to the building of drydocks. The legislation which for some years had stood upon the statute

book, by which the bonds of those who would enter upon the building of drydocks were guaranteed, has been improved, so that to-day we have about as generous a measure as could be introduced by any Government. If more consideration were given to that statute it seems to me greater attention would be paid to the building of drydocks than has been done in the past. for that legislation enables capitalists who have the adequate enterprise and confidence to secure a guarantee by the Government of Canada of practically the entire issue of bonds necessary for such an enter-· prise. If the public gave more consideration to existing legislation, looking to the development of great public enterprises such as this to which I have alluded, possibly greater encouragement might be apparent in the facilities which are within reach for not only financing such activities, but for carrying them to their ultimate conclusion.

I am glad to assure my honourable friend who has directed the attention of this House to this very important matter, that I will draw the attention of the Government to the discussion of this important subject to which we have listened with very great pleasure in this Chamber.

The discussion was concluded.

PRINCE EDWARD ISLAND MILITIA OFFICERS.

INQUIRY.

Hon. Mr. MURPHY inquired of the Government:

1. The names of officers employed by the Militia Department in Prince Edward Island during the year ending March 31, 1918, their rank, the duties they are performing, and their emoluments?

2. How many of those officers have seen service in France, and what length of time were they serving at the front?

3. Is it the intention of the Government to replace the civilians, or men who have not seen service at the front, with qualified returned soldiers who have been there? If not, why not?

4. The names of officers employed under the Soldiers' Civil Re-establishment and subsidiary departments, who have not seen service at the front?

5. Is it the intention of the Government to fill those positions by men who have seen ser-vice at the front? If not, why not?

Hon. Sir JAMES LOUGHEED:

1. S. R. Jenkins, Hon. Lt.-Col., senior medical officer, pay of major, \$4 per day, no allowance.

A. A. Bartlett, Major, officer i/c supplies and transport, pay of rank, \$4 per day, no allowances.

Hon. Sir JAMES LOUGHEED.

C. Leigh, Major, in charge of pay and discipline Dalton Sanatorium, pay of captain, \$3 per day, field allowance 75 cents, subsistence when authorized \$1.50.

J. A. McPhee, Captain, travelling medical board, pay of rank, \$3 per day, field allowance 75 cents.

J. W. Stanley, Major, O. C. "H" Company, 1st Depot Battalion, pay of rank, \$4 per day, field allowance \$1, subsistence when authorized \$1.50.

P. E. Palmer, Lieutenant, "H" Company, 1st Depot Battalion, pay of rank, \$2 per day, field allowance 60 cents, sub. when authorized \$1.50.

J. F. White, Lieutenant, "H" Company, 1st Depot Battalion, pay of rank, \$2 per day, field allowance 60 cents, sub. when authorized \$1.50.

E. C. McGuigan, Lieutenant, in charge draft for 105th Battalion (ceased to be so employed 19-12-17), pay of rank, \$2 per day, field allowance 60 cents, sub. when authorized \$1.50.

T. F. Fullerton (Rev.), Major, chief recruiting officer (ceased to be employed 1st October, 1917), pay of rank, \$4 per day, field allowance \$1, sub. when authorized \$1.50.

D. A. Macdonald, Lieutenant, recruiting Railway Construction Draft (proceeded overseas 4-2-18), pay of rank, \$2 per day, field allowance 60 cents.

2. Major J. W. Stanley, about eighteen months in France; Lieut. P. E. Palmer, about three months in France; Lieut. D. A. Macdonald, over two years in France.

3. The services of returned officers and men are being utilized in connection with all vacancies for military employment possible, and where the requirements of the service necessitate the employment of officers who have not been overseas, the appointments in such cases are of a temporary nature only, with a view to their being replaced by suitable returned officers when available.

4. Burwell Douglas, vocational officer, from 1st January, 1917, to 1st April, 1918. Unfit for military service.

5. Preference has always been given by the Department of Soldiers' Civil Re-Establishment to men who have seen service overseas. All appointments under this department are now made by the Civil Service Commission.

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

THE SENATE.

Friday, May 10, 1918.

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

Prayers and routine proceedings.

THE ASCENSION DAY SITTING.

On the consideration of the second report of the Committee on Internal Economy and Contingent Accounts:

Hon. L. LAVERGNE: Before the report is adopted, I would like to ask a question of the honourable leader of the Government. Is this report legal? Yesterday was a legal holiday for the whole of Canada. The Committee sat yesterday, but I opposed the sitting of that Committee, as honourable gentlemen will remember. If you refer to the statute you will see that Ascension Day is a holiday not only in Quebec but in Ontario and every other province of the Dominion. When I raised the point yesterday the honourable gentleman told me he was not sure about it, and I had not the statute before me at the moment; but I have since looked it up and I may tell you that subsection 11 of section 34, chapter 1, says that the word "holiday" comprises Ascension Day, Dominion Day, etc.

Hon. Sir JAMES LOUGHEED: I should like to assure my honourable friend, with reference to any doubt which exists in his mind as to the validity of anything Parliament may do, that Parliament may sit on any day in the year. Parliament is not in any way restricted by statutory holidays. In the second place, Ascension Day, under chapter 119, section 43, paragraph b, is a holiday in the province of Quebec only. My honourable friend (Hon. Mr. Lavergne) referred only to the Interpretation Act; but if he will look at the chapter to which I have referred he will see that it is a holiday in the province of Quebec only.

Hon. Mr. LAVERGNE: The Interpretation Act is included in the Revised Statutes, which specify what days are legal holidays. I am sure a lawyer would not differ from my contention.

Hon. Sir JAMES LOUGHEED: No; the Interpretation Act is intended only to place a construction upon the word "holiday" wherever it may be found in the statute, and that interpretation will be limited by the express phraseology of the statute. In the statute to which I referred—and it is the only statute, so far as I know, declaring Ascension Day to be a holiday—it is made a holiday only in the province of Quebec.

Hon. Mr. LAVERGNE: No. Parliament has a right to sit to override any law; I am aware of that; but Parliament was not sitting. The House of Commons was not sitting; so I think the Senate had no right to sit.

Hon. Mr. DANDURAND: I had not intended to touch upon the constitutional right of the Senate to sit yesterday. I noticed that we had departed from traditional custom, but I surmised that we were preceeding under the War Measures Act.

Hon. Sir JAMES LOUGHEED: However, I think we did a very good act, whether it was under the War Measures Act or any other.

Hon. Mr. CLORAN: The holier the day the holier the deed. There were no bad deeds committed.

GERMAN TRADE IDENTIFICATION BILL.

THIRD READING.

Bill D, an Act for the identification of traders in German Goods.—Hon. Mr. Lynch Staunton.

HALIFAX RELIEF COMMISSION BILL.

SECOND READING.

Hon. Sir JAMES LOUGHEED moved the second reading of Bill U, an Act respecting the Halifax Relief Commission.

He said: Honourable gentlemen, this is a very formal matter. As you are doubtless aware, the Halifax Relief Commission is charged with administering the fund which has been placed in its hands, not only by this Government but by other Governments, for the relief of the Halifax sufferers. It has been incorporated by the legislature of Nova Scotia. The major part of the fund was contributed by this Government; it is therefore desirable not only that this legislation should be confirmed, but that the Commission should come within the authority of this Government so that the accounts may be audited by the Auditor General of Canada. This is provided for in the Bill as follows:

The expenditure and accounts of the Halifax Relief Commission shall be subject to such audit and examination as the Governor in Council may, upon the recommendation of the Auditor General of Canada, from time to time prescribe. Hon. Mr. BELCOURT: Can my honourable friend say how much money has been subscribed by the Government of Canada?

Hon. Sir JAMES LOUGHEED: I cannot inform my honourable friend as to the exact amount. I think there is a fund, all told, of about \$12,000,000.

Hon. Mr. BELCOURT: Has my honourable friend a copy of the provincial Act? I think we ought to see what the powers of the Commission are under that Act.

Hon. Mr. POWER: I quite agree with the honourable gentleman from Ottawa (Hon. Mr. Belcourt). I have not seen the Bill as it was passed by the Nova Scotia legislature; but as it was introduced into the legislature it contained some very questionable provisions, and there was a great deal of feeling in the city of Halifax with respect to it I quite agree that before ratifying and confirming the Act of the Nova Scota legislature we should have it before us.

I notice in the preamble of the Bill the names of the Commissioners, in one of which there is what I take to be a typographical error. The name appears as William Burnett Wallace, judge of the county court. The gentleman's name is William Bernard Wallace.

Hon. Sir JAMES LOUGHEED: I have a copy of the provincial Act, which I shall be very glad to place on the Table so that the House may be apprised of what it contains.

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

CANADIAN PATRIOTIC FUND BILL.

SECOND READING.

Hon Sir JAMES LOUGHEED moved the second reading of Bill V, an Act to amend the Canadian Patriotic Fund Act, 1914.

He said: This is a Bill to amend a section of the Patriotic Fund Act of 1914, in order to make the object of the section more intelligible. The section seems to have been very ambiguously framed originally, causing a doubt as to the phrase whether "residents of Canada" should apply to the officers and men or to the wives, children and dependent relatives of the officers and men. It is to make that perfectly clear that this Bill has been introduced. The question has been raised several times as to which class the language is applicable to. As honourable gentlemen very well know, I presume, the Patriotic Fund has been administered for the benefit

Hon. Sir JAMES LOUGHEED.

of the wives, children and dependent relatives resident in Canada, no matter whether the officers and men were resident in Canada or not.

Hon. Mr. BELCOURT: I can hardly understand how the language could have led to confusion or misconception of that sort.

Hon. Sir JAMES LOUGHEED: It has led to a number of disputes.

Hon. Mr. BOSTOCK: The clause of the Bill now before us seems to be wider than that of the original Bill. The clause in the original Bill says:

The objects of the Corporation shall be to collect, administer and distribute the fund hereinbefore mentioned for the assistance in case of need of the wives, children and dependent relatives of officers and men, residents of Canada, who, during the present war, may be on active service with the naval and military forces of the British Empire and Great Britain's allies.

But the clause as now proposed to be amended, makes that applicable to those who may become resident in Canada. It is very much wider.

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. BOSTOCK: It would appear that the Government proposes to continue the Patriotic Fund for some time to come.

Hon. Sir JAMES LOUGHEED: Yes. The fund has been administered in accordance with the language of the Bill before us. From time to time the wives, children and dependents not only of our own forces but of our Allies' forces come to Canada. Therefore it is applied to those wives, children and dependents as they come to this country.

Hon. Mr. BELCOURT: This applies to the relatives "of officers and men who, during the present war, may be on active service with the naval and military forces of the British Empire and Great Britain's Allies;" and not only to the wives, children and dependent relatives who are now in Canada, but to those who may come to Canada. Take, for instance, the wife of a French officer who is now living in France. If after the war or even during the war she becomes a resident of Canada, she will be entitled to support from the Canadian Patriotic Fund. Is that intended?

Hon. Sir JAMES LOUGHEED: Yes, because the governments of the allied countries look after our people in a similar manner. There is a mutual arrangement by which, if the wives, children or dependents of any of the members of the Canadian forces should be in Great Britain or France, they will be looked after.

Hon. Mr. THOMPSON: That is just during the war.

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. BELCOURT: In what way are they being looked after—for instance, in France?

Hon. Sir JAMES LOUGHEED: By funds paid for their support.

Hon. Mr. BELCOURT By the government?

Hon. Sir JAMES LOUGHEED: By the governments, I understand

Hon. Mr. DANDURAND: If soldiers enlisted and crossed over and married on the other side, I suppose their wives and children would be looked after upon coming back to this country?

Hon. Sir JAMES LOUGHEED: I should say so.

Hon. Mr. TODD: In connection with this amendment I may say that I have served on the Patriotic Fund in our province. On the border there were on the list a number of wives and children belonging to soldiers from Maine. The Committee asked us to cut them off and pass them over to the British Relief Society of New England. After the United States came into the war the Red Cross took care of them. I understand that it is in order to straighten that out that this Bill is brought in, and that relief is only to be given to the wives and children living in Canada.

Hon. Mr. BELCOURT: The provision applies so long as the Patriotic Fund exists, so that the wives or dependents of soldiers, not from Canada, but from France or Italy for that matter, who emigrate to Canada, would be entitled to relief. I am not objecting.

Hon. Sir JAMES LOUGHEED: Yes, it would authorise the trustees of the fund to give relief to those people. It is intended to give the corporation very broad powers in that regard.

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

SUPREME COURT ACT AMENDMENT BILL.

SECOND READING.

Hon. Sir JAMES LOUGHEED moved the second reading of Bill W, an Act to amend

the Act of the present session, intituled, An Act to amend the Supreme Court Act.

He said: Honourable gentlemen will doubtless remember that we passed a Bill this session amending the Supreme Court Act, and making provision for ad hoc judges. It would seem that the conditions which existed leading up to that legislation have created some uncertainty as to pending appeals. For instance, the Chief Justice of Neva Scotia has directed the attention of one of the members of the Government to the change, stating that this will affect litigants who thought the Supreme Court of Canada would be available to them. This view was submitted to the Deputy Minister of Justice, and he has concurred in it. Consequently this Bill provides that pending appeals shall be protected.

Hon. Mr. WILLOUGHBY: I should like to ask the honourable leader of the Government what is meant by the phrase "pending in the court of original jurisdiction."

Hon. Sir JAMES LOUGHEED: It is to save any appeal either in the Supreme Court of Canada or in the court of original jurisdiction. That is to say, the benefit is to extend to both courts.

Hon. Mr. WILLOUGHBY: Take a pending case. In the province of Saskatchewan there is a special court for that purpose. I happen to know of cases in which the decision would perhaps be given before this Act went into force; but no notice of appeal is given and the time has not yet expired. Will the right of appeal subsist?

Hon. Sir JAMES LOUGHEED: - If it was pending-

Hon. Mr. WILLOUGHBY: There would be the statutory period for appeal under the Supreme Court Act, although the decision of -the local Government Board was given before the amendment to the Supreme Court Act was passed. Does the right still exist to appeal?

Hon. Sir JAMES LOUGHEED: I would not like to give an opinion on that. I doubt that very much. But the question might be raised as to whether the appeal went to the Supreme Court in time. It is questionable whether, owing to the want of a quorum of judges and the delay thus caused, the appeal could be afterwards heard through lapse of time.

Hon. Mr. BELCOURT: I do not quite see what the difficulty is—why the legislation?

504

Hon. Sir JAMES LOUGHEED: I cannot inform my honourable friend of any concrete case to which it would apply; but the Chief Justice of Nova Scotia has pointed out that the fact of the Supreme Court not having sat as it should have done, did affect pending appeals. If these could not be prosecuted in the Supreme Court of Canada owing to the absence of judges, it becomes necessary that the court should be given authority to hear appeals notwithstanding the legislation we have passed. As I have said, I cannot think of a concrete case to which it would be applicable; I am not sufficiently familiar with the procedure either in the Supreme Court or in the courts of original jurisdiction.

Hon. Mr. BELCOURT: The Act which we passed was not limited as to cases or as to time. The bringing to the court of an ad hoc judge was not limited to any particular time or any particular case; it was general.

Hon. Sir JAMES LOUGHEED: My honourable friend, living in Ottawa, is particularly familiar with appeals, having been engaged in many of them. Assuming that the Supreme Court of Canada drew upon one of the provincial courts for an ad hoc judge, thus destroying the quorum of the court of appeal of the province, from which he came, and thus preventing the sitting of that court, it might become a very serious question, after a certain lapse of time due to the want of a quorum, whether the court had jurisdiction to hear an appeal.-Similarly the question might arise as to whether the Supreme Court of Canada, not having heard the appeal, which should have been heard at a particular time, could afterwards hear it.

Hon. Mr. BELCOURT: The question could not arise until and unless the court below had delivered judgment.

Hon. Sir JAMES LOUGHEED: But I am referring to judgments that had been delivered by the court of original jurisdiction, and from which an appeal would lie; but, owing to there being no quorum in their court of appeal, caused by an ad hoc judge sitting in the Supreme Court of Canada, that situation might arise.

Hon. Mr. BELCOURT: There are three sections in the Act, and apparently this one that it is proposed to add applies to sections 2 and 3, which, as I read them, do not deal with the question of the ad hoc judge at all. Perhaps my honourable friend can tell us when we get into committee.

Hon. Mr. BELCOURT.

Hon. Sir JAMES LOUGHEED: Yes, I will make further inquiries about it.

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

PRIVATE BILL.

THE DOUKHOBORS COMMUNITY BILL-THIRD READING.

On motion of Hon. Mr. Watson, the amendments made by the Standing Committee on Miscellaneous Private Bills to Bill O, An Act to incorporate The Christian Community of Universal Brotherhood, were concurred in.

On the question of the third reading of the Bill:

Hon. Mr. WATSON: Before the Bill is read the third time I wish to submit a further amendment, which is suggested by the Minister of the Interior. I move that the following subsections be added to section 7:

(2) The Corporation may deal with, discharge, release, or satisfy any right, claim, title or interest, whether the same be legal or equitable, of the Community, or of any individual members or groups of members thereof, in, to, or arising out of Dominion lands or other public lands of Canada, or any assignment or transfer of any such right, claim, title or interest.

or interest, (3) Every grant, transfer, discharge, release or assignment of any such right, claim, title or interest duly made and executed by the Corporation shall, for all purposes of the Dominion Lands Act, be binding upon the Community or, as the case may be, individual members or groups of members of the Community; and shall avail for all such purposes as if it had been executed by the Community or individual members or groups of members of the Community.

This provision has been prepared by the Law Olerk at the suggestion of the Minister of the Interior and the counsel representing the applicant for the Bill. I think it might be incorporated now in connection with the third reading, with the consent of the House.

Hon. Mr. DANIEL: I would like to ask the honourable member if the by-laws of this comporation are to be submitted to the Government before they come into effect.

Hon. Mr. WATSON: Yes, that is provided for in the Bill.

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

THE SYSTEM OF GRANTING DIVORCE. DISCUSSION

Hon. W. B. WILLOUGHBY rose in accordance with the following notice:

That he will call the attention of the Government to the advisability of changing the system of granting divorce by Act of Parliament, and will inquire of the Government:

and will inquire of the Government; 1. Is there any intention on the part of the Government to ask from the Imperial Parliament an amendment of the British North America Act so as to confer on the provinces the sole jurisdiction over marriage and divorce?

2. If no such intention, if the Govarnment has considered the propriety of prescribing uniform statutory gronds of divorce, leaving to the Provincial Courts the procedure to be followed with the right to exercise all powers and grant all remedies enjoyed by the Probate and Divorce Division of the High Court of Justice in England?

3. If no intention to act under 1 or 2, if the Government has considered the question of establishment Dominion Divorce Courts?

He said: In making this inquiry I do not intend to address the House at any length to-day, because, if the Government should give an answer in the affirmative to any one of the three queries that I propound, no further discussion will be necessary on my part. If, on the other hand, the answer of the Government should be that no immediate action is contemplated, or no action whatever, then at a future session of the House I will raise the question in such a form that we may perhaps have a full debate on the subject, because I recognize it as one of very great import-, ance. However, I wish to justify my action in placing the question on the Order Paper by some facts and arguments that might be of use in connection with it.

I recognize that there would not perhaps be a unanimous feeling in this House or in the lower House as to the advisability of dealing with divorce at all. Certain gentlemen are unwilling, on account of their religious persuasion, to deal with the subject of divorce. I do not make that comment for the purpose of finding any fault with them. But there is a large majority in both Houses, and a much larger majority of people throughout Canada, who believe the time has come when we should deal adequately with the question of divorce.

In putting these questions on the Order Paper I had no intention of reflecting on the competency or zeal of the gentlemen who now discharge the duties of the Divorce Committee of this House. I would not for a moment have it inferred from anything I may say that I have not entire confidence in their ability to deal wisely and adequately with the subject of divorce;

but the considerations I adduce in connection with it are much wider than that question would be: There is a growing sentiment for divorce in Canada, perhaps in keeping with all the more advanced nations of the world. We may deplore it as not a good tendency in public policy, but as public men we cannot but recognize that there is an increasing number of divorces in all the more democratic countries of the world. There is a popular conception that divorce is rather a novel thing in Canada. Not to weary the House with any extended statistics, I will content myself with quoting figures to show that we have been granting in this country divorces in an increasingly large number, not only by the Parliament of Canada, but by the various courts of Canada which admittedly have the power to do so up to the present.

The figures to which I refer are taken from the United States special report on the census of 1909. This is a statement of the divorces granted in Canada from 1868 to 1904:

	To	tal No	o. 3	fale.	Female.
Ontario		58		34	24
Quebec				12	7
Nova Scotia		125		61	64
New Brunswick		80		43	37
British Columbia.				41	25
N. W. Territories.		4		3	1

The numbers given include the divorces granted both by the courts of the various provinces of Canada having power to grant them and by the Parliament of Canada. From 1867 to 1906 there were granted by the courts: Nova Scotia, 136; New Brunswick, 85; British Columbia, 104; Prince Edward Island, none. I have not brought the statistics down from 1906 to the present time, because, as I said in opening, I did not intend, at this session of the House in any event, to discuss the subject comprehensively. I have warrant in saying, however, that the number of divorces in Canada is rapidly increasing. Not only have we the number that are actually granted in the provinces and by this Parliament, but we have a large number that are granted to Canadian citizens who have gone to the United States for the purpose of securing them. We who live in the prairie provinces particularly those of my profession, are quite familiar with the fact that a considerable number of people go to the United States from year to year to get divorces. It is no answer to say that those divorces are not always recognized in Canada. Some people, for the purpose of procuring what may be an absolutely valid divorce in any country, have been lost to Canada permanently, having gone to live under American laws and have acquired a permanent domicile in the United States.

Hon. Mr. POWER: Does the honourable gentleman think they are any great loss to Canada?

Hon. Mr. WILLOUGHBY: They may not be a very great loss to Canada; but we are desirous of getting population, and many of those people have come from the United States, where it is not thought that the granting of divorce is any great injustice to the State, and is a great justice to the individual. So I say that the statistics of the divorces granted in Canada show only the number that were granted to people who were residents of Canada, and do not show the number of those who went to <u>the</u> United States for divorces and in many cases have not returned to Canada.

It is obvious that, from my point of view, marriage is a civil contract. I am quite aware that certain religious denominations regard it as more than a civil contract, and impose certain penalties or ecclesiastical disabilities upon those who get divorces. But by the common law of England marriage is a civil contract.

Now, it is commonly forgotten by many people, I will not say in this House, but by public men, from Ontario mostly, that divorces have been granted in British Columbia and in two of the Maritime Provinces, namely, Nova Scotia and New Brunswick, and that Prince Edward Island has a divorce court-a rather cumbersome one, it is true, and apparently one of which nobody has taken advantage. Recently the subject has become even more important in view of a late decision of the appeal court of Manitoba. For many months, since I had been looking into the question more particularly, I had, rightly or wrongly, come to the conclusion that in Saskatchewan, the province from which I have the honour to come, we had the right to have divorces by virtue of the Northwest Territories Act. My opinion would not be worth much, nor the reasoning by which I arrived at that conclusion; but it was the reasoning by which the appeal court of Manitoba has lately pronounced unanimous judgment, holding that the province of Manitoba has the right of divorce. In Saskatchewan we have the Northwest Territories Act passed by the Parliament of Canada, which adopted and introduced the civil and criminal law of England as it was in force on the 15th of July, 1870, and that law has been continued in Saskatchewan by the Saskatchewan Act. The law that was Hon. Mr. WILLOUGHBY.

applicable to Saskatchewan would be applicable to the province of Alberta, for the very same provisions of the Northwest Territories Act of 1886 are applicable to Alberta. which law was passed before the province came into existence. By the Alberta Act the very same provisions have been continued as we have them in the province of Saskatchewan. It is by virtue of those provisions, and a similar provision relating to Manitoba, that it has been held, and is now held for the first time authoritatively, that they have the right in the province of Manitoba to grant divorces. If that judgment should be carried further, as perhaps it may be to the Privy Council, we may have sustained this newlyasserted right on the part of the people of Manitoba, corresponding with a right of the other two prairie provinces, of having divorce courts in these provinces; because individually I am very strongly of opinion-and I think I know what the sentiment is in Saskatchewanthat if it is once held that we have the right to go to our own courts in our own province for divorce, rules dealing with the granting of divorces will be made by the judges for the purpose of carrying out that law.

The history of divorce in England is of course a very interesting one. Divorce as we understand it, the absolute separation of man and wife, the breaking of the marriage tie, only came into force after the Reformation. That did not apparently satisfy the public mind of England, for, even during a period earlier than applications to the House of Lords absolute divorces were granted in England; but it became necessary to establish a procedure and a form other than the old ecclesiastical court for the purpose of granting those divorces. The result was, as we know, that Lord Roos's case, I think in 1666, speaking from memory, was the first recorded case of Parliamentary divorce granted by the House of Lords. From that time on to the establishment of the Matrimonial and Divorce Court in 1857, we find a . continually increasing number of divorces granted by the House of Lords in England. It was felt, however, that the machinery created by the standing rules of the House of Lords were oppressive, and in any event that they led to very large expenditure on the part of applicants for divorce. Those of the honourable gentlemen who had anything to do with divorce will remember that two conditions were precedent to action by the House of Lords: the first was

MAY 10, 1918

that the applicant, if a man, must have had a decree in the Ecclesiastical Court, a divorce from bed and board-the old mensa et thoro; and he also must have brought an action against the adulterer and secured a verdict. That involved two lawsuits on his part before he was competent to go to the House of Lords and ask for the final remedy of a divorce with the right to remarry. No doubt-it was to some extent the very large expense to procure those first judgments-the judgment of the Ecclesiastical Court, granting separation from bed and board, and afterwards the decree against the adulterer-that impressed on the minds of the legislators of England the desirability of establishing a new court and letting the one court grant all the remedies.

We in Canada are of course in an entirely different position from that of the old country. I will discuss that point a little later on. We are here sitting in a Federal Parliament, while in England the laws made by the Imperial Parliament and the procedure laid down under the jurisdiction of that Parliament, are applicable all over the United Kingdom. The first divorce court in England was established in 1857. That court continued as a separate divorce and matrimonial court until the passing of the Judicature Act in England, when the questions of probate and divorce were allocated to a separate division of the High Court of Justice, and they are so dealt with at the present time.

As I have said, I will be very brief today. Perhaps this is only a preliminary discussion on my part. But I want to discuss some of the disadvantages that do in my opinion result from the action of a legislative body such as ours dealing with divorce. First, we will deal with the question of cheapness. The House has not been strict in imposing large fees on applicants for divorce, it is perfectly true. The only fees paid, I understand, are like the fees for any ordinary private Bill coming before the House; but we have persons coming from the western portion of Canada to seek divorce. They must attend and give personal evidence in the court-that is, before the Divorce Committee sitting as a court. Those who live in Ontario or in any district contiguous to Ottawa may not incur greater expense in that way than they would incur by appearing before an ordinary court. But it is a very heavy burden on those who have to come from the western portion of Canada and to bring all their witnesses here for the purpose of giving evidence.

There is another objection that will occur to honourable gentlemen: whether or not the Senate could empower the Divorce Committee to take evidence by commission. I am not going to deal with the question whether the Senate could do so or not. In any event, the committee of the Senate has not seen fit to exercise such a power. It is a power most beneficially exerciséd in this country in various waystaking evidence by commission and bringing that evidence before the court that finally adjudicates. It might very well be that the most important evidence, that of the petitioner and perhaps some of the main witnesses, ought to be given in person before the committee or court. I am not going to enter into the details of what rules should be prescribed as to that; but there is a considerable mass of evidence which, in my judgment, in any event, could be very much more cheaply brought before any ordinary court than it can be now brought before the Senate.

Then, in other cases there is some objection to the Senate acting, namely, in the cases where the proceedings die between parliaments. I have looked over the recorded decisions of divorces granted here, and I see that one or two cases in any event, and perhaps in more, special action was taken so that the proceedings started during one session of Parliament could be continued at the next session, on another petition; although the anomaly of doing so was pointed out, and although you departed from the ordinary practice whereby the proceedings begun at one session of the House are not continued at the next session. I can very well conceive of many cases in which the divorce proceedings cannot properly be terminated at one session, through unexpected delays and for other reasons, and may have to be continued in another session; but, even if we did provide for that contingency, I assume that we could not provide for continuing proceedings, begun in one Parliament and not concluded till another Parliament.

I am not going to amplify the argument as to the unwisdom, in my opinion, of the same body exercising judicial and legislative functions. The matter has been discussed in the lower House and in this House in years gone by, and I have taken the opportunity, in the considerable leisure that is given to a back-bencher, to read 'some of the debates in connection with it. The tendency of Parliament has been—and I think the tendency in the history of legislation has always been—to separate so far as possible the legislative from the

judicial function. Anybody who reads the old debates in the English Parliament in connection with the trial of election petitions by the House of Parliament will find that it was thought that the constitution would go to smash if Parliament were to surrender the right to try election petitions; but Parliament decreed otherwise, I think wisely, and, as we all know, they relegated, to the courts of justice the trial of election petitions.

I know that it is a peculiar attribute of all bodies and individuals not to want to divest ourselves of any of the authority that we now exercise, and I dare say Parliament might be reluctant to surrender the right to deal with divorce. It is well known to gentlemen who have had the honour of a much longer membership in this House than I have that lobbying in connection with divorce persistently does go on. I am far from insinuating, far from even thinking, that the gentlemen who occupy seats on the Senate Divorce Committee are influenced by it; but it is an insult to our ideas of granting legal rights of a purely judicial nature that the judge, in this case a member of the Divorce Committee, should be at all subjected to approach by anybody wanting or resisting a divorce.

At the present time, in our divorce courts as they are established in Canada, the causes for which divorces are granted are not uniform, and if we are going to have divorce courts in the three prairie provinces in addition to those that already have the right to grant divorce, I predict a greater diversity of causes for which divorces may be granted. Anybody familiar with the American history of divorce, not a very savory one in many respects, will know that there is a very considerable variety of legal causes for which a divorce may be granted. Some of the western courts have a tendency, I am glad to say, so far as I am familiar with them, to tighten up a little, the conditions as to residence have been made more stringent, in nearly all the western states; and the grounds for which divorces are grantable are growing less in some of those states than they were ten or fifteen years ago. But there is now in Canada a certain disparity in the causes for which divorces may be granted, and that is not desirable. I think myself, if I may venture an opinion, that it would be extremely desirable to have in Canada statutory grounds of divorce which should be applicable all over the Dominion, and that there should be no question at all of a divorce being granted in one province more readily than it could be granted in Hon. Mr. WILLOUGHBY.

another, or of one province having a cause for which a divorce may be granted, but for which it could not be granted in another province.

These are, to my mind, fundamental objections to the practical carrying out by this Parliament of the function of granting divorce. Of course, it is obvious, and I do not overlook the fact, that divorce is one of the subjects assigned by British North America Act the to the jurisdiction of the Parliament of Canada. Nor am I unfamiliar with the reasons which the fathers of Confederation had for so assigning it, as we find them given in the Confederation debates. But public sentiment in connection with divorce has advanced a long way since 1867. It had advanced a long way in England until 1857, when it compelled, as I have said, the establishment of the court, and then still further until 1873; and we find in England at the present time that further amendments have been suggested with respect to the subject, to widen the scope of the Act, giving to the woman an absolute equality with the man in the granting of divorce. I am glad to say that the Senate of Canada has recognized the absolute equality of man and woman in the granting of divorce. I think it is only keeping with our recognition of the increased respect man owes to woman in this century in which we live.

As I was saying, I think there are many fundamental difficulties in the granting by Parliament of adequate remedies. I said a moment ago that we have a federal system in Canada, in which property and civil rights are allocated to the jurisdiction of the provinces; and in looking through the decisions-in this I speak subject of course to correction-I have not found more than two or three cases in which this House has sought to do anything other than grant a divorce. I have looked at the Campbell case away back in 1879, in which you gave maintenance, and the Riddell case, in which you gave the custody of children; but for long years-I think I am warranted in saying practically from the beginning-from 1867-this House has dealt with only one phase, namely, the dissolution of the marriage tie. I do not know whether the Divorce Committee and this House felt the danger of getting on forbidden ground and trespassing on the rights of the provinces in dealing with the auxiliary and ancillary things that are usually connected with divorce. There is the question of maintenance. It may be, and perhaps correctly, argued-I know it

is the opinion cited by Mr. Todd-that that question was absolutely ancillary to divorce. There is the question of the custody of children; there is the question of the property rights of the individuals at the time of marriage; and there are other questions that may arise and should properly be dealt with. It may be answered to me: "Yes, we can grant divorces and continue to grant them here under the British North America Act: but forsooth the provinces have under that Act the residuum of all the powers that we do not exercise, and they can grant these civil rights, and deal with maintenance, the custody of children, the question of property, etc. But I would point out the propriety of the one court in one trial and at one time dealing with all the rights involved, and I have not the slightest doubt that the members of the Divorce Committee have felt the difficulty under which they are labouring when in granting to a wife a divorce from her husband, who has committed adultery and who is neglecting his wife, they make no order at all for the maintenance of the wife; and I question very seriously the ability of any court in Canada to make an order for the wife after the marriage tie is dissolved. Alimony, as we understand it, is a right while the marriage tie continues; it is a penalty imposed on the sinning husband; but it does not continue after the dissolution of the marriage tie, and the penalty of maintenance is one that this House in any event has not sought to impose, so far as I know, since the Campbell case

There are other rights, but I am not going to dwell on them, that have been relegated to the various provincial courts to be administered by them. I think those courts are precluded to some extent from administering them, because once the marriage tie is dissolved the relation of husband and wife ceases, and there is no means I know of whereby the court could properly or legitimately make provision for maintenance after the divorce is granted. So if the Senate, or any court to whom the power was allocated by Parliament, had the right of dealing in one suit with all these questions. there would be but one set of fees and expenses.

As I said at the outset, honourable gentlemen, I do not intend discussing this matter at very great length. In the questions which I have addressed to the Government, you will observe, I have had the temerity to indicate what I venture to think might be the solution. I ask the Government Is there any intention on the part of the Government to ask from the Imperial Parliament an amendment of the British North America Act so as to confer on the provinces the sole jurisdiction over marriage and divorce?

I assume that that would necessarily mean an amendment of the British North America Act. I am not alone in making that suggestion. I know that at a recent meeting of the Canadian Bar Association the committee to whom was delegated the question of jurisprudence made a report in which, among other things, they suggested that as a solution. I ask further:

2. If no such intention, if the Government has considered the propriety of prescribing uniform statutory grounds of divorce, leaving to the Provincial Courts the procedure to be followed with the right to exercise all powers and grant all remedies enjoyed by the Probate and Divorce Division of the High Court of Justice in England?

I indicated a moment ago that I thought it was at least desirable, assuming that there was to be a transfer to the provinces of the right to deal with this question by clothing their courts with the power, that we in this Parliament should enact uniform grounds of divorce, applicable all over Canada. The ground's in England are less wide than ours at the present time. You have recognized that adultery on the part of either the husband or the wife is a ground for petitioning for a divorce, when there is no condonation or no collusion; but there are many other grounds, and, as I say, the report of the committee in England is that, so far as the wife is concerned, she should be placed on an equality with the husband, as is the case here in Canada. I think that is a step in the right direction.

I have made a slip. My desire to be brief has led me to make a wrong statement. I should not have said that there are other grounds than adultery. Adultery is a necessary ground, but there are other things superadded to it in England, which we have not here in Canada. so far as the wife is concerned. Again, our law is static under provincial courts, that can or may soon deal with divorce. We want the advanced legislation, not of ante-confederation days or of 1870, but of the present time.

The third question is:

3. If no intention to act under 1 or 2, if the Government has considered the question of establishing Dominion Divorce Courts?

This Parliament, of course, if it saw fit, could establish a court such as the Exchequer Court of the Supreme Court having jurisdiction throughout all Canada; or it could I think beyond any doubt, assign to the various provincial courts, the duty of administering any divorce law which this Parliament might see fit to enact.

I think the subject is one of real importance. Men of the highest standing in Parliament have brought it up. At one time a Prime Minister introduced a Bill, and certain gentlemen who afterwards became members of an administration dealt with the question in the lower House. I know that I am in accord with public sentiment in asking that this subject be considered by Parliament. I think this is the proper place to bring it up. Some gentlemen here might foolishly take umbrage if the question were brought up in the other House; and I myself think that we are the proper body to deal with it, as we are the people to whom Parliament has entrusted this very important question.

Hon. LENDRUM McMEANS: Honourable gentlemen, I congratulate the honourable member for Moosejaw (Hon. Mr. Willoughby) on the very able manner in which he has dealt with the question of divorce. I feel that the members of this House are indebted to him for bringing it before them. There is no one who is engaged in the practice of law, especially in the western country, who has not had the absolute necessity for a divorce court in Canada brought to his attention. It is our experience time and again in that part of the country to have applications made to us on behalf of a man or a woman seeking for a divorce, and we have simply to tell them that unless they are able to put up sufficient money to bring witnesses to Ottawa and to engage counsel they cannot obtain a divorce in Canada. If they are unable to do that, we have to tell them: "You must cross over into the United States, where you can get a divorce on grounds that are not considered here." I think in Dakota or Nevada, a divorce may be obtained on the ground of desertion or non-support. The applicant who goes to the United States, in probably every case, could prove the charge of adultery; but they do not have to do so. They take up residence there for a period of, I think, six months. Of course, the laws of the various states change from time to time. The applicant only has to have a residence there; he can come back to Manitoba or Saskatchewan and keep his residence in Dakota, and after the sixth month has expired he procures a divorce.

In this country we have been accustomed to administering the divorce law in favour of the rich and against the poor. There Hon. Mr. WILLOUGHBY. cannot be any question that the poor man is absolutely prohibited from procuring a divorce in Canada. He cannot afford to employ counsel and to bring witnesses to Ottawa. The law should be available to the poor as well as to the rich. That is one of the reasons why I think a divorce court should be instituted. But that is not all; there are other reasons. The honourable member for Moosejaw has gone into them pretty fully.

It seems to me that this is the proper stage in the history of Canada to deal with this question. Soon a great many soldiers will be returning from the front, numbering perhaps some three or four hundred thousand. We know that there will be a great many applications for divorce when these men return. I am told that in some cases soldiers have been married in England or France, and also in Canada. That is a matter which has to be settled, and where can it be settled better than in the courts of this country? I have the highest regard for the Committee on Divorce in this Senate. It is composed, I think, of eight members; but I am sure that every one will agree with me when I say that a judge, who has been trained to take evidence, is just as competent or more competent to deal with the matter than is a committee of eight members who are changing from time to time. Then there is the question of insanity and other cases in which the marriage tie might be dissolved by the courts, but with which the Senate does not deal. I heartily endorse the statements and the arguments of the honourable member from Moosejaw.

Hon. HEWITT BOSTOCK: Honourable gentlemen, I have listened with a great deal of interest to the remarks of the honourable gentleman from Moosejaw (Hon. Mr. Willcughby) and the honourable gentleman from Winnipeg (Hon. Mr. Mc-Means).

I was under the impression that a decision was given the other day in Saskatchewan or Manitoba to the effect that the courts in those provinces had a right to deal with the question. Of course, in the province from which I come that right has been exercised for a great many years. As far as those provinces are concerned, the only question is as to whether the law of the Dominion of Canada goes as far as the people want it to go. I understand that in the province of British Columbia there is some difficulty in connection with the divorce court because the law there

is the same law which was in force in England before British Columbia came into Confederation, and that the judges and the people find that there are certain restrictions which they cannot overcome. I take it from what has been said here to-day that honourable gentlemen really want to obtain first of all a clear decision that the provinces have the right to deal with the question of divorce. I understand that if the contention now raised with regard to Alberta, Saskatchewan and Manitoba, is sustained by the judgment of the Privy Council, the only two provinces in which divorces could not be granted by the courts would be Ontario and Quebec. The only question, then, for the provinces which the courts have decided can deal with divorce would be whether it would be advisable for them to apply to the Dominion to enact a law to put the law of Canada on a par with the law of England as it is at the present time. That is a question on which I am not prepared to express an opinion at the present time.

I do not think the members of the Divorce Committee are at all anxious to be retained on that Committee any longer than necessary. Whilst they endeavour to do their best in the interests of the country, I think they would be very glad to be relieved of the duties which they have to perform on that Committee. From what I know of the opinions of the members of that Committee, I do not think they would be inclined in any way to oppose the idea that the provinces should be allowed to deal with this question, provided that Parliament considered it wise. I think all the members of the Committee realize the expense that applicants for divorce especially those coming from the western provinces, are put to. As has been well said by the honourable member from Winnipeg, that expense is very considerable. I think the honourable gentleman from Moosejaw is to be congratulated on bringing this question up for discussion, and I hope that we shall be able to find a solution of it at a later date

Hon. Sir JAMES LOUGHEED: Honourable gentlemen, my honourable friend from Moosejaw (Hon. Mr. Willoughby) has asked three questions which appear upon the Order Paper. Before answering any of those questions I may say that, like my honourable friend who has just sat down, I have been in touch with the work of the Divorce Committee of the Senate, and I do not think there is any desire on the part of that Committee to assert its authority to exercise the

functions which are from time to time delegated to it by this Chamber. I have been on that Committee continuously since 1890, longer probably than any other member, and from the first session down to the present I have never had any doubt that Parliament should long ago have determined this question along some of the lines indicated by the honourable gentleman from Moosejaw. No matter what the religious differences in Canada may be upon the question of divorce, it seems to me that the method which we have of settling such cases is a very unseemly one. The honourable member from Moosejaw has given very proper expression to the undesirability of a parliamentary committee dealing with legal rights in the same manner as they would deal with a private Bill for a railway or any other commercial corporation. It seems to me to be inconsistent with the very solemn duty which we are called upon to discharge in dealing with this question, that we should be lobbied as to whether we shall grant or refuse a divorce. Divorce is peculiarly a subject which should be dealt with by a judicial body. I have never doubted the desirability of Parliament establishing a court of divorce. I think that would be the proper method of dealing with this very important question, and I am satisfied that it is the only method by which the matter can be satisfactorily determined.

The first question asked by the honourable gentleman from Moosejaw is this:

Is there any intention on the part of the Government to ask from the Imperial Parliament an amendment to the British North America Act so as to confer on the provinces the sole jurisdiction over marriage and divorce?

My answer to that at the present time would be: No, because the provinces, so far as I know as a member of the Government, have never in any way indicated to this-Government or to the Parliament of Canada a desire to be made chargeable with dealing with the question of divorce. If the provinces had come to the Dominion Governement at any time asking that these powers be given them, or that the Federal Government should seek to have the British North America Act amended so as to confer upon the provinces jurisdiction in divorce matters, probably action would have been taken along that line; but at no time can I recall any movement or even any expression of sentiment of that kind.

Then my honourable friend asks:

If no such intention, if the Government has considered the propriety of prescribing uniform statutory grounds of divorce, leaving to the provincial courts the procedure to be followed,

with the right to exercise all powers and grant all remedies enjoyed by the Probate and Divorce Division of the High Court of Justice in England?

I think it is unnecessary to say that we could not delegate to the provinces any jurisdiction in matters of divorce. We might make use of the provincial courts, as we do in election matters, by constituting them Dominion courts; but as provincial courts we could not clothe them with any authority as outlined in the second question.

As to question 3:

If no intention to act under 1 or 2, if the Government has considered the question of establishing Dominion Divorce Courts?

That question has never, to my knowledge, received any serious consideration at the hands of the Dominion Government, owing to the fact that public opinion has never apparently been sufficiently concrete in Parliament at any time to thrust upon the Dominion Government the responsibility of deciding that important issue. I have no doubt as to the desirability of doing something along that line. As I have said, the manner with which we deal with divorces to-day is unseemly. This matter should be dealt with by a Dominion divorce court, and until authority is given to the provinces by Imperial legislation. or until this Government establishes a court of divorce to deal with the subject, in this particular regard the public will not be properly served. The exercise of jurisdiction by the three western provinces may lead to something being done in the near future.

My honourable friend, has properly said that the Court of Appeal in Manitoba within the last couple of weeks, I think, has unanimously held that that province has jurisdiction in divorce matters. There is a case now pending as to whether the province of Alberta has like jurisdiction. The decision which has been made in Manitoba will be equally applicable to the other western provinces. At the same time, as it relates to those provinces it is not at all satisfactory, because in the western provinces, including British Columbia, and I fancy in the Maritime Provinces, at least in Nova Scotia and New Brunswick-I do not speak with authority as to them-the jurisdiction is entirely governed by the English law as it existed at the time it was introduced into those provinces. Consequently they have no legislative authority or jurisdiction to deal with the subject, nor can they avail themselves of the amendments to the law which have been made in Great Britain between that date and the

Hon. Sir JAMES LOUGHEED.

present time. Those provinces have jurisdiction in divorce matters by reason of the statute law or the common law in England as it might have been at the time, and not by reason of their having any initiative power to deal with the subject by legislation. This is an unsatisfactory condition, and should be taken up by the provinces, so that they may be able to legislate upon this subject in as full and complete a manner as they legislate on any other subject. There is no reason why any province of Canada should be tied down to the law as it existed in Great Britain a generation or more ago. It seems to me that it is high time the provinces of Canada should recognize their responsibilities in this matter; and the disirability, in the public interest, of taking up this subject, and discussing with the Dominion Government the propriety of the British North America Act being so amended that the provinces can deal fully and completely with the subject, or urging upon the Dominion Government the organisation of a divorce court so that this subject, which is one of the most important interests to society, should be dealt with in asfully and complete a manner as any other subject with which the courts of Canada may deal.

Hon. L. G. POWER: I know that it is slightly out of order to speak after the leader of the House has answered a question put on the Order Paper, but I wish simply to say that all the honourable gentlemen who have spoken up to the present time have been in favour of the course suggested by the honourable gentieman from Moosejaw (Hon. Mr. Willoughby). Now, I may say that my sentiments run in a totally different direction. I think that the efforts of the honourable gentleman from Moosejaw and the honourable gentleman from Winnipeg (Hon. Mr. McMeans), although they may not realise it, were really directed towards rendering easier the severance of the marriage tie. If we were to establish divorce courts in Ontario and Quebec I am satisfied that within three or four years the number of divorces granted in those provinces would be quadrupled. I think that is not a desirable consummation. In the neighbouring republic the calculation is that now there is one divorce for every twelve marriages, or something less than twelve. I am sure these honourable gentlemen who wish to see a divorce court established are not anxious to bring about such a condition of things in Canada, and I am satisfied that the creation of divorce courts would have

512

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MAY 10, 1918

a good deal of effect in that direction. Speaking for the maritime provinces, I may say that apparently the marriage tie is not looked upon now as being as sacred as it was fifty years ago, for the number of divorces granted has increased very materially; in fact, some four or five years ago, I think there were nearly as many divorces granted there as were granted here by the Senate.

Now, what is the position as to divorce here? The provincial governments or legislatures have not asked for any change in the law, or the creation of divorce courts. and there is no complaint of the manner in which the Senate discharges its duty. I do not, as a general thing, read the evidence in those cases; but from what little I do read, and from what I hear, I am satisfied that there is no better court in the country than the Senate Divorce Committee. No one complains of that committee, and unless there is something to show that there is a strong feeling in favour of a change I think we should hesitate about adopting any change. That is the way I feel about it. The question has come up several times in this House, and I can understand that a . comparatively young member of the Senate who has not sat on the Divorce Committee might feel that it was not the right sort of court, and that a change should be made.

One point which was made by the honourable gentleman from Winnipeg, and which is often urged against the Senate's dealing with divorce, is that the granting of a divorce in the Senate is a costly proceeding. But any honourable gentleman who looks over the reports of the Divorce Committee will find that at the present time, in the great majority of cases, the parties applying for divorce are not rich people, but are in the humbler walks of life; and I fancy it does not cost much more to get a divorce through Parliament than it would to get it through a court. There is the further consideration, that if a party can show that he has not the means to pay the costs he can prosecute his, or her, case in forma pauperis, and not have to pay any costs at all. I think we have a pretty good system now, and until we have some evidence of great dissatisfaction amongst the respectable people of the country with the present system, we had better not meddle with it.

The discussion was concluded. 5-33

BUSINESS PROFITS WAR TAX RETURNS.

INQUIRY.

Hon. Mr. BOSTOCK inquired of the Government:

1. What was the total amount estimated as receivable on the returns made to the Department of Finance under the terms of the Busi-ness Profits War Tax Act, 1916, for the first, second and third accounting periods, respective-

2. How much of the total amount assessed for each period has been collected to date? 3. What was the total amount estimated as

a, what was the total anothe estimated as receivable on the returns made to the Depart-ment of Finance where the profits exceeded fifteen per centum per annum, also where the profits exceeded twenty per centum per annum, as provided for by chapter 6 of the Statutes of 1917?

4. How much of the amount assessed in each case has been collected to date?

Hon. Sir JAMES LOUGHEED: The answers are as follows:

1. Estimated revenue for three years was \$30,000,000.

2: Amount collected to 10th May, 1918, \$36,488,020,44.

3. No estimate was made.

4. These rates only apply to accounting periods ending in 1917 and need not be filed before 1st July, 1918-Vide section 10 of The Business Profits War Tax Act, 1916.

CANADIAN MILITARY HEADQUARTERS IN LONDON.

MOTION FOR RETURN.

Hon. Mr. TANNER moved :

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

1. The name of each member of the Canadian Expeditionary Force holding position (a) at Canadian Military Headquarters, London, England, (b) attached as an Officer of Staff in England or France.

2. And in respect to each of said persons-

 (1) His place of residence in Canada.
 (2) The Military unit of which he was a member in Canada.

(3) His rank in such unit.
(4) The Military unit of the Canadian Expeditionary Force to which he was attached at the time of going overseas from Canada.
(5) His rank in such unit.

(6) The date he arrived in England.(7) The Military unit with which he served

as an effective member at the battlefront; his rank in such unit, and where he so served. (8) The period of time for which he so

served.

(9) The honours and decorations conferred on him for valour or other distinguished

(10) If he became a casualty for what length of time he was disabled. (11) The date when he was appointed to

his present position.

(12) His military rank and position when he was first appointed.

REVISED EDITION

(13) If promoted or transferred after such appointment the dates and particulars of such promotion or change of position.
(14) His present military rank and the position he at present holds.

The motion was agreed to.

The Senate adjourned until Tuesday next at 3 p.m.

THE SENATE.

Tuesday, May 14, 1918.

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

Prayers and routine proceedings.

DIVORCE BILL.

FIRST, SECOND AND THIRD READINGS.

Bill X, an Act for the relief of David M. Sloss.—Hon. Mr. Bradbury.

SENATE AND HOUSE OF COMMONS AMENDMENT BILL.

FIRST READING.

Bill Y, an Act to amend the Senate and House of Commons Act.—Hon. Mr. Power.

COMPANIES ACT AMENDMENT BILL. CONSIDERED IN COMMITTEE AND

REPORTED.

The Senate again went into Committee on Bill Q, an Act to amend The Companies Act in various particulars.—Hon. Sir James Lougheed. Hon. Mr. Poirier in the Chair.

On section 2, new section 8-branches:

Hon. Mr. BELCOURT moved:

That on page 1, line 12, the words "or hold property" be left out and the following words be inserted in lieu thereof: "hold, sell, lease, mortgage or otherwise dispose of property, real and personal."

Hon. Mr. DANDURAND: Before voting on that amendment, I should like to have some explanation.

Hon. Mr. BELCOURT: Perhaps I had better read the section, with my amendment included:

(8) The letters patent may provide for the establishment of a branch or branches, and that such branch or branches may own,—

Here are the words I propose to insert: hold, sell, lease, mortgage or otherwise dispose of property, real and personal."

The honourable gentleman from De Salaberry (Hon. Mr. Béique) has also an amendment to the same clause.

Hon. Mr. TANNER.

Hon. Sir JAMES LOUGHEED: My honourable friend from Ottawa (Hon. Mr. Belcourt) apparently is of the opinion that power to own or hold property would not carry with it the power to sell. I am not opposing the amendment, if it is desired in order to make the clause declaratory of what the law is, but my impression is that the courts have held that the power to hold property implies the power to sell. However, it will do no harm to declare precisely what the power is.

Hon. FREDERICK NICHOLLS: Honourable gentlemen, when this Bill was before the Committee on the last occasion I drew attention to the danger of subsection 8, which enables the parent company to relieve itself of any liability contracted by any branch that may be established, and allows the branches in their turn to relieve themselves of any liability that may be incurred by the parent company. I see that the honourable member for De Salaberry (Hon. Mr. Béique) is introducing an amendment that to'some extent corrects that, but, being a layman and not a lawyer, I am doubtful whether it does fully correct the danger or not.

Hon. Mr. BEIQUE: We have not yet reached that part of the clause. Would the honourable gentleman wait for a few minutes?

Hon. Mr. NICHOLLS: My object, honourable gentlemen, in bringing the matter up at this stage is this, The honourable member from Ottawa (Hon. Mr. Belcourt) seeks to enlarge the powers instead of restricting them. Therefore, before I can vote intelligently on the amendment proposed by that honourable gentleman, I would like to have it understood whether the powers are going to be restricted in a reasonable way by the amendment to be moved by the honourable member for De Salaberry.

The Hon. the CHAIRMAN: Is it your pleasure, honourable gentlemen, to adopt the amendment moved by the honourable member for Ottawa?

Hon. Mr. BEIQUE: I understand that it is the desire of the Committee to deal with the whole section at the same time.

The Hon. the CHAIRMAN: The rest of the clause amended as proposed by the honourable gentleman from De Salaberry would read as follows:

And that such property not derived from the Corporation or paid for out of its own moneys shall not be subject to the liabilities of the

MAY 14, 1918

corporation. and that the corporation shall not be subject to the debts or liabilities incurred by such branches; and the corporation may make by-laws respecting the method of establishing branches and the holding, management and disposition of property by branches.

Hon. Mr. BEIQUE: I do not see any objection to the amendment moved by the honourable member from Ottawa (Hon. Mr. Belcourt). I think that it improves the Bill, although I think the honourable leader of the Government is quite right in saying that it does not add to the powers already held under the Act. But I would draw attention to the amendment which I have proposed. First of all, we must bear in mind that this part of the Companies Act refers only to philanthropic or charitable societies, who have no capital stock and are dependent upon gifts or subscriptions from their members. Now, it will be observed that subsection 8 as printed says:

The letters patent may provide for the establishment of a branch or branches, and that such branch or branches may own or hold property, and that such property shall not be subject to the liabilities of the corporation.

As the clause stands, it permits the corporation to transfer properties of its own to branches of the corporation. I thought that it would be advisable to amend the clause by making it read in this way:

And that such property not derived from the corporation or paid for out of its own moneys-

The object is to prevent any property derived from the corporation itself or paid for out of its own moneys from being transferred to a branch and thus removed from the reach of the creditors. I think that should not be permitted. That is the first amendment that I propose.

Then, in the last line but one:

And the corporation may make by-laws respecting the method of establishing branches and the holding and disposition of property by branches—

I suggest that the word "management" be inserted after the word "holding":

And the holding, management and disposition of property by branches.

I apprehend there will be no objection to that.

Hon. Sir JAMES LOUGHEED: No.

Hon. Mr. BEIQUE: It goes without saying that the corporation should have the power to make by-laws of that kind. Then, the main amendment which I propose, and which would be subsection 9, reads as follows:

(9) Branch or branches shall be thus established by by-law giving to each branch a separ-S $-33\frac{1}{2}$ ate name whereby it may be distinguished from the corporation, and from the other branches, and providing that in respect to property owned or held by such branch or to its own liabilities, such branch may sue and be sued under its separate name, and shall be considered for the purpose a separate entity.

As I understand it, the object of this section of the Bill is to permit a corporation to. subdivide itself, so to speak, into branches and allow each branch to own property. I do not see any objection to that, if machinery is provided in the interest of the creditors as well as the interest of the branches themselves, whereby each branch shall have the right to sue and shall be subject to being sued in regard to its own liabilities and its own property. It seems to me that the amendment should commend itself to the judgment of this honourable House. I cannot see where the honourable gentleman from Toronto (Hon. Mr. Nicholls) finds that the amendment does not cover what is required. However, I may be mistaken. Perhaps the honourable gentleman will explain where he sees a defect.

Hon. Mr. NICHOLLS: In the first place, I believe personally it is a wrong principle altogether to allow a corporation to divide itself into a number of infinitesimal parts without having to assume responsibility for the liabilities or the management of those different parts or branches. I think it would cause a beautiful mix-up if at any time the management got into indiscreet or dishonourable habits. In a business corporation it would be impossible to establish branches without the parent corporation assuming its full share of responsibility. In this case it is a voluntary or a patriotic organization that may incur liabilities. It is true there is no share capital. But suppose it is a very big patriotic organization, like the Patriotic Fund, and very large sums of money are subscribed by the innocent public. In case of malfeasance on the part of an incorporated commercial concern, the shareholders are the sufferers. which is right, because they are responsible for the election of their board of directors or their management; but in this case the association, whether patriotic, or religious. or whatever it may be, may have a very much larger capital invested than the average business enterprise, and may incur very large liabilities, and it would be impossible, either under the original Bill or under the amendment, which I think is worse than the original, to differentiate between the branches and the parent company. If the branches were all under the name

SENATE

of the parent organization, one could make inquiries, but if they were under different names but still known to the public as being identified with the parent organization, one would be between Scylla and Charybdis, not knowing whether to look to the parent organization or the branch. I cannot for the life of me see why such a Bill as this is necessary. Very large sums of money may be involved, and if a parent organization wishes to establish a branch that will not only collect money but dispense it, and also incur liabilities to the public, it should apply for a separate incorporation, and finance and support it, I disapprove entirely of the principle of the Bill, as I believe it is going to lead to a great deal of misunderstanding. Such an organization as the Patriotic Fund really incurs no liability except for clerical assistance; but there might be an organizationwhether patriotic, beneficent, medical, or clerical,-that might incur very large-liabilities, yet under an Act of this kind the whole thing would be so mixed up that it would require a Philadelphia lawyer to find out who was really responsible.

Hon. Mr. POWER: I think the amendments proposed by the honourable gentleman from De Salaberry (Hon. Mr. Béique) will meet the difficulty raised by the honourable gentleman from Toronto (Hon. Mr. Nicholls). But I would suggest to the honourable gentleman from De Salaberry that he strike out the word "own" in the clause, "not derived from the corporation or paid for out of its ewn moneys," as the striking out of that word would show that the provision applies to the branch only. The honourable gentlemen accepts that sugcestion.

Hon. Sir JAMES LOUGHEED: When I introduced this Bill it was at the instance of the Department of the Secretary of State. As honourable gentlemen will remember. we discussed not only amendments to the Companies Act of last session, but also the principle which we are now seeking to import into the Bill. I must say that I then had doubts as to the wisdom of this legislation; and since my honourable friends from De Salaberry and from Ottawa have carried this section to its final analysis and have demonstrated what the logical conclusion of legislation like this would be, I must say they have persuaded me of the unwisdom of this measure. Carried to its logical conclusion, it means that we are establishing the parent company as practically a Hon. Mr. NICHOLLS.

legislative body. From the parent company will grow branch corporations with different names, having practically the corporate powers of the parent corporation, and yet separate entities, entirely unknown to the public except through some machinery which will be filed in the office of the Secretary of State. My honourable friend from De Salaberry suggested a by-law for the purpose of distinguishing the one from the other, but the public would be in ignorance of the origin of the particular branch bearing an entirely separate name, and being a separate entity for the purpose of contracting liabilities and subject to being sued. Now, is it wise to give a parent corporation such authority? The principle which has entered into all legislation of this kind in the past, where corporations have established branches, has been that the parent corporation stood as the guarantor of the branch; it guaranteed not only the solvency, but the respectability, so to speak, of the branch; the branch had the reflected glory of the parent corporation, and the latter assumed not only the financial but the moral responsibility for the proper administration and conduct of the branch. But now we propose the establishing of branches without any apparent connection between the original corporation and the branch, the latter having all the powers of the parent corporation-the one in fact repudiating the other. The branch may repudiate the parent corporation by saying, "We are not liable for its liabiliand in turn the parent corporation may say, "We assume no responsibility for the branch." The branch may be disreputable, morally speaking, nationally speaking, financially speaking, and the parent corporation simply says. "Although we have brought you into existence, we repudiate all responsibility for the work you are doing." That seems to me to be a vicious principle to introduce into any legislation. I think the amendments which my honourable friend has suggested are the logical outcome, and should be made if this principle is embedied in our statute; but the very amendments suggested, which carry to its final analysis the policy imported into the Bill, fully convince me that we should not pass the section.

Hon. Mr. BELCOURT: Will my honourable friend say what the Secretary of State will consider his power to be if we do not pass this legislation in regard to the creation of branches? There is nothing now in the Companies Act which would authorize the Secretary of State to do what this section, if passed, would empower him to do, but on which my honourable friend is weakening. I assume, from what my honourable friend has said, that he is not going on with the Bill.

Hon. Sir JAMES LOUGHEED: I think the other clauses of the Bill are almost necessary to correct misunderstandings which have arisen in regard to the Bill. I have no hesitation in reading to my honourable friend the memorandum furnished me by the Secretary of State, which reads as follows:

Section 7A as passed at the session of 1917 provides for the incorporation of associations and corporations without share capital. It was intended that associations having branches in various parts of the country should be incorporated under this clause, and I have always believed that the section is quite sufficient for this purpose as it stands. However, doubt has been cast upon it to the extent that the assets and liabilities of each branch may not be separated, so that one branch may not be rendered liable for the debts of another. The first section, is introduced merely to overcome this doub, and make it quite clear that the branches may have a limited corporate existence separate from each other. There are ample safeguards surrounding this. It is only through the Letters Patent themselves that authority can be given under the section. The department has therefore ample control.

While I have every desire to facilitate legislation for the proper working out of the Companies Act, yet notwithstanding this I am not quite convinced of the wisdom of this section.

Hen. Mr. BELCOURT: Then I understand my honourable friend is going to abandon section 2?

Hon. Sir JAMES LOUGHEED: I would suggest withdrawing section 2 from the Bill in the meantime.

Hon. Mr. BELCOURT: Then I take it, from the memorandum which has been read, that the Secretary of State is going to assume to do that which my honourable friend thinks the Parliament ought not to do. The memorandum says that the Secretary of State will construe section 7A of the Companies Act, as it stands now, without this amendment at all, as authorizing him to create those branches.

Hon. Sir JAMES LOUGHEED: Of course, we propose express powers here which possibly cannot be implied from section 7A as it stands in the Companies Act of to-day; and I would very much prefer, if a doubt exists in the mind of the Department of State as to the interpretation to be placed upon that section, that we should not

remove that doubt by passing legislation giving the very comprehensive powers which are logically the outcome of the section before us. I would prefer to have it doubtful rather than express.

Hon. Mr. BELCOURT: I would point out to my honourable friend that the memorandum of the Secretary of State which he has read to us does not express any doubt at all.

Hon. Sir JAMES_LOUGHEED: Yes, there have been doubts.

Hon. Mr. BELCOURT: But the Secretary of State says in his memorandum that he thinks he has the power which my honourable friend believes this Parliament should not exercise. Surely the Secretary of State should not be able to exercise powers that my honourable friend thinks ought not to be exercised by Parliament.

Hon. Mr. DANDURAND: But the Secretary of State is not acting upon opinions expressed in this Chamber or in the other. He has the Act of 1917 to guide him, and he interprets that Act, while we are not pretending to interpret it. I now understand why the Secretary of State has euggested the amendment which is before us: it is because we have passed a law which forces every association that collects funde for war relief to obtain letters of incorporation. A 'certain number of those associations have branches throughout Canada, and our Act would force each of those branches to seek letters patent from the Secretary of State in order to obtain licenses to do certain things in a certain city. Those branches are autonomous, but operate under the same name. Take the Canadian Red Cross. for instance it has branches throughout the country; and I could perhaps mention others. I do not know exactly how the Red Cross is organized, and to what extent its branches are autonomous; but every association under a generic name throughout Canada will have to obtain letters of incorporation under our Act in order to get the license from the Government. The Secretary of State was trying to give a general Act of Incorporation to the mother institution, and to avoid granting letters patent to all the branches in the country.

Hon. Mr. BEIQUE: For my part. I think the honourable leader of the Government is well advised in suggesting that section 2 of this Bill be dropped. I suggested the amendment because I thought it was a necessary-outcome of the section if it should be adopted: but I quite agree with him that it was not a proper principle to adopt SENATE

-the subdivision of a corporation into several corporations all governed by the same Act. Nor do I see that the Secretary of State can claim to have the right of constituting a corporation under the Companies Act without that corporation being liable for all the debts that may be created, whether by the main body of the corporation or by branches, if the corporation is allowed to establish branches. I think that the Secretary of State has power under the Companies Act as it was passed in 1917, in issuing letters patent, to allow the corporation thus created to establish distinct and separate branches; but he would not have the power to relieve the corporation of liability for the debts of the branches, bocause they form part of the corporation.

Hon. Mr. NICHOLLS: I am not quite sure as to the proper procedure, but if I am in. order I beg to move that section 2 be withdrawn.

Hon. Mr. BELCOURT: Anything I have said cannot be considered as an approval of the principle. I had very grave doubt as to whether we had the right to adopt it at all, and I am quite prepared to see the section go; but I would not want the Secretary of State to understand from the action of this House that we acquiesce in the procedure laid down by him in the memorandum which my honourable friend has read. Surely, if Parliament cannot pass a provision to make section 7A clear and carry it out to its legitimate conclusion, to use my honourable friend's words, I do not think the Secretary of State ought to be given to understand that he can do it with a clause which requires amendment. From the reading of the memorandum it would seem that he considers himself able to do so.

Hon. Sir JAMES LOUGHEED: No. Of course, the Department of State may have its own views upon the construction or interpretation to be placed upon the Companies Act. That we cannot control; but we certainly can control such legislation as may be brought down to this House from time to time, giving additional powers to the Companies Act. I think we have to let it go at that. I do not think that section 7A would warrant as wide a construction as has been sought to be placed upon it.

Hon. Mr. BELCOURT: My observations are, of course, prompted by the reading of the memorandum.

Section 2 was withdrawn.

On section 3, new section 72—Board of Directors:

Hon. Mr. BEIQUF.

Hon. Sir JAMES LOUGHEED: For the information of honourable gentlemen I may now repeat the explanation which I made on the second reading of the Bill. There have been several representations made to the department that this is unnecessary provision, as there is good reason for limiting the minimum though not the maximum. One case in point is a drug company. Under some of the provincial Pharmacy Acts, only qualified pharmacists can control a shop owned by a limited liability company, and the person in control must be a director of the company. This would in effect limit the number of shops which a drug company may control to fifteen. It is suggested that this is a business reason why the limitation should be removed. The Department of Justice concurs in this view

Section 3 was agreed to.

Section 4 was agreed to.

On section 5-statement in lieu of prospectus:

Hon. Sir JAMES LOUGHEED: In taking the amendment of 1917 from the English Act, some verbal inaccuracies crept into form F, the words "memorandum and articles of association" being left in when they should have been replaced by letters patent, supplementary letters 'patent or by-laws." This is a purely verbal change.

Section 5 was agreed to.

The Bill was reported with an amendment.

HALIFAX RELIEF COMMISSION BILL.

CONSIDERED IN COMMITTEE—THIRD READING.

On motion of Hon. Sir James Lougheed, the Senate went into Committee on Bill U, An Act respecting the Halifax Relief Commission. Hon. Mr. McHugh in the Chair.

On section 1-Act of Nova Scotia ratified:

-Hon. Sir JAMES LOUGHEED: As I explained on the second reading, this Bill is to confirm the legislation passed by the Legislative Assembly of Nova Scotia constituting this commission a body corporate, and it further proposes that it should be subject to the authority of the Dominion Government as to the audit of accounts by reason of the large amounts of money advanced by the Dominion Government.

Hon. Mr. DANDURAND: I do not quite see the effect that this will have upon the MAY 14, 1918

provincial Act. The Act has been passed by the Nova Scotia Legislature, and an organization has been founded and is in operation. Is it intended that the powers conferred upon that association should become Federal powers, and that this Act should be substituted for the provincial Act? Or will the corporation organized under the provincial Act continue to exist under the provincial Act without regard to this Act which ratifies its existence?

Hon. Sir JAMES LOUGHEED: The commission will remain the creation of the legislature of the province of Nova Scotia; but some doubts have been cast upon the exercise by that legislature of the power of incorporating the commission, and the commission desire to have that confirmed by Federal legislation, so that no doubt can arise as to the exercise of the powers vested in them by the legislature of the province. The commission is carrying out practically a joint work: some is of a provincial or local character, and some of a Federal character. The major part of the fund which is being applied to the restoration of the destroyed portion of Halifax is composed of Federal money, and honourable gentlemen can very well appreciate that not only are both governments interested in the work being carried on by the commission, but their interests are interlocked. The position is of course exceptional; it is unique in a way; and it can scarcely be determined in what particular sphere this work lies from a legislative point of view.

Hon. Mr. DANDURAND: I quite understand the first clause, and the explanation which my honourable friend gives is quite satisfactory; but the second clause seems to assume to give Federal control over the actions of a provincial association. If the provincial association refuses to accept the control of the Federal power, is it not a fact that the passing of this Act would give the Federal authorities power to audit those accounts?

Hon. Mr. BELCOURT: I quite see the occasion for this Bill. Section 2 probably gives us the reason for the legislation. My honourable friend has told us that the money which is being expended is Federal money.

Hon. Sir JAMES LOUGHEED: Almost entirely.

Hon. Mr. BELCOURT: But that money becomes the property of the commission, and unless we have the right to inquire into the expenditure, as is proposed under this Bill, the provincial government might very well say, "It is not your business at all." It is Federal money, it is true; but it is a gift, just as was the money contributed by the United States and England. This Bill is for the purpose of giving the Federal Government the right to make an audit and to make such examination into the expenditure as they may deem proper. I do not see any other object, and I do not think any other purpose can be served by this Bill. The provincial Act is not being added to in any way. The commission is complete in itself. Being a matter of property and civil rights, it is quite within the jurisdiction of the legislature of Nova Scotia.

Hon. Mr. BEIQUE: I do not propose to offer any special objection to the Bill; but I must say that I do not think this Parliament has any jurisdiction at all in the matter, and to the best of my knowledge this Bill, if passed, will not attain the desired end. I fail to see how the corporation, or the character of the corporation, will be affected because the money is derived from the whole Dominion of Canada. The moment the money reaches the corporation it becomes the property of the corporation, and the corporation, being created merely for a local object, is exclusively under the jurisdiction of the local legislature. The corporation is the creation of the local legislature, and there are only two ways by which this Parliament can exercise any jurisdiction over it: either by giving the corporation authority to exercise its powers in more than one province, as was done, for instance, with the Bell Telephone Company and companies of that kind, which were created originally in one province only and who later obtained an Act of this Parliament giving them the power to extend their jurisdiction; or by declaring the work to be a work for the general advantage of Canada. Unless one of these two things is done, I fail to see that this Parliament has any jurisdiction over a provincial body which is entirely within the local jurisdiction, and notwithstanding the passing of this Act, in my humble opinion, the corporation will be able to permit or to decline the control which is sought to be given by this Bill.

Hon. Mr. CROSBY: It does seem very strange that when, any subject comes up, no matter how small it may be, two or three lawyers get at it and think they know all about it. If you

let them 20 on for one or two hours, by the time they get through you will not know anything about it. The honourable gentleman talks of this commission as if it was a corporate organization under another statute. This Relief Commission was appointed by the Dominion Government.

Hon. Mr. BELCOURT: No, it was created by the Act.

Hon. Mr. CROSBY: I beg the honourable gentleman's pardon.

Hon. Mr. DANDURAND: "And whereas an Act has been passed by the legislative assembly of the province of Nova Scotia-

Hon. Mr. CROSBY: But the commission was appointed by the Dominion Government; it is subject to the Dominion Government, and nobody but the Government of the Dominion of Canada can appoint anybody to it.

Hon. Mr. BELCOURT: Read the preamble of the Bill.

Hon. Mr. CROSBY: I do not need to. The Government appointed the commission. Is not that so? If that is so, is it not their creation?

Hon. Mr. BEIQUE: That commission has become a local corporation.

Hon. Mr. CROSBY: Only by virtue of their appointment by the Dominion Government. If a member of that commission dies, who appoints his successor?

Hon. Mr. BELCOURT: That is provided for by the provincial Act.

Hon. Mr. CROSBY: Under the Act, the Governor in Council is the only person who can appoint anybody to the commission? Is that right? If for one year we did not interfere with the provincial Act. it would go into operation, and the province would have full control. There are some things in the provincial Act which I do not think are right; but this is not the place to change them. We cannot change any of the terms of this legislation; that would have to be done in the local legislature; consequently I am not in a position to suggest any change. We are going to confirm a law which, if we did not confirm it, would stand probably for a year. Any Act that stands for a year becomes confirmed. If this Act is not confirmed, within a year something may come up which will cause the people to come here and ask that some changes be made in it. I have some of the clauses

Hon .Mr. CROSBY.

here. I do not know whether I am in . order in reading the Act, but it says:

The Commission may in respect of the devastated area or any part thereof, prepare a town planning scheme and a set of town planning by-laws subject to the consent and approval of the Commissioner of Public Works and Mines, and upon such consent being given, may proceed with and carry out said schemes.

I think it is unfair that the citizens of Halifax would have no right to interfere with the Commissioner of Public Works in Nova Scotia, who could say: "Go ahead; do what you like; it does not make any difference; you may break up a sewer or cause any amount of damage.'

I do not want to take up too much of the time of the House; but it does seem to me that we should take some care before we ratify this Act. There are other clauses in the Act under which property can be taken without the consent of anybody. For instance:

The commission may in the devastated area at any time lay out and open any new street and may widen, straighten, alter or extend any existing street, and for that purpose may remove the whole or any portion of any building, wall or fence.

The citizens of Halifax have no redress. There is no way in which they can interfere with it. It may open a street and destroy the whole effect of some property or site, it may damage some man's business which has been established for many years by changing the whole of the traffic, sending it in some other direction, and the man who suffers thereby has no opportunity whatever for redress. So it is with many of the clauses. As I said before, I do not know that I am in order in taking up the time of the committee in reading this Act. -because I take it for granted that we cannot alter any of it; but I do say that we should be careful in confirming it. If what my honourable friend from Ottawa (Hon. Mr. Belcourt) says is true, that the local legislature has appointed this commission, and has full control of the whole affair, why is the Bill before us at all-why are we asked to confirm it or have anything else to do with it? That would seem to be a fair and reasonable question. It would seem to be almost a question of common law. We do not get much common law here; what we get is technical law, and nobody can understand it but the man who expounds it. and everybody has his own way of doing that. It seems to me that if the whole matter is under the provincial Act, and if the provinMAY 14, 1918

cial authority controls the commission, there is no need at all for this Bill.

Hon. Mr. DANDURAND: That is the very question we have asked, and my honourable friend criticises us because we have put the question.

Hon. Sir JAMES LOUGHEED: I omitted to state-I assumed that honourable gentlemen already knew-that this commission was constituted originally by Order in Council of the Dominion Government under the War Measures Act. The personnel of the commission is the selection of the Dominion Government, and at the time the commission was constituted it was understood that they would secure a local Act of incorporation and that it should afterwards be confirmed by this Parliament. Hence, in a certain sense, it is the commission of this Government as much as it is the creation of the Nova Scotia Government; and of course it is by mutual consent that the expenditure and accounts are submitted to the audit of this Government.

Hon. Mr. DANDURAND: Of course, my honourable friend's (Hon. Sir James Lougheed's) statement that this Bill is brought in with the consent of the provincial government throws another light upon the subject. Yet there is nothing in the Bill to show that, and I contend that when the Federal Government consents to give its money to a provincial organization, under a provincial Act, it divests itself of all right to control unless the Federal Government stipulates that right of control. Here is an Act which ratifies a provincial Act in which, by the second clause, the right of control and of audit is claimed; but that provincial organization may refuse to accept that control. What my honourable friend says is different-that the control is exercised with the sanction of the provincial government and the commission; but when we simply look at the Bill before us we are justified in saying that the Government under this Bill can assume no control, because it divested itself of any authority in the matter when it gave its money to a provincial organization incorporated under a provincial Act.

Hon. Sir JAMES LOUGHEED: We gave the money to the commission as a commission of this Government.

Hon. Mr. POWER: Supposing that this Parliament has no jurisdiction, what harm does it do to ratify and confirm, or profess to ratify and confirm, the Act of the local legislature? Hon. Mr. BELCOURT: The only difficulty is this, that if we pass this Bill and the corporation should change their mind in a year's time and say, "No, we won't have this audit," then the Act would be of no. value.

Hon. Mr. POWER: I do not think there is much danger of that, in view of the fact that the government of the province of Nova Scotia have asked for the legislation, and, as I understand, the local Act was passed with the understanding that it would be confirmed by this Parliament. If any honourable gentleman will look at the Nova Scotia Act he will find that the preamble recites:

And whereas the Governor General of Canada in Council under the Enquiries Act of Canada, being chapter 104 has appointed T. Sherman Rogers for the purpose of making certain enquiries regarding the losses, damages and injuries sustained and incurred by reason of the said disaster, and for the further purpose of taking over and administering all moneys and property subscribed, contributed and voted for the relief of those who suffered in or by reason of the said disaster.

So here you have a corporation, recognized by the local legislature, of course, but still constituted here by the order of the Governor in Council, and at whose disposal large sums of money are to be placed by the Governor in Council. You can quite understand how the provincial authorities felt that there was grave doubt as to the Act that they themselves had passed, and in order to remove any doubt they come to us and ask us to ratify and confirm what they have done. I think it is a very reasonable and businesslike proposition.

I would direct attention further to paragraph d of section 9. These are the things that the commissioners are authorized to do:

(d) To exercise all and any powers and to carry out and perform all and any duties which may have heretofore been conferred upon or required of the said T. Sherman Rogers, William Bernard Wallace and Frederick Luther Fowke, or the Halifax Relief Commission, by the Governor General of Canada in Council, or which may hereafter lawfully be conferred upon or required of the commission by the Governor General of Canada in Council, or by the Parliament of Canada.

You see, the local people recognize the, authority of Parliament.

(e) To investigate into and to report to the Governor General of Canada in Council and to the Lieutenant-Governor of Nova Scotia in Council upon the following matters.

The local people recognize the fact that the Dominion is interested, and I fail to see that any possible harm can arise from our

ratifying, as far as it needs ratification, what they have done.

Hon. Mr. ROCHE: I understand that the Relief Commission assumed the power of suspending suits. The insurance companies interviewed the commission on the ground that there was no consideration in their policies for damage by explosion, and there was great doubt as to the extent of the liabilities of the insurance companies. That is, they contended that the Relief Commission would be liable for the damage to the houses, and the insurance companies would be liable only for the amount of the fire damage occurring after the explosion had destroyed buildings. The Relief Commission undertook to make payment for the damage to the houses; they assumed the authority to suspend suits, and looked to the insurance companies to reimburse the commission to the amount which had been agreed upon as the contribution by the insurance companies to the Relief Commission. I think one of the purposes of the Bill is to secure legislative authority from the Dominion Parliament to suspend the suits which were threatened.

Hon. Mr. CHOQUETTE: I will not go so far as my honourable friend from De Lorimier (Hon. Mr. Dandurand) in saying that the Government, having given the money, can have no control over it, nor claim the right to audit the accounts. I do not believe that at all. I think the Government, having given the money has the right to exercise some control over the expenditure of it. I do not think however, that in order to do that it is necessary to pass this Bill. The Government could have provided by Order in Council, when giving the money, that it should have the right to audit the accounts and, if necessary, to send a man from Ottawa for that purpose. So if the cnly purpose of this Bill is to require an accounting for the expenditure made by the commission, I do not see any necessity for it.

I do not see any other reason for this Bill, especially in view of the fact that the junior member from Halifax (Hon. Mr. Crosby) is going to have a certain control over the commission in Halifax. I think this Bill must have been brought down at the instance of the honourable member from Halifax, for it is supposed that the honourable gentleman is going to be taken into the Cabinet, and then he will likely have some control over that commission. I received this morning a marked copy of United Canada, from which I see that the Hon. Mr. POWER. honourable gentleman from Halifax is looming up as a new member of the Cabinet to replace the Hon. Mr. Doherty, who, it is said, will soon retire. I would-like to know if there is anything in that report which might explain this Bill?

Hon. Mr. CROSBY: Mr. Chairman, this Bill does more than has been stated by anybody here. Mr. Rogers and Judge Wallace, members of the present commission, are both Halifax men, and I do not suppose there could be found in Halifax or in the province of Nova Scotia any two gentlemen who would be more acceptable to the citizens of Halifax. Mr. Fowke is a gentleman from Ontario and, no doubt, of the highest character, and will be of assistance to the commission. But before the commission was appointed by the Governor in Council, a committee had been at work and had spent a great deal of money. A great many of the people of Halifax had. misgivings and doubts and thought there should be some accounting for the moneys spent by the executive committee, appointed shortly after the disaster. I think the executive committee has gone out of existence without having handed over any of its affairs to the present commission. The second clause of this Bill provides for an auditing of the accounts. Section 2 says: The expenditure and accounts of the Halifax

Relief Commission shall be subject to such audit and examination as the Governor in Council may, upon the recommendation of the Auditor General of Canada, from time to time prescribe.

What connection has the Auditor General of Canada with this expenditure? I cannot see what he has to do with it at all. I cannot see that he could possibly know anything about it, unless the commission submitted something to him and asked: "Is this right, or is it wrong?" I think the people of Halifax were more interested in having an audit or in having something done in connection with the money which had been spent before the commission came into existence. Personally I have nothing to say on that point; but the people in Halifax did think there should be some return, some explanation, or some accounting, for the money spent before the commission began operations.

Hon. Mr. DENNIS: That is covered.

Hon. Mr. CROSBY: I know all the committees are covered, and all the money spent, no matter how it was spent; there is no doubt about that. That is just the point I want to make, that the legislation passed by the local legislature is confirmed MAY 14, 1918

by this Bill and the whole matter is placed in the hands of the commission. As I said before, I am sure I voice the unanimous sentiments of the people of Halifax in saying that Mr. Rogers, the chairman of that commission, and Judge Wallace, who are both Halifax men, are acceptable and no better men could be appointed; but the question of the money expended before the commission came into existence and took charge of the affairs is a matter as to which the people have some doubts and on which they would like to have some information.

I desire before taking my seat to offer my apologies to some of the legal gentlemen, who seem to be a little put out because of references I made to them in a jocular way. I apologize to them for being wrong on this occasion. They are so often wrong that I thought they were wrong this time, and the only thing I have to say is that I am glad to find that they are right on one occasion anyway, since I have been in this House. My view is that when there is a co-partnership between any province of Canada and the Dominion Government, the Dominion Government will have the upper hand with respect to legislation or control.

Section 1 was agreed to.

Section 2 was agreed to.

Hon. Mr. BELCOURT: I want to direct my honourable friend's (Hon. Sir James Lougheed's) attention to section 27 of the provincial Act, which provides:

No tax, rate or assessment, whether provincial, civic, municipal or otherwise, shall be rated, levied or assessed upon the Commission,* or upon or in respect of any property, real or personal, of the Commission.

Does it not occur to my honourable friend that the commission ought to be exempt from any Dominion taxation as well? If so, then we ought to provide for that in the Bill.

Hon. Sir JAMES LOUGHEED: They can be exempted by Order in Council, under the War Measures Act.

On the preamble:

Hon. Mr. POWER: Mr. Chairman, when the Bill was read the second time I called attention to the fact that there is a mistake in the name of one of the commissioners. "William Burnett Wallace" it is printed here. It should be William Bernard Wallace, as it is in the Nova Scotia Act.

Hon. Sir JAMES LOUGHEED: We will change that.

Hon. Mr. POWER: I move that the preamble be amended by substituting "Bernard" for "Burnett."

The amendment was agreed to, and the preamble as amended was agreed to.

The title was agreed to.

The Bill was reported as amended, the amendments were concurred in, and the Bill was read the third time and passed.

CANADIAN PATRIOTIC FUND BILL.

CONSIDERED IN COMMITTEE—THIRD READING.

On motion of Hon. Sir James Lougheed, the Senate went into committee on Bill V, an Act to amend the Canadian Patriotic Fund Act, 1914. Hon. Mr. Smith in the Chair.

On section 1-objects:

Hon. Sir JAMES LOUGHEED: As I explained on the second reading, this amendment is made owing to an ambiguity of language in the section which it amends. A doubt has arisen as to whether it referred to the officers and men resident in Canada, or to the wives and children and dependent relatives resident in Canada, and the Bill is in accordance with the policy which has been consistently carried out by the Patriotic Fund since its inception.

Section 1 was agreed to.

On section 2-retroactive effect:

Hon. Sir JAMES LOUGHEED: This is for the purpose of confirming what they have done. Since the inception of the Fund they have administered it on the principle embodied in new section 3.

Section 2 was agreed to.

The Bill was reported without amendment, read the third time, and passed.

SUPREME COURT ACT AMENDMENT BILL.

CONSIDERED IN COMMITTEE-THIRD READING.

On motion of Hon. Sir James Lougheed, the Senate went into committee on Bill W, an Act to amend the Act of the present session, intituled, an Act to amend the Supreme Court Act. Hon. Mr. Todd in the Chair.

On section ----R.S. c. 139 further amended:

Hon. Sir JAMES LOUGHEED: When I moved the second reading of this Bill, I

made what I then thought was an explanation, but on further examination it has proved not to be an explanation at all, I am sorry to say. I had overlooked the fact that this amendment refers particularly to the two latter sections of the Bill which we passed this session, sections 2 and 3.

Hon. Mr. BELCOURT: Bill 27?

Hon. Sir JAMES LOUGHEED: Yes. It will be observed there that those two sections restrict the right of appeal to the Supreme Court of Canada, and it is now proposed that, notwithstanding the restriction embodied in sections 2 and 3, cases pending when this Bill was passed shall still have the right of appeal that they then had, so that any cases then pending shall be practically in the same position for appeal to the Supreme Court of Canada as if we had not passed the Bill at the time.

Section 1 was agreed to.

The Bill was reported without amendment, read the third time, and passed.

DIVORCE BILLS.

FIRST, SECOND AND THIRD READINGS.

Bill Z, An Act for the relief of Lillie May

Billing .-- Hon. Mr. Nicholls.

Bill A 2, An Act for the relief of Emily Kathleen Cochrane Lackey.—Hon. Mr. Pringle.

PRIVATE BILLS.

FIRST AND SECOND READINGS.

Bill 60, An Act to incorporate the Montreal, Joliet and Transcontinental Junction Railway Company.—Hon Mr. Pope.

Bill 61, An Act respecting the Toronto, Hamilton and Buffalo Railway Company.— Hon. Mr. Milne.

Bill 67, An Act respecting the International Bridge and Terminal Company.— Hon. Mr. Macdonell.

CRIMINAL CODE AMENDMENT BILL. FIRST READING.

Bill 69, An Act to amend the Criminal Code.-Hon. Sir James Lougheed.

THE LAST WAR LOAN CAMPAIGN.

INQUIRY.

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Hon. Mr. CASGRAIN inquired of the Government:

1. What was the total amount subscribed during the last War-Loan Campaign? Hon. Sir JAMES LOUGHEED. 2. How much was spent in newspaper advertising?

3. What proportion was paid in commissions, etc., naming the total amount spent in connection with the said Loan?

4. What did the paper La Presse receive" The same for the Montreal Star?

Hon. Sir JAMES LOUGHEED:

1. \$398,000,000.

2. \$208,166.09.

3. Approximately one and one-eighth per cent. The total expenditure to date (not in-

cluding preparation of scrip and bonds) - \$3,614,428.99.

4. La Presse, \$2.756.38; Montreal Star. \$2,-632.88.

THE CASE OF CHARLES DESJARDINS.

MOTION WITHDRAWN.

On the notice of motion:

By the Honourable Mr. David:

That an Order of the Senate do issue for a copy of the Charge of the Judge in the case of the Crown versus Charles Desjardins, et al. accused of having conspired to incite certain persons to commit crimes.

Hon. Mr. DAVID: When on the 15th of April I gave notice of this motion I put the question in this way:

Is it true that the Government furnished part of the bail required by the Court to restore to liberty Charles Desjardins, alias "Ti-Noir," a member of the Federal Police, accused of several crimes and especially of having conspired with several persons with intent to murder Lord Atholstan, his wife, and daughter, and if so, what are the reasons which induced the Government to do him that favour?

The honourable leader of the House made the following answer:

Hon, Sir James Lougheed: Charles Desjardins, unknown to the Government by any other name, a local constable in Montreal, and not a member of the Federal police, was employed temporarily by Inspector Giroux of the Dominion Police Force to perform some detective services in connection with the identification of the people who were committing various outrages and threatening life and property in Montreal last summer.

That statement is not in accordance with the facts, which show clearly that Desjardins would never have been arrested and committed for trial if he had contented himself with doing what is mentioned in the declaration of the honourable leader of the House. The judge said that he had incited these dynamiters to commit the crimes of which they were accused. Then the leader of the House adds:

He associated himself with the gang for the purpose of ascertaining and exposing their designs, and, not unnaturally, when they came to be indicted for their offences, they accused Desjardins as a fellow-conspirator. MAY 15, 1918

I regret to say that the declaration of the leader of the House is contradicted by the facts, which are very well known. It was not on the affidavit of a fellow-conspirator that Desjardins was arrested, but on an order made by the judge presiding in the preliminary investigation, and on the deposition made by Mr. Lamarche, ex-memher for Nicolet, who is a lawyer of good standing at the Bar of Montreal and one of the city attorneys. I think it proper to mention these facts to the leader of the House. No doubt he said what he thought was true. I feel very strongly on this question, and am not alone in that, and I wish to be allowed to withdraw this motion and to give notice of another which is as follows:

That this House regrets that in the case of the Crown against Charles Desjardins, et al, the Government has thought proper to furnish part of the bail required to restore to liberty the said Charles Desjardins, and to engage havees for his defence.

The motion was withdrawn.

MILITARY SERVICE APPEALS AND EXEMPTIONS:

MOTION FOR RETURN.

Hon. Mr. DAVID moved:

That an Order of the Senate do issue for a statement showing the number of exemptions asked for in each province, and also the number of appeals in each province from the decisions of the Judges by the Military authorities to the Central Appeal Judge.

The motion was agreed to.

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

THE SENATE.

Wednesday, May 15, 1918.

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

Prayers and routine proceedings.

THE SENATE AND MONEY BILLS.

REPORT OF SPECIAL COMMITTEE.

Hon. W. B. ROSS presented the second report of the Special Committee on the rights of the Senate in the matters of financial legislation.

He said: Honourable gentlemen, in presenting this report I wish to mention that, besides the opinions of Mr. Lafleur and Mr. Geoffrion, of Montreal, and Mr. Ewart, of Ottawa, we requested also the opinion of Mr. Hellmuth, of Toronto, on this subject,

but he informs us that owing to his professional engagements he will not be able to give consideration to the question. I wish to mention that fact so that it will be understood that we tried to get an opinion from a Toronto lawyer as well as from Montreal.

Hon. Mr. BELCOURT: I suppose that if Mr. Hellmuth does find it convenient to consider the question, his opinion will be annexed to the report?

Hon. W. B. ROSS: Yes, if he does.

The report was ordered for consideration to-morrow.

COMPANIES ACT AMENDMENT BULL THIRD READING.

Bill Q, an Act to amend the Companies Act in various particulars.—Hon. Sir James Lougheed.

DIVORCE BILLS.

FIRST, SECOND, AND THIRD READINGS.

Bill B2, an Act for the relief of Alfred Frank Scott.-Hon. Mr. Fisher.

Bill D2, an Act for the relief of Margaret Bell Charlesworth.—Hon. Mr. Roche.

Bill C2, an Act for the relief of Alonzo Jesse Chapman.—Hon. Mr. Blain.

THE HUDSON BAY RAILWAY.

INQUIRY.

Hon. J. P. B. CASGRAIN rose in accordance with the following notice:

That he will call the attention of the Government to the work done on the Hudson Bay Railway during the last year, and inquire as to the progress made.

He said: Honourable gentlemen, it was a great surprise to me, and it may be a great surprise to many honourable members of this. House, to learn that hundreds of men were employed on the construction of the Hudson Bay railway last summer. I do not believe that many honourable members of this House would acknowledge that that enterprise was one of very great urgency, especially in view of the plans which the honourable leader of the House brought down last session in answer to an inquiry of mine, showing the hundreds of miles of rails that were being torn up on railroads then in operation in order that the rails might be sent to the front. When we remember that we were dismantling railways, how is it possible that at the very same time we were actually laying rails, and, forsooth, for what? To build a railroad to the Polar sea. There is a vast SENATE

diversity of opinion as to the desirability of this road, but I do not think that anyone in this honourable House believes that the building of it is a matter of urgency at present. Last year the Minister of Railways said that ninety-two miles of rail would be laid during last summer on this railroad, and I inquired where those rails would be procured in view of the fact that the Government of Canada could not procure rails to send to the front, and had to take up rails from railroads already in operation. The answer given to me was that it was not in the public interest to tell where the rails came from, and, lo and behold, while rails were being torn up on the Transcontinental and on the Canadian Northern west of Edmonton, and were being hauled down to Halifax to be shipped to Europe at a cost of thirty dollars a ton for the freight besides the price of the rails, at the same time the Government was buying rails in Pittsburg which were being hauled to the Hudson Bay railway, and which crossed the rails from west of Edmonton which were in transit to Europe. I believe that there has been an oversight on the part of the Government. Surely there was never any intention of taking rails from west of Edmonton and sending them to the Atlantic coast, and at the same time buying rails in Pittsburg to send to the Hudson bay. The rails which were removed will have to be replaced some time. Would it not have been better to have let them remain where they were, and to have let the Hudson Bay railway wait?

I said that there was no urgency for the building of this road. Well, what is the excuse for rushing it through? All of us who are acquainted with Port Nelson know that there is no harbour there, no wharves, no elevators, nothing to ship from; and there is no local traffic likely to arise between Le Pas and Port Nelson. Then, why spend the money at this of all times? Why spend it at the very moment when everyone is said to be wanted at the front or on the farms or in munition factories? When all the labour available is required, why build a railroad such as this and employ hundreds of men in doing it? If the Government were to tell us that the terminals were ready and that something might be accomplished, we could see some reason for this work going on; but nothing has been done, and everyone knows that it will take as much money to make a decent port at Port Nelson as has been spent on the harbour at Montreal ever since it existed, and then when the port is built it is doubt-

Hon. Mr. CASGRAIN.

ful whether it will be of any commercial value. In these days we are told that we should be economical. Economy is the great cry. Where is the economy in building a railroad at the present time when the price of materials is so much more than what it was? The price of rails is 250 per cent higher than it used to be, and the price of labour is perhaps twice as much as usual. Therefore the fixed charges of this railway, even if it were going to be of any use, would be enough to kill the project. It would never pay the fixed charges. I am informed that rails are now \$70 a ton, and we know that a few years ago we could buy them from the United States Steel Corporation for \$26 a ton. We are spending two dollars in order to get the value of one dollar in normal times, and the overhead charges of that railroad would be doubled, and a double fare would have to be charged for it to come even, if it did get traffic. I do not think anyone will deny that we want labour on the farms of this country. Only yesterday a large number of farmers came here saying that they could not increase production if we took away the men to send them to the front? How is it that we can take them to build the Hudson Bay railway? I believe that honourable gentlemen are surprised at the amount of work that has been going on on this railway within the last twelve months.

This is not a political question; far from it. If there is any blame to be attached, the primary blame would attach to the party that I used to belong to before I came into this House.

Some Hon. SENATORS: Oh, oh.

Hon. Mr. WATSON: Used to?

Hon. Mr. BOYER: He has joined the Union Government.

Hon. Mr. CASGRAIN: There is no doubt that there was a great demand for this railway in the past. Our good friends in the West would like to have the earth with a fence around it. They have been clamouring for this railway regardless of expense or expediency from a commercial point of view.

The first thing was to have surveys made, and, as usual, the engineers reported that it would be an easy line to build. But the railroad has proved to be as expensive, if not more expensive, than any other road.

In my opinion this honourable House should express its disapproval of this work continuing at present, and perhaps they will bear with me for a few moments while MAY 15, 1918

I inform them of the nature of the route. A session or two ago I placed upon the table of the House a plan of Port Nelson, showing that there is no water within a mile or a mile and a half of the place where the docks were to be erected and the elevators put. Again, official figures given in this House some sessions ago show that at a distance of sixteen miles out from the shore there is only seventeen feet of water. Consequently a channel would have to be dredged all the way from Port Nelson to that point. Then, it must be remembered that the silt has been coming down the Nelson river for centuries, and there is no guarantee whatever that after the excavation has been made it will not be necessary to keep dredges in constant attendance to prevent the silt from filling up the channel. The silt is soft mud, and there would be nothing to hold up the sides of the channel. You might as well try to make a hole in a barrel of peas as to try to make an outlet at the mouth of the Nelson river.

As everyone knows, the climate of Port Nelson is a severe one. Some who have wintered there say that the thermometer drops to 60 degrees below zero on many occasions, and that agriculture is not possible within a contour line about 200 miles distant from the shore of Hudson bay. From Le Pas for a distance of 250 miles there may be a few small patches where there is so alluvial soil, but nothing has been grown to the extreme north. Le Pas seems to be the north end of the fertile belt of the Northwest, so there is nothing to develop but the route itself.

What is the route? You cannot judge by latitudes, as they are very deceptive. The isothermal line is the real criterion. For instance, Quebec and Mentone are in about. the same latitude, but no one would compare the climates of the two places. Port Nelson is one of the coldest places on earth in that latitude. We all know that Edmonton is north of Port Nelson; but the climates of the two places are not to be compared, because the isothermal line inclines very much to the north in the region of Edmonton. Port Nelson is something like Greenland, and not the southern part of Greenland at that-they have snowstorms in August; they have snow-storms in June.

If this route were commercially practicable it might be different, but what are the facts? In Hudson bay itself navigation may be possible for three months or so during the year; but you must remember that in the Hudson straits, which are some

550 miles in length, the current changes four times a day and in some places runs at the rate of nine knots an hour. The current changes on the surface a couple of hours before it changes underneath, and huge icebergs called growlers, some of them drawing three or four hundred feet of water. are caught in this nine-knot current, going, say, toward the east, whilst the surface ice may be running in the opposite direction. They crash together with a speed of several knots an hour, and the noise can be heard for miles. Woe to the ship that is caught in the surface ice when one of these growlers is approaching! All the ships can do is to try to get into what they call soft ice or floe ice. The old ice is as hard as rock. Commander Wakeham, in his report to the Government, stated that his ship, the Adventure, was made saucer-shaped, round on the bottom, so that when the lateral pressure of the ice came, the ship was lifted. She was not built at all like a modern ship, and was built so that she would be lifted bodily out of the water and would rest on the ice. In the same report he says, as honourable gentle. men can read, that the rudder of the ship. which was constructed of solid oak and was fourteen inches thick, was snapped off like a pipe-stem. When the pressure of ice had subsided, the ship would resume its place in the water. Where such conditions exist that is no place for navigation. You may say that is early in the spring or late in the fall. Not at all. The first entrance that Commander Wakeham could make was on July 15. He always started early and waited at the mouth of the straits until he saw a lead to go in. On one occasion he had on board an officer of the Royal Northwest Mounted Police, who was in charge and could order what the ship was to do. This man said, "You can go in now." He went in and got caught in the ice, and he regretted that he had not waited longer before entering the straits. The straits are most difficult for navigation. From a conmercial point of view it is just as the honourable senator from De la Durantaye (Hon. Mr. Tessier) said the other day, when he wanted to know whether it would not be possible to adjust the insurance for the St. Lawrence route so as to have the rate to Montreal the same as the rate to New York, Portland, Boston, or any other port on the Atlantic ocean. But if the marine insurance rates on the St. Lawrence are prohibitive in certain seasons of the year, what would they be in these 550 miles of straits? The insurance alone would be pro-

hibitive, if there was nothing else. Some people say that if we got a railroad to Hudson bay we would benefit by all the fisheries that would be established, as there are plenty of fish there. While there are fish in the estuaries of rivers, there is no cod in the Hudson bay proper, as that fish does not come in farther than 150° miles into Hudson straits.

If the St. Lawrence, with its much more favourable climate, is handicapped by difficult navigation, what about Hudson bay? We all know that for its navigation special vessels would have to be constructed. In the modern vessel the sides are built absolutely perpendicular to the water; therefore the lateral pressure of the ice would crush it like an egg-shell. The special ships would have to be made like the Adventurer to stand the lateral pressure, which would crush an ocean liner, and ships have been crushed there before now.

Hon. Mr. BRADBURY: Where has a ship been crushed in Hudson bay? That is news to me.

Hon. Mr. CASGRAIN: I heard of that last winter. I am speaking of the straits. In Hudson bay itself there is not so much danger in navigation. All around the shores of Hudson bay the ice remains for weeks and months after the spring has come, and that shore ice sometimes extends for miles, and a gale or heavy sea breaks it into huge pieces 10 or 12 feet thick, which drift about in the bay at the caprice of the winds. A ship at night could not possibly see those pieces of ice, only one-tenth of their substance being above the water. and what happened to the Titanic would occur to the ship-the ice would make a hole in it, and it would go down. A ship of Revillon Freres was wrecked there, and also one of Mr. Clergue's. The captain of the only ship owned by the Hudson Bay Company, a regular ice-breaker, gave me particulars of it. It is used to carry fur, which is a very valuable cargo, but it would not be of any use as an ordinary freighter. Its sides are of solid steel, 11 inches thick; the braces are six feet apart all through the ship; it requires a crew of 45 men; it burns an enermous quantity of coal; it is made of such shape that the lateral pressure of the ice causes the ship to rise, and the ice glances underneath. Last winter the man who has been captain of that ship for the past ten years gave me these particulars. This most expensive ship, Hon, Mr. CASGRAIN.

with a crew of 45 men, could only carry between 1,500 and 1,600 tons of freight, which shows that it is not commercially possible to use the Hudson bay route, even if freight were paid for at present-day rates. A Hudson bay factor resident at the point of land between the Nelson river and the Hayes river said that in the summer-time, with a north wind, the ice would come into the Hayes river and the Nelson river, and that as far as the eye could see there would be nothing but ice in the midst of summer.

In order that I should not appear to be partial against this route, I will mention one good feature of it. Last summer Captain Bernier, of Arctic fame, said that hefound coal deposits on an island in Hudson bay, and before coming home he loaded his ship with enough good coal to enable him to steam as much as he liked, although the ship had sails also. That piece of information is valuable; but that is about the only redeeming feature I know of in connection with the whole route.

I regret very much that the honourable senator from Kingston (Hon. Mr. Richardson) is not here, because he knows about this route and has his opinion about it. Any reasonable steamship company would not charter one of their ships to go there at the risk of the owner, to take a cargo in or out of Hudson bay to-day, without being guaranteed the full value of the ship. It is admitted that after the 15th of October these straits are not navigable; therefore there is simply the period from the 15th of July to the 15th of October, barely three months, to navigate the straits. That would leave nine months during which the railroad would be of no use, and the ships that may have been designed for that route would have to ply somewhere else; but ships specially designed for Hudson bay would not be good as carriers, and could not pay on such service anywhere else, because they would cost too much to operate in proportion to the cargo they could carry.

Since the ships cannot enter the straits until the 15th July, it would be some time in August when they could take on a cargo of grain. That grain must have been grown the year before, and would therefore be ten or eleven months old, and it would reach the Liverpool market at a time when the grain is at the lowest price of the whole year. The owners would have carried that grain for ten or eleven months, and would have missed all the high prices in the market from the time it was grown in the preceding year. This should show any reasonable person that the route would

MAY 15, 1918

not be a commercial or reasonable one. The icebergs drift out towards the Atlantic, and of course there are no aids to navigation, and in the early fall snow-storms rage. Commander Wakeham says he experienced one on the 15th of August, just thirty days after he had entered the straits.

What would the storing of the grain for eleven months mean? I am informed that the cost of storing grain is half a cent per bushel per month; that would make 54 cents a bushel on wheat. At a dollar a bushel, not at the price of wheat to-day, its cost by the time it left Port Nelson would be, at 6 per cent, 6 cents a bushel more; so that even if the grain were carried for nothing, there would be a charge of 111 cents per bushel on the wheat before it would be put on board the ship. Then there would be the marine risk besides; who would pay that? But if you ship from the centre of Saskatchewan, say Regina or Moosejaw, you would have to add the cost of the rail haul to Port Nelson. The mileage from Le Pas to Regina-what is it?

Hon. Mr. WATSON: About 200 miles.

Hon. Mr. CASGRAIN: There is not very much difference, then, between hauling grain from the centre of Saskatchewan to Port Nelson and hauling it to the head of the lakes—not more than a couple of hundred miles difference at the outside, in the rail haul.

Hon. Mr. LAIRD: The honourable gentleman is figuring on the route from the centre of Saskatchewan to Le Pas according to the present railway arrangements, which would be a roundabout way; but if this Huidson bay road were put into operation from Le Pas, direct connecting lines to the prairie lands about Regina would greatly reduce the distance.

Hon. Mr. CASGRAIN: Then that would be worse yet, for you would have to build another railroad either from Regina or Moosejaw in order to get to Le Pas, because the railroads now go there in a roundabout way. I said the cost would be 11¹/₂ cents per bushel without any ocean charges or without any marine insurance. But grain has been carried from Port Arthur or Fort William, at the head of the lakes, to Liverpool, for less than 12 cents; therefore that charge, which would carry it right through if it went by the lakes, would be practically incurred before you would get it on board ship at Port Nelson.

8-34

Something was said about Mr. Clergue. He had a scheme for a route from a point in James bay at the mouth of the Nottaway river, in order to avoid the navigation of the straits. That would entail a line running from Port Nelson for a distance of about 700 miles to Nottaway at the southeast end of James bay, and from there about 500 miles to tidewater at Quebec. That would make a line of about 1,300 or 1,400 miles of rail haul besides the water haul. Well, between Winnipeg and Quebec to reach tidewater the distance is only 1,-350 miles. So I do not think we will hear very much about that scheme.

My object in discussing this matter is that the leader of this House, or any member who has the ear of the Union Government, may make representations to the present Administration and ask them during this war, when all possible labour and money are needed, to stay their hands and not spend money this coming summer, as has been done for the last four or five years. There is no urgency in this project; there are no terminals at Port Nelson. and the Government cannot tell us when there will be any; and even when the terminals are there I think the route will be of no use. Therefore I think it is in the public interest to discontinue the work. and the Senate would serve the public interest if it would use its influence with tho powers that be to suspend the construction of this road at least during the war and thus release the labour which must necessarily be employed if the road is to be finished next summer, and the men so released could work on farms or in munition factories, or could go to the front. If that could be done I think the Senate would have performed a great service to the state. I thank the House for their kind attention. I have spoken very often on this subject, and I think some members of this House, if they live long enough, will see that I have had reasons for opposing this enterprise.

Hon. Sir JAMES LOUGHEED: I do not propose at the present time to enter into a discussion as to the feasibility of the Hudson bay route, because my honourable friend has convinced himself, over a series of years, of the impossibility of ever making this road ε practicable transportation channel from the prairies of the West to Hudson bay and then on to Europe. He asks for certain information, which I have no objection to give. My honourable friend asks what progress has been made. He has not

REVISED EDITION

designated the period of time during which such progress has been made, nor has he shown a desire to obtain what I might call concrete information. The object of his motion is rather, I presume, to afford him an opportunity of uttering those dismal prophecies which we have listened to for a great many years.

Hon. Mr. CASGRAIN: You are a mind reader.

Hon. Sir JAMES LOUGHEED: I fancy that when the Hudson bay route comes to be operated, and is demonstrated to be one of our most successful transportation systems, we shall be able to look back upon the prophecies which our Jeremiah friend has made, extending, I know, for the last seven or eight years, denouncing in every conceivable way the practicability of this route.

My honourable friend has never shown any desire to acquaint himself with the actual facts concerning either the progress which has been made upon the road or the practicability of the scheme. If my honourable friend analysed the situation more closely, such an analysis would deprive him of the opportunity which he has taken on so many occasions of denouncing this project in the wholesale manner in which he has done.

Permit me to say that no construction upon the road proper has been made for a year. A bridge has been completed over the second crossing of the Nelson river. No rails have been laid for over twelve months. Three hundred and thirty-two miles of road have been completed : 90 miles. or, to be exact, 92 miles, yet remain to be completed. Of the 332 miles of the road-bed on which rails have been laid, 214 miles have been operated, part of that distance semi-monthly, and part much more frequently, in fact continuously every day, I understand. Over 100 miles of that road have been self-sustaining for the period during which it has been operated, and the 214 miles, during the period that that section has been operated, have been self-sustaining.

Hon. Mr. CASGRAIN: I do not want to interrupt the honourable gentleman, but may I ask him who is operating the road?

"Hon. Sir-JAMES LOUGHEED: The contractors; between the contractors and the Government the railway is being operated.

Hon. Mr. CASGRAIN: And it is self-sustaining? It is carrying materials for the building of the road.

Hon. Sir JAMES LOUGHEED.

Hon. Sir JAMES LOUGHEED: It is carrying the products of that northern country to the markets of the West, and is of very great advantage to the people of the _ West. I have no doubt that when that road is completed, as completed it will be, it will be found of inestimable advantage to the development of that western country.

Hon. Mr. DANDURAND: Would the honourable gentleman inform the House as to the number of miles already settled, from Le Pas northward?

Hon. Sir JAMES LOUGHEED: I cannot tell my honourable friend what the settlement is, but I am informed by the chief engineer of the Railway Department, who is charged with carrying out of this work, that the road runs through a very fertile district, and were it not for the rigours of the climate, it would be settled from Le Pas to the Bay. I have no doubt that in time there will be a prosperous settlement along the whole of that road and that the district will be not merely self-sustaining, but one of the most productive districts of the West.

Now, as to the statements which have been made by the honourable gentleman (Hon. Mr. Casgrain) as to the non-navigability of the straits, permit me to say that so far as the carriage of materials is concerned, construction work has not been proceeded with seriously since 1914, but in that year no less than 36 passages through the straits, through the bay, and through the estuary were successfully made, over 20,000 tons of freight for the construction of that road being carried. The ships which navigated the straits were not built for the ice traffic; they were simply tramp steamers without any special constructive features for this particular navigation; yet during that year those ships, not at all adapted for the navigation of the waters in that Hudson straits, made no less than 36 passages. It seems to me that should be unanswerable evidence of this fact, that when ships are specially constructed for the purpose, there will be no question as to the navigability of the straits during the season which has been conceded to be the limitation, so to speak, for navigation in those waters, namely, the months of August, September and October, and it is altogether likely that they may be open for navigation during part of July and also part of November. The information in the Department of Railways is such as to warrant the Government in concluding that during the three months which I have mentioned the

MAY 15, 1918

straits are navigable with a degree of safety that cannot be claimed for the St. Lawrence from the ocean to Quebec. I am informed by the chief engineer of the department that during six weeks of the year navigation to Port Nelson through the straits and through the bay is safer than that from the ocean to the city of Quebec, and during the other six weeks navigation in the straits is as secure as in the St. Lawrence.

I hope this information, for which my honourable friend has asked and which I am very glad to give him, will be quite satisfactory to him and will calm his mind, which seems to have been perturbed during the last seven or eight years, as to the outcome of this enterprise. It was entered upon by the Government of Sir Wilfrid Laurier, of which my honourable friend was a very strong supporter, and I have no doubt the honourable gentleman heartily approved of the scheme at the time.

Hon. Mr. CASGRAIN: Oh, no.

Hon. Sir JAMES LOUGHEED: I did not hear the honourable gentleman denounce it.

Hon. Mr. CASGRAIN: I denounced the scheme in 1907, in a long speech in the Senate, in answer to the honourable member from Marshfield (the late Hon. Mr. Ferguson).

Hon. Sir JAMES LOUGHEED: I withdraw my statement. I certainly had forgotten that. I should have thought that if my honourable friend had denounced the scheme, the party to which he belonged would not, in view of his denunciation, have entered upon the scheme.

Hon. PASCAL POIRIER: Honourable gentlemen, I may add a word concerning this subject, and perhaps convey some information as to the possibilities of the route between Le Pas and Port Nelson and that inland part of Hudson bay which lies to the south and southwest. Recent geological researches have shown not only the possibility, but the probability of the existence of an oil field just to the south and southwest of Hudson bay. That probability is based upon the geological and stratigraphical conditions of that region. The very same kind of oil-bearing rock as is found in the county of Lambton, Ontario, where the oil fields of Petrolea and Oil Springs are located, is found in the direction of Hudson bay. An area exceedingly large, just between the southern extremity of Hudson bay and the district through which this railroad is being built, is favourable for oil 'the line of that railroad, but I differ with S-341

production; in fact, oil seepages have been found in many places, and, as honourable gentlemen who are acquainted with the oil industry are aware, the greatest oil discoveries in the world have been brought about by oil seepages, connected necessarily with geological conditions favourable for the production of oil.

Honourable gentlemen, at a time when Canada and the whole Empire are in urgent, I may say dire, need of petroleum, when we see the Baku oil field, the Rumanian oil fields, the Polish oil fields, from which Europe, and especially Great Britain, used to get their supplies, now in the possession of the Germans, and when we consider further that petroleum oil is not found in the Dominion of Canada, and that, according to recent reports, whether right or wrongin my opinion they are partly wrong-oil cannot be found in Quebec or in Ontario. we should look favourably upon a railroad that crosses a region pregnant with great possibilities for the production of petroleum, a region in which the rock formation. described in geological parlance as corniferous, is the very same as is found in the county of Lambton. That formation outcrops all through the region to the south and southwest of Hudson bay, comprising a very large area.

In Canada we are looking for possibilities. As honourable gentlemen are aware, railways built in Ontario and tapping mines that were just in the state of prospective commercial enterprises, have so developed the mining industry in Cobalt and other districts that they are to-day the foremost mineral producing fields in the world. It is not probable-it is not possible-that Canada, with its vast territory, is without oilproducing areas. If such areas exist, they doubtless exist farther west, along the Peace river and the Athabaska, where desultory researches have been made, and where the largest showing of oil in the whole world exists, in the form of immense quantities of tar sand, which is nothing but oil. That oil-bearing sand has been denuded by various agencies of denudation and the oil is now left, mingled with the sand. Other favourable conditions existing, there should be throughout these regions fields where oil will be found. That being so, I think it behooves the Government to take a little risk in order to tap what may be in the future one of the richest oil-producing fields in the world.

There are other mineral possibilities along

SENATE

the honourable gentleman from De Lanaudière (Hon. Mr. Casgrain) as to the importance of that immense area of Hudson bay with respect to the fisheries also. It is true that no cod fishing of much consequence has been carried on in the bay, but it is not at all proven that whales-and, honourable gentlemen, we have now begun to eat whales-salmon, herring, and other fish which are very valuable do not exist in commercial quantities in that immense bay, which is almost equal to the ocean itself. It has not been exploited any more than have those mineral areas to which I have referred

Honourable gentlemen, I for one was not enthusiastic for that railroad, but now that we have started it, let us for Heaven's sake not do what has been done with the line between Moncton and Edmundston, which has been built for the last ten years and is rotting now. It is certainly one of the best railroad beds on the continent. I was on that line two years ago. The sleepers and other equipment were rotting. The road was built and then partly abandoned. We have started to build the Hudson Bay railway, and, right or wrong, let us finish it if we can without interfering with the prosecution of the war; and when we have gone as far as Hudson bay, we may possibly, if we have as much energy as our ancestors had, revive the relative prosperity which history tells us existed in the very region in which, back in the seventeenth century, factories commanding great commercial influence were established, and for which battles were fought on sea and land between, unfortunately, the English and the French, who, let us hope, will never fight again except side by side, as they are doing now. If Hudson bay was a place worthy of being exploited 200 years ago or more, the chances are that it still has in its recesses sources of revenue and wealth which it is worth our while to investigate. As we have started, and started well, the construction of the Hudson Bay railroad, let us finish it and see what is in that region which may make it valuable and profitable for the Dominion of Canada.

Hon. Mr. SCHAFFNER: Honourable gentlemen, I shall not take more than a few minutes, but I cannot allow the statements of my honourable friend (Hon. Mr. Casgrain) to go to the country unchallenged. If it is in order to have a discussion on the Hudson Bay railway to-day, let us have it. I did not suppose it was in order. I shall

Hon. Mr. POIRIER.

not state at any great length why we should have the Hudson Bay railway or discuss the utility of that railway to Western Canada: but I am going to correct some of the statements made by my honourable friend from De Lanaudière. I shall give exact figures. The distance from Winnipeg to Montreal is 1,422 miles.

Hon. Mr. CASGRAIN: By the Canadian Pacific railway.

Hon. Mr. SCHAFFNER: Well, the Canadian Pacific railway is a pretty good line.

Hon. Mr. CASGRAIN: Yes; but the distance is 1,350 miles by the other.

Hon. Mr. SCHAFFNER: From Winnipeg to Churchill the distance is 945 miles, a difference of 477 miles. From Brandon to Montreal, 1,555 miles; to Churchill, 940 miles; a difference of 615 miles. From Regina to Montreal, 1,780 miles; to Churchill, 774 miles; a difference of 1,006 miles. From Medicine Hat to Montreal, 2,082 miles; to Churchill, 1,076 miles; a difference of 1,006 miles, the same as in the case of Regina. From Calgary to Montreal, 2,262 miles; to Churchill, 1,256 miles; a difference of 1,906 miles. From Prince Albert to Montreal, 1,958 miles; to Churchill, 717 miles; a difference of 1,241 miles."

Hon. Mr. CASGRAIN: Will the honourable gentleman pardon me? I was speaking of the distance to the head of the lakes. If the honourable gentleman gave the distance to the head of the lakes, he would corroborate my statement.

Hon. Mr. SCHAFFNER: I am speaking of the distances to Montreal. From Saskatoon to Montreal the distance is 1,924 miles; to Churchill, 806 miles; a difference of 1,118 miles. From Edmonton to Montreal, 2,247 miles; to Churchill, 1,129 miles; a difference of 1,118 miles.

Now, I would like to inform my honourable friend further that when you reach Montreal you are a considerable distance farther from the port of Liverpool than you are when you arrive at Churchill.

Hon. Mr. POIRIER: Oh, yes; 500 miles farther.

Hon. Mr. SCHAFFNER: These are figures which I gave in 1908, and, although I do not profess to have the necessary technical knowledge to decide whether Churchill or Nelson should have been the port, I am still of the opinion which I held when I made reference to the question of this railway in 1908, that it should have been built to Churchill.

MAY 15, 1918

Hon. Mr. POIRIER: May I add just a word? I believe the distance from Port Nelson to Liverpool is practically the same as from New York to Liverpool. There is a difference of only a few miles.

Hon. Mr. SOHAFFNER: The honourable gentleman from De Lanaudière (Hou. Mr. Casgrain) is very much astray in his statements as to the opening and the closing of the season of navigation in Hudson bay and straits. In 1908 I took the figures covering a period of over 50 years. Remember, I did not take every year, but I took eight or ten of the years in that period. If honourable gentlemen will pardon me, I think it is important that we should put the statement on Hansard. In 1824 it opened June 12, closed November 18- five months and six days; in 1827 it opened June 24, closed November 13-four months and twenty days; in 1834 it opened June 21 and closed November 23-five months and twenty-five days; in 1844 it opened June 24 and closed November 23-five months; in 1848 it opened June 19 and closed November 6-four months and eighteen days; in 1852 it opened June 13 and closed November 28 -five months and fifteen days; in 1862 it opened June 7, closed November 5-four months and twenty-nine days; in 1863 it opened June 5, closed November 11-five months and six days; in 1892 it opened June 19, closed November 11-four months and twenty-three days; in 1894 it opened June 6, closed November 19-five months and thirteen days.

Hon. Mr. WATSON: Those are the dates of navigation of certain boats going into Hudson bay?

Hon. Mr. SCHAFFNER: Boats going into the Hudson bay and the straits. The average of navigation was about five months.

Hon. Mr. CASGRAIN: Will the honourable gentleman tell us where he got his information?

Hon. Mr. SCHAFFNER: I got it from the library.

Hon. Mr. CASGRAIN: There are lots of books in the library. Where did you get that?

Hon. Mr. SCHAFFNER: It is all here, and it is authentic, just as authentic as the information the honourable gentleman gave us to-day.

I did not suppose that we were going to hear a discussion of the Hudson Bay-railway. I thought that matter had been settled long ago. I am not knocking the Canadian Pacific or any other railway; we need them all; and, so far as western Canada is concerned, we need the Hudson Bay railway as much or perhaps more than any other. There is plenty of work for them all.

I admit that there was force in the argument of the honourable gentleman in reference to carrying on the work at the present time. If the honourable gentleman had stopped there I would have been with him; but when he laboured as long as he did in trying to show this House and the country that navigation in Hudson bay and Hudson straits was not possible, I had to differ with him, and I say that the best authority contained in the reports of those who have been there and who have been through the straits is absolutely against his contention.

Hon. ROBERT WATSON: Honourable gentlemen, I only want to sav a word or two in connection with this matter. I think the honourable gentleman from De Lanaudière (Hon. Mr. Casgrain) has been pretty well answered by the speakers who have preceded me. I do not think that any undertaking of the Government of Canada was more thoroughly discussed before it was undertaken than the Hudson Bay railway. My honourable friend from Montreal regrets that the honourable member from Kingston (Hon. Mr. Richardson), who put the Georgian Bay canal out of business the other day, according to his own ideas, is not here to assist him. The West wants the Hudson Bay railway, but as soon as the favourite route of steamships of the honourable gentleman from Kingston, or of the honourable gentleman from Montreal, is going to be interfered with by cheaper transportation through the Hudson bay, they object and oppose our route.

My honourable friend from De Lanaudière assumes to be an authority on navigation. In 1883 Mr. Royal, of Winnipeg, asked for a special committee of the House of Commons to consider the Hudson bay route. The committee, of which I was a member, had power to send for persons and papers. It was demonstrated beyond a doubt to that committee—and we examined Bedford whalers and men who had gone in and out of the straits practically the whole of their lives—that the average of navigation at that time was four months.

Hon. Mr. CHOQUETTE: It is reduced to six weeks now.

SENATE

Hon. Mr. WATSON: According to the honourable gentleman from Montreal (Hon. Mr. Casgrain). There is no doubt that the trouble is in the straits, because Hudson bay is an open inland sea. The straits are about 60 miles in width and about 400 miles in length, and there is no obstruction excepting occasional ice. It is not claimed that more than about one-third or onequarter of the strait is covered with ice, which drifts back and forth, and by means of an invention of comparatively recent years that difficulty can be overcome. Wireless telegraphic stations could be established which would let the ships know where the ice was and what part of the channel was free so that they could pass through.

My honourable friend has spoken of the nature of the country along the line of the Hudson Bay railway. If he will look in the library he will find a report prepared and submitted to this House by the late Hon. Thomas Davis, of Prince Albert, which states that the territory north of Le Pas is capable of maintaining a large population. My honourable friend smiles. He has not been there, nor have I; but I judge that the character of the country is as stated in the report. We know that very valuable minerals, gold and silver among others. have been discovered, and that mines have been established and immense amounts of capital invested. What would have happened north of Cobalt if it had not been for the action of the Ontario Government in building railroads? The chances are that the silver fields of Cobalt would not have been discovered.

I agree with honourable gentlemen that the Government should go slow in spending money at Port Nelson. It is seventyfive miles nearer to Le Pas than Fort Churchill; but in my opinion Fort Churchill is the better spot for the terminus of this railway. The description of Port Nelson as given by the honourable gentleman, according to all the information I have, is absolutely correct.

As I have already said, no investment by the Government of Canada has received more consideration than the Hudson Bay railway. Since my election in 1882 up to the present time I have known of no candidate for Parliament in Manitoba, Alberta or Saskatchewan, who did not advocate the building of the Hudson Bay railway. It may be that in the early days we were driven to it on account of the monopoly of the Canadian Pacific railway; but even down to the present time the members of

Hon. Mr. CHOQUETTE.

Parliament from the different constituencies in those provinces have all advocated the building of the Hudson Bay railway, and if any man wants a cheer, all he has to do is to talk about it.

Hon. Mr. BEIQUE: It was a fad.

Hon. Mr. WATSON: Yes, a fad, and a necessary fad, if you put it that way.

Hon. Mr. CASGRAIN: Tell us about the grain.

Hon. Mr. WATSON: My honourable friend speaks of storing grain. There is quite a quantity of grain held now before it is shipped to Liverpool by the route in which he is interested. That may not be the case this year; but as a rule a large quantity of wheat is in storage at Fort William for ten months after it is grown.

Hon. Mr. SCHAFFNER: About one-third of it.

Hon. Mr. WATSON: I would not say onethird, but a large quantity. It would not be held any longer by reason of its going by the Hudson Bay route. These things will adjust themselves. My honourable friend knows that it is only a very few years since the St. Lawrence route was declared dangerous, and it was said that it could never be navigated. My honourable friend, as a navigator, will probably agree that the ice difficulty can be overcome if wireless stations are established as I have suggested. Navigation in the Hudson bay is open, I suppose, eight months in the year, probably as long as at Port Arthur or Fort William.

We have an annual discussion by my honourable friend of this matter. I think his advice is correct in some things, but when he knocks the project generally I think he is wasting his time, because he will never convince the people of the West that he is right; and they are going to have something to say, not only now, but in the future, as to how money is going to be spent. I join my honourable friend in suggesting to the Government that they should not spend very much money on the terminals at the present time, because I think their own reports show grave doubts as to the advisability of making Port Nelson the terminus of this line.

Hon. GEO. GORDON: Honourable gentlemen, it appears to me that the honourable gentleman who raised this question was looking at all the dismal aspects of

this particular undertaking, and in doing so failed to look at one of the bright prospects-the mining feature. For his own information, I would advise him to look into that question. He would find that a certain company has already discovered a field of sulphite which is said to be about 300 feet wide and over 2,000 feet long. They have diamond-drilled very extensively and have satisfied themselves that there is at least 3,000,000 tons of sulphite there. It is said that in normal times sulphite ores are worth at least \$10 per ton; therefore I conclude, and I think my honourable friend will too, if he looks more closely into that aspect of the question, that an immense industry will be developed in that part of the country. Apart from this particular industry, it would seem that a great goldmining area is going to be developed there. A very large part of the country has been gone over and prospected, and, if the honourable gentleman is sufficiently interested, I think he will find that the tonnage to be derived from the mines and which will be carried by that road will be quite considerable.

If it were not for the mining feature, I would be inclined to sympathize with the honourable gentleman, because, without that, I would never have thought that this undertaking should have been gone on with; but now it is my firm opinion that it will develop in somewhat the same way as the Temiskaming and Northern Ontario railway developed, and I believe it will turn out to be a profitable venture.

Hon. W. B. WILLOUGHBY: Honourable gentleman, before the discussion closes I want to say only a few wilds. Like the honourable gentleman from Manitoba (Hon. Mr. Schaffner), I was in no way prepared to find that the innocent-looking inquiry on the Order Paper would lead to an eloquent attack on the policy of the Hudson Bay railway. Had the honourable gentleman (Hon. Mr. Casgrain) indicated that such was his purpose, we from Saskatchewan, however poor and inadequate our efforts might have been, would have attempted to defend it. Saskatchewan, more than any other province, is interested in the building of this road. Manitoba also is interested, but not so vitally, because it lies nearer to the Great Lakes than does Saskatchewan. Alberta on the west has the alternative route of the Panama canal.

The policy of the Government is so ably championed by the leader of the Government, the honourable member for Boissevain (Hon. Mr. Schaffner), and the honourable gentleman from Portage 'la Prairie (Hon. Mr. Watson), that I shall not say a word as to the propriety of the undertaking; but, if the honourable gentleman who has launched the inquiry to-day wishes a full discussion on the subject, say at another session of this House, and will put a motion on the Order Paper condemning the building of the road, or will bring it properly before the House so that we may know of it beforehand, I shall attempt, however inadequately, to deal with the matter.

The discussion was concluded.

PRIVATE BILLS.

FIRST READINGS.

Bill 28, an Act respecting the Belleville Prince Edward Bridge Company.—Hon. Mr. Taylor.

Bill 75, an Act respecting the Protective Association of Canada.—Hon. Mr. Watson.

FIRST AND SECOND READINGS.

Bill E2, an Act to incorporate the British Canadian Insurance Company.—Hon. Mr. Barnard.

DAYLIGHT SAVING ACT AMENDMENT BILL.

FIRST READING.

Bill 86, an Act to amend the Daylight Saving Act, 1918.—Hon. Sir James Lougheed.

THE CASE OF CHARLES DESJARDINS.

Hon. Mr. DAVID moved:

This House regrets that, in the case of the Crown versus Charles Desjardins et al, the Government has thought proper to furnish part of the bail required to restore to liberty the said Charles Desjardins and to engage lawyers for his defence.

He said: My object is to have an expression of opinion by this House, because the action of the Government in this case affects to a great extent the good administration of justice in this country, and I think that if the members of this House listen to the facts which will be put before them they will be convinced that this matter deserves their consideration, and I am satisfied that they will be in sympathy with the motion which I propose.

When the men who were accused of having conspired to commit murder, to destroy property, and to perpetrate all kinds of outrages, were brought up in court before Judge St. (Cyr in the preliminary investigation, the evidence which had been adduced appeared so strong against Desjardins that the judge said he would give an order to have the man arrested and committed for trial before the Criminal Court. I will read only a few paragraphs of the judgment which he gave on the preliminary investigation. It is in French, but I will translate it as well as I can:

The disposition show that for a certain time individuals had been in the habit of meeting, and at their meetings it was proposed to commit abominable offences—to steal dynamite, to seize firearms, to rob banks, and to blow up various well-known establishments in Montreal. Among those individuals the depositions name particularly Lalumière, Handfield, Monette and Desjardins. Mr. Desjardins was employed by Mr. Honoré Giroux, Dominion Police Inspector, to follow the deliberations of those individuals. According to the evidence of Giroux, Desjardins made reports frequently, if not daily, as to what was going on, and it is shown by the depositions that Desjardins had succeeded in gaining the confidence of the persons thus assembling, and was a member of their secret committee. These reports by Desjardins, which he sent to Inspector Giroux, were transmitted by the latter to Sir Percy Sherwood.

The conclusion is that the Government must have been informed of what was taking place. The judge continues:

The depositions show that Desjardins was the first to supply firearms, and it was he who suggested breaking into the arsenals. He offered to supply as many firearms as were wanted, and one day when they were in need of funds he gave \$25 to Lalumière for the organization. I think I should be remiss in my duty if I did not comment on these facts.

Desjardins, the detective, became in a certain sense the instigator of the offences. I think that is a peculiar abuse of the position of detective. The detective has the right to look out for offences in general; that is his work; but no one is justified in inciting persons to commit offences, and especially such great and horrible offences as those which were committed.

Then he continues to say that he would give an order to have Desjardins arrested; and he was arrested—not, as the honourable leader of the House stated, on a deposition made by one of the conspirators, but, as I said yesterday, on that of Mr. Lamarche, one of the city attorneys, a man occupying a good position at the bar of Montreal, and ex-member for Nicolet. Desjardins was committed for trial, and ordered to remain in jail unless bail was furnished to the amount of \$20,000.

Hon. Mr. CHOQUETTE: \$30,000.

Hon. Mr. DAVID: No, the \$30,000 was the bail required the second time; he was out on bail three times. Bail was furnished by Mr. Giroux, the detective of Hon. Mr. DAVID. the Federal Police. Desjardins went out of jail. The trial was fixed for the next court term, but because of the illness of cne of the jurors the trial was postponed. The judge refused to allow Desjardins his liberty without bail of \$30,000. That was the first time that the Government intervened, and the Deputy Minister of Justice gave bail to the amount of \$30,000 by a cheque.

At the next session of the Criminal Court the trial took place. Desjardins was defended by lawyers engaged and paid by the Government, but there was no Then the Crown decided that verdict. would be another trial, and there Desjardins was committed for trial to another term of the criminal court and was obliged to furnish another bail for \$20,000 or \$30,000. This time also it was the Government which furnished the bail, and the trial was to take place on the 15th of this month. It has been said that the trial was postponed until next term on account of the illness of the judge.

In order that honourable gentlemen may form a proper judgment on this question, I think I am bound to read some extracts from the charge to the jury delivered by Judge Pelletier, who was Postmaster General in the Borden Government. The charge is very long, but I will read only a few paragraphs. They are as follows:

The substantial facts being explained, and there having been a conspiracy, Desjardins took part in that conspiracy, and he tells us so. He says in the box here that he did not consent to a certain number of things that were done; that he did not participate in the threats against the men who would squeal, but, in his correspondence, he says that he does not deny having done so. So we must take it for granted that whatever his oath may be in that respect. his correspondence goes straight against him, to show that he actually does not deny-that he does not attempt to. When a man says, "I do not deny having done this, that or the other thing," and when he adds, "I do not deny to have done this because I had to do it," I take it to be an almost complete admission that he did it. If a man acts in that way and is a spotter or an informer or a spy, he has the right to do all that, and to go and inform the people who have hired him about all that took place, and that is the law too; but a man like that has no right in law, and the law is based on common sense here, he has no right to induce these people to do something wrong. Not even a policeman has the right to advise anyone to do a thing which is forbidden, because he is the very man who ought to prevent it, and who ought to advise that it should not be done. Now, if a man, even clothed with the author-ity of the law, assumes the right to advise people to do things which are wrong, that man becomes guilty from the moment he has adopted that course, and I give you that under my

responsibility as good law, whatever may be thought of it in any quarter.

Has Desjardins (going outside of his duties and forgetting his duties) advised, helped and counselled any of these crimes? In other words, has he participated in the preparation of these outrages? That is the point. And here Desjardins, instead of being supported by Mr. Giroux, and instead of being supported by his reports, stands alone. He stands before you with a great deal of assurance and confidence and tells you in a very solemn way: "All these people were perjurers; I alone am telling the truth." That is the position which he takes.

He has forgotten the one thing—that he himself has corroborated most of the things about which he says the other people have perjured themselves, so that, if that be true, he also would be a perjurer; but it is not for me to put him in that class.

On the twenty-seventh of July, in the year of our Lord one thousand nine hundred and seventeen, all these bad things—theft, murder, destruction of property—are prepared and talked about and are, to a certain extent, organized. On the twenty-eighth of July, the following day—twenty-four hours afterwards—Charles Desjardins, who knows all that, goes to this crowd and gives them the sum of twenty-five dollars. Now, it has been said, or it has been insinuated here, that the Government of Canada approves of that. I do not believe it. It would be shameful all the same if a hundred governments had approved of it. It is so shameful that I don't believe any government, Liberal or Conservative, would approve of it.

But there is nothing to show that the Government has disapproved. Nothing was done by the honourable the Minister of Justice or by any member of the Government to disapprove of what had been done, and it was the Deputy Minister of Justice who twice gave the bail for Desjardins, and Judge Pelletier in his charge says that, according to the deposition of Desjardins, they knew all that had taken place. The judge continues:

Then there is another feature in this case, and a very serious one, to my mind. Desjardins tells us he promised that money on the twentyseventh, and he gives it on the twenty-eight. He tells us he went to Ottawa on the twentyeighth, in the morning, and that he saw Sir Percy Sherwood, the head of the Federal Police Force.

When the case came on, why was it that Sir Percy Sherwood was not brought to contradict the evidence that was given, and to say that he had not participated in any way in the deeds committed by Desjardins? Judge Felletier says:

That is not all the money which Desjardins gave. He gave twenty-five dollars; he also gave the one dollar, and again he gave another dollar and a half. He gave the dollar and a half to a man by the name of Desautels, and the purpose of Desautels was to steal dynamite at Belœil. What word did he use in one of his reports? In this report he said that there was a purpose of stealing dynamite at Belœil. Now, under oath here he admits having given the

doilar and a half to the man who was going to Belœil. There again I find fault, and serious fault, against Desjardins, because this is the third time he has given money for unlawful purposes.

This is contrary to the declaration made by the honourable leader of the House, who, in the ordinary interpretation of his words, tells us that Desjardins had done what he had a right to do. And now about the outrage at Three Rivers Judge Pelletier tells the jury:

This unspeakable outrage to be perpetrated at Three Rivers had been spoken of and was partially arranged on the twenty-seventh of July. The month of July has thirty-one days. Desjardins says that he went up to Ottawa on the twenty-eighth of July, that he saw Sir Percy Sherwood, and that he mentioned to him what was in his return, and what was not. Now, in his return he mentions clearly this Three Rivers plot, and he says he also told Sir Percy Sherwood about it. That is what he said. Therefore Sir Percy Sheerwood knew that (if this man tells the truth) on the twenty-eighth. What did they do on the twenty-eighth about it? What did they do on the twenty-ninth? What did they do on the thirtieth? What did they do on the thirty-first? What did they do they do on the thirty-nrst? What did they do on the first, second and third of August about it? (Snapping his fingers) Not, that. Do you think that if it was true that Desjardins went up to Ottawa at all, and told Sir Percy Sherwood about this, that Sir Percy Sherwood would have given six days to these dynamiters to blow up the Bank and set fire to the city of Three Rivers? I don't believe it. If he did he missed his duty sadly.

I think I have given enough to enable every honourable gentleman to put this question: in view of the judgment given by Judge St. Cyr, who presided at the preliminary investigation, and of the charge to the jury by Judge Pelletier, can the Government be considered to have acted properly in taking such a responsibility as furnishing bail for Desjardins, when they could not ignore what had taken place, or the suspicion created by the crimes committed by those dynamiters⁵

The conduct of the Government was of such a nature as to confirm the conviction that existed at the time. It was a time of excitement, and the belief of the people was that Desjardins had been engaged by the Government, or by gentlemen representing the Government, in order to incite those persons to commit crime and to show that the anti-conscriptionists, especially the French Canadians, were all criminals and would commit any crime. I do not say, honourable gentlemen, that it was true; I say that that was their opinion, and I say that the conduct of the Government naturally lent colour to their conviction. I say that the responsibility of the Government was

SENATE

clearly established and that the Government or the Minister of Justice had only one way to remove that responsibility, and that was to repudiate the actions of Desjardins, of Giroux and of Sir Percy Sherwood, or in any event to show that they had nothing to do with the affair. They have not done so. On the contrary, when the question was brought up, the honourable leader of the House spoke in such a way as to make us believe that he could not condemn the deeds committed by Desjardins, who had done what he was authorized to do.

Now, honourable gentlemen, who is di-rectly responsible? Desjardins was employed by Giroux, a member of the Federal Police, and Mr. Giroux had relations with Sir Percy Sherwood. Desjardins was evidently acting under the authority of Giroux and of Sir Percy Sherwood. It is now proved that the bail was furnished by the Deputy Minister of Justice. Between Desjardins and Giroux the distance is short; between Giroux and Sherwood the distance is short; and between Sherwood and the Deputy Minister of Justice the distance is still shorter. There is only one more step of the ladder. I do not say that the Minister of Justice is directly responsible, but up to the present he has done nothing to disprove his responsibility. At all events, the Minister of Justice is responsible for the doings of his employees unless he repudiates their actions, and, I repeat, he has not done so.

In conclusion, honourable gentlemen, I say that the honourable leader of the Government and the honourable Minister of Justice should not remain under a cloud; they ought to justify themselves. I do not think there is another country in the world where a government or a minister of justice. being under such suspicion, would not think it necessary to make an investigation in order to ascertain who is really responsible. If there is one institution which is sacred and entitled to the respect of the people. it is the administration of justice, and anything which may decrease or affect the confidence which the people have in the administration of justice is dangerous, even fatal, to the best interests of the morality of a country. A country in which justice is demoralized is a demoralized country. I hope that honourable gentlemen or. both sides of this House will express their views on the question. At any rate, I desire to have the vote on my motion recorded.

Hon. Sir JAMES LOUGHEED: Honourable gentlemen, the motion which has been made by my honourable friend from Hon. Mr. DAVID.

Mille Iles (Hon. Mr. David) is a rather peculiar illustration of the vagaries of human intelligence in dealing with exceptional situations. A Dominion law known as the Military Service Act was passed, and the enforcement of it was received with signs of disapproval and lawlessness on the part of certain sections of the community in the province to which my honourable friend belongs. A gang of lawless individuals was apparently conspiring to perpetrate acts of lawlessness and outrages which might well have startled any community. The attention of the Dominion Government being directed to these facts. it was found not merely desirable, but absolutely necessary, to suppress such acts as might be contemplated by the particular gang to which I allude. If I am incorrect in my statement of the fact, I hope my honourable friend will correct me, inasmuch as he has brought up this matter prematurely. I did not anticipate it would be discussed before to-morrow; therefore I am not as well acquainted with the facts as I should desire, and as I should be if the question were not discussed until tomorrow. The Department of Justice, which administers that branch of the public service known as the Dominion police, necessarily-

Hon. Mr. BEIQUE: It would be important to know what crimes had been committed at the time Desjardins was engaged and commenced to act as he is accused of having acted.

Hon. Mr. DAVID: If the honourable gentleman (Hon. Sir James Lougheed) will allow me, I may say that no crimes had been committed at the time Desjardins was engaged.

Hon. Sir JAMES LOUGHEED: It was well known to the Government that certain crimes were contemplated and that steps were being taken by this particular group of lawless men for the purpose of committing those crimes at an early day.

Hon. Mr. OHOQUETTE: Will the honourable gentleman allow me one suggestion?

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. CHOQUETTE: The honourable gentleman has just said that he is not prepared to deal with this question to-day; that he thought it would come up to-morrow and he has not all the facts he should like to have. If that is the case—and I believe it is—would it not be better for the honourable gentleman not to discuss the

matter more fully to-day, but to postpone the discussion until to-morrow?

Hon. Sir JAMES LOUGHEED: I propose just to generalize.

Hon. Mr. CHOQUETTE: If the discussion is postponed until to-morrow, the honourable gentleman will be able to tell the House exactly what is the position of the Government.

Hon. Sir JAMES LOUGHEED: No, we will proceed now, as my honourable friend from Mille Iles (Hon. Mr. David) was very desirous of proceeding to-day, and it is just as well that the matter should be disposed of. Suffice it to say that the duty devolved upon the Department of Justice to ferret out the crimes which were about to be committed and to suppress the lawlessness for which those parties to whom I have referred had banded together. Dominion police were necessarily charged with securing such information as would lead to the suppression of the gang and the prevention of the crimes which they had in view. No honourable gentleman can take exception to that.

Hon. Mr. DANDURAND: Certainly not.

Hon. Sir JAMES LOUGHEED: No. Now. what was the first thing to be done in order that the Department of Justice might be put in possession of the information necessary to enable it to carry out the duty which had been imposed upon it? The department charged Inspector Giroux, who, I understand, is a member of the Dominion police, with ferreting out and obtaining such information as might be necessary for the purpose of suppressing those contemplated crimes. He apparently employed this man Desjardins for that particular purpose. In other words, Desjardins was acting in the capacity of a detective. My honourable friend from Mille Iles (Hon. Mr. David) seems to think that this was a very heinous offence on the part of the Dominion Government.

Hon. Mr. DANDURAND: No, no. I beg the honourable gentleman's pardon.

Hon. Sir JAMES LOUGHEED: Well, the logical inference is that it was a very heinous offence to employ this man Desjardins, because he proved to be not a perfect man clothed in all the garments of righteousness, or an archangel in disguise. Did my honourable friend expect Inspector Giroux to secure the services of some minister of religion, who would work himself into the confidence of this gang and warn them to flee from the wrath to come? Is that the kind of detection that was expected of Inspector Giroux at the time? No. He secured the services of Desjardins for the purpose of obtaining the information which he considered, and which Desjardins as a detective considered, absolutely necessary, and Desjardins ingratiated himself into the confidence of those criminals and secured such information as did result in the suppression of many of the crimes which they contemplated.

What was the evidence adduced before the court? Remember, honourable gentlemen, that this evidence was secured from his so-called accomplices. Those criminals were put into the box and examined as to what Desjardins did. The court seemed to be more shocked at the acts of Desiardins than at the acts of the persons who were being charged with the commission of the most serious crimes. The evidence showed -and it was, I understand, the evidence of those criminals-that on one occasion Desjardins paid them twenty-five dollars, and on another occasion he actually committed the very serious crime of paving one man \$1.50, or a like sum, for the purpose of securing information. One would have fancied that the court trying those criminals would have been concerned more about their acts than the acts of Desiardins: but the court seems to have been outraged at what had been done by Desjardins, the detective who was charged with ferreting out the information and stopping the crimes. What did the court do? Desjardins was not found guilty, but he was committed to jail, practically without bail, for the bail was fixed at \$30,000, which the court knew he could not possibly secure. Was that reasonable? The intention of the court was that the man should lie in jail and rot in jail, notwithstanding the fact that, as the court then knew, he had been acting in the capacity of a detective. I am not defending Desjardins and saying that he was an innocent man, but surely the members of this chamber are sufficiently familiar with human affairs, have a sufficient knowledge of life, particularly subterranean life, to know that it is impossible to employ as a detective, for the purpose of ferreting out crimes of this kind, a minister of religion who would approach the criminals from the standpoint of righteousness and warn them of the consequences of the crimes upon which they had entered. No; it was necessary to get a man tainted more or less with a knowledge of that life which

SENATE

they themselves had been leading, and who would ingratiate himself into the confidence of the criminals whom he was seeking to expose. As I say, the bail was fixed at \$30,-000, apparently in the hope that this man would rot in jail-would not be able to secure his liberty and play the part which he apparently was to play, in the exposure of those crimes which he was employed to detect. The bail, seemingly, was reduced to \$10,000. Was it unreasonable that this man, who had been employed by Inspector Giroux, of the Dominion police, should not have bail furnished him by the Dominion Government? It was the duty of the Government to furnish bail. If the Government assumed the responsibility of exposing those criminals, then, no matter what that man did, so long as he acted in the capacity for which he was employed, it was the duty of the Government to stand by him, to see that bail was furnished for him, and that he had a fair trial; and, no matter what the outcome of this may be, the Government will see that that man has a fair trial. It is the duty of the Government to see that in the British courts of justice of the province of Quebec or of any other province in Canada, a person employed by the Government for a particular purpose receives the fair play to which he is entitled.

Hon. Mr. DAVID: Even if he exceeds his powers?

Hon. Sir JAMES LOUGHEED: Exceeds his powers? Does my honourable friend seriously think that the Government of Canada were going to meet in solemn conclave to ascertain what Desjardins' powers were and whether or not he was exceeding them day by day? Surely my honourable friend has a sufficiently wide knowledge of human life to know that the Government of Canada could not be aware of what Desjardins was doing. He was simply employed by the police, and the police were exercising their judgment as to how far he should go. The Minister of Justice had no knowledge as to what was taking place, so far as Desjardins was concerned. Desjardins was not reporting to Sir Percy Sherwood, who is the head of the Dominion Police; he was in all probability reporting to the man who employed him, Inspector Giroux, the only man who, if Desjardins made any statements, would know what they were. The present course seems to me to be simply another method of attacking the Government on account of its determination to

Hon. Sir JAMES LOUGHEED.

enforce within the Dominion of Canada a public Act which met with the disapproval of a certain section of the community. They had a right to exercise their judgment upon the Act, but it was the duty of the Government to seek to enforce it. The purpose of this motion seems to be to condemn the Government for carrying out the duty which was cast upon them by the Parliament of Canada to administer and to enforce the Military Service Act. It seems to me that instead of being apparently outraged because a detective em. ployed to ferret out the crime paid some twenty-five dollars or more for the purpose of obtaining the information necessary for the suppression of the crime, honourable gentlemen should have been the first to condemn the acts of criminals who contemplated murder, and who would have committed murder on a wholesale scale.

Some Hon. SENATORS: Hear, hear.

Hon. Mr. DANDURAND: If the statement of my honourable friend properly represented the facts, I would agree with the honourable gentlemen who surround him and who applaud his conclusions; but it is altogether outside of the facts, and the applause is all in vain, as I think I will be able to establish in a very few minutes.

The Conscription Act was announcedand right at the outset I will correct my honourable friend—it was announced but not passed, when a number of young men in Montreal started calling meetings and denouncing conscription, which was their right. One might be for conscription or one might be against it; public opinion could be expressed. There was no objection to meetings, which were being held in different parts of the country. The meetings in Montreal were being held by young men, most of them irresponsible, and most of them unknown.

Hon. Mr. CHOQUETTE: Except to the Government.

Hon. Mr. DANDURAND: Perhaps three of the principal ones were known to the Government. One went by the name of Lalumière. I understand that he had a hardware store in St. Lawrence Main, Montreal. He had been the organizer of Hon. Mr. Coderre, who was a minister in the first Borden cabinet, and had helped considerably in re-electing-him in Hochelaga. After the election Lalumière had tried to blackmail Mr. Coderre, who was then Secretary of State, because he was not being paid for the kind of work that he MAY 15, 1918

had done in the election. He was known to the Government of the day, because that matter came before the House of Commons. Apparently, there were some leaders among those unknown individuals who were agitating public opinion in the suburbs of Montreal. Among the agitators were two men who were perfectly known to the Minister of Justice-two ticket-of-leave menone Handfield and one Monette. Here were three men well known to the Government: Lalumière, whose life had been held up to the light before the Commons, and these two ticket-of-leave men. The Government quite properly decided to watch over the conduct of people who might go further than political agitation, and they detailed Inspector Giroux to watch over any lawlessness which might be taking place. Giroux employed one Charles Desjardins to study the situation. The public at the time knew from the newspapers that public meetings were being held. A club called the Constitutional Club and an association called the Sons of Liberty were organized by young men whose names, with the exception of one, Tancrède Marcil, who had been a Nationalist candidate in two preceding elections and who had supported the Borden Government in 1911, had never come before the public. When the House was sitting here we could see what was taking place in Montreal. There was only one name known to me, that of Tancrède Marcil, who was denouncing the Government and conscription during the summer of last year. Charles Desjardins, the detective, got in contact with those two ticket-ofleave men and Lalumière, who had the hardware store on St. Lawrence Main. The gatherings usually took place at his store, and how many were there? A dozen or half a dozen-I am speaking now by the evidence adduced before the court-and they started discussing means of resisting conscription.

Up to that point there is not one word to be said against Charles Desjardins or the Federal Government. Everything is in order. The Government has a right to send detectives to watch agitators and to see that they do not go beyond legal bounds. But public opinion in Montreal and throughout the province of Quebec became excited when it was found that crimes had been committed, that dynamite had been brought to the door of the honourable senator from Montarville (Hon. Mr. Beaubien), who is listening to me just now, and to Lord Atholstan's country house at Cartierville. When these men were arrested and the trial took place it was found that not only was

Charles Desjardins present at these meetings when the question of getting dynamite and revolvers and of making a raid on Three Rivers WAS discussed, but that he gave the other men money to do it. He gave them \$25, and that is why the judge found that the man who claimed to represent the Federal Government was inciting them and helping them. This man gave a revolver from hand to hand; he gave \$25 to one of these men in the presence of another, and he did not deny it. He allowed them to proceed. Dynamite is stolen; Lord Atholstan's house is blown up; and a stick of dynamite is found by the door of the honourable senator from Montarville. Why did these things take place? When the Federal Government had put a man among these men, everyone felt that when he saw the conspiracy complete it was time for him to arrest them and to try to save the lives of Lord Atholstan and my honourable friend from Montarville. But he did not do anything of the kind. He allowed these things to be done. Then the authorities started after the two ticketof-leave men who had done the act. One of them, Handfield, when on the verge of being arrested, either shot himself or was shot

.Now, these are the facts as disclosed by the evidence taken before the court on two or three occasions. Is there anyone who will now applaud my honourable friend when he declares that he stands by Desjardins?

Hon. Sir JAMES LOUGHEED: I did not say that. My honourable friend should be fair. The facts as I stated them coincide with the facts as stated by my honourable friend. It is simply a question of human judgment when Desjarding should have acted.

Hon. Mr. DANDURAND: It was not a question of human judgment when Desjardins gave these people the money to carry on the conspiracy. When he gave money to these men he was a participator in the act: he gave them the sinews of war, with which to hire taxicabs and buy dynamite to put under those houses. That is what impressed an ex-colleague of my honourable friend in the Borden cabinet, Mr. Justice Pelletier, and caused him to fix the bail of Desjardins at \$30,000.

Now, honourable gentlemen, with these facts before you, it seems to me that you must admit that this is not a party question—that it is not a question of voting Conservative or Liberal. It seems to me

that there is a greater question than that. I do not know that I would have brought up this question at the moment. Another trial is to start to-day, and I perhaps would have waited.

The question before us is limited. The accusation of my honourable friend is that the Government has provided \$10,000 bail, by a cheque of the Deputy Minister of Justice or the Department of Justice, to allow that man out of jail. My honourable friend (Hon. Sir James Lougheed) asks whether this man should be allowed to rot in jail. Was not the Government that employed him bound to defend him? Well, the Government's duty was to defend him up to a certain point; but when the facts and the pronouncement of the judge were made known, would it not have been prudent on the part of the Government to have withdrawn its hand? He was not the only man in jail. Three or four others were also in jail and were later on declared not guilty.

Hon. Sir JAMES LOUGHEED: Have they been convicted yet?

Hon. Mr. DANDURAND: Some were liberated, but many remained in jail, and bail was refused or put up as high as that of Desjardins. When Desjardins was found to be one of the mainstays, the brain that directed or counselled those men. was it not the duty of the court to lay its hands on that man, and say: "You will be treated like the others, because you have acted like the others, or worse than the others, because you have violated your mandate; you were there to represent and protect society, not to encourage those men and pay them money to violate the law."

Hon. Mr. CROSBY: How would we have found them out if it had not been for Desjardins?

Hon. Mr. DANDURAND: Any detective would have found them out. I commend the action of the Government in maintaining the law, but I stop commending its instrument when he turned against the law of the country and urged or incited a gang of ticket-of-leave men to commit violence such as I have described. We agree perfectly up to that point; but when the instrument of the law turns around and conspires with a certain gang of low beings to break the law. I ask, is it proper for our Government to extend its protection to that man? That is the question which the honourable gentleman from Mille Iles (Hon. Mr. David) has put.

Hon. Mr. DANDURAND.

Now, what is the situation that we are facing? Upon the order of the magistrate Desjardins has been arrested. He has been arrested on the oath of one of the city attorneys, a late member of Parliament, a King's Counsel, who, seeing the act, came in and put his signature to the affidavit which brought about his arrest. He goes before the grand jury. Upon the evidence before them the grand jury send Desiardins and his fellow-conspirators before the petit jury. And who becomes the accuser of Charles Desjarding and the other conspirators? The Crown. And who defends one of the conspirators? The Crown. Is it not a very peculiar situation? Here is a man on a plane with his fellow-conspirators. He is accused of the same crime. He finds himself facing representatives of the Crown: and he is defended and protected, and bail is provided for him by the Crown.

Hon. Sir JAMES LOUGHEED: It is done in every case.

Hon. Mr. DANDURAND: I submit the facts. My honourable friend, as he rose, said that he would generalize. Of course, my honourable friend is here in Ottawa, he is very busy, and I excuse him for not knowing the facts.

Hon. Sir JAMES LOUGHEED: _Your statement has not differed from mine.

Hon. Mr. DANDURAND: I think my statement will be borne out by the evidence. and that it will be found to differ considerably from the expression of opinion of my honourable friend, because he seems to be desirous of protecting a Government employee whose conduct is indefensible. I may tell my honourable friend that in Montreal no one is found to condone the act of Charles Desjarding in going against his own mandate and inciting those men to crime. I wonder if his responsibility would not be complete if some one had been assassinated when he knew of what was being done and was subsidizing the men who were preparing to do it. These are the facts which I lay before the Senate. Now, could the Government, after being informed by two judges, countenance work of that kind, and shield that man with its responsibility, and allow him to be bailed out?

Hon. Mr. BEIQUE: The honourable leader of the Government commenced by saying that he was not familiar with the facts, and I quite understand his arriving at the conclusion which he has reached MAY 15, 1918

upon the statement of facts which he has made. But I know that the honourable gentleman, having sat for many years with Mr. Justice Pelletier, has full confidence in that gentleman's judgment and honour and knowledge of law, and would be disposed to take his statements as the presiding judge at a jury trial as properly setting forth the facts. Now, what do we find the facts to be, as stated by both Judge St. Cyr and Mr. Justice Pelletier? The facts are to this effect: that Giroux was employed by the Dominion Police, and very properly, as detective for the purpose of finding out whether any evil-doing people had in mind the commission of any crime; that Giroux employed Desjardins, which was also a very commendable thing on the part of those officials and on the part of the Department of Justice and of the Government to authorize. We do not find any fault with that; it was the duty of the Department of Justice to employ detectives under the circumstances, and it was the duty of those detectives, Desjardins and Giroux, to ingratiate themselves with those people for the purpose of finding out what they were proposing to do. We do not complain of that; we commend the Government for doing that. But where we do not commend the Government is in taking the responsibility, before the people of this country, for acts which were committed by Desjardins, and which I am going to state, and state fully, but in very few words. I take them from the charge of Mr. Justice Pelletier. The first thing that Desjardins did was to advise the commission of the crime-to suggest the robbing of the banks in Three Rivers, and the setting of fires in that city.

Hon. Sir JAMES LOUGHEED: Would my honourable friend have any objection to state on whose evidence that was based? Was it not the evidence of the principal criminals?

Hon. Mr. BEIQUE: It is stated by the judge.

Hon. Sir JAMES LOUGHEED: But the judge did not give evidence. Who gave the evidence?

Hon. Mr. CLORAN: The judge would not commend false evidence to a jury.

Hon. Mr. BEIQUE: I did not follow the trial, but I think I am justified in taking the charge of the judge as stating the facts as proved before him, and stating the facts as given by Mr. Justice Pelletier.

Hon. Mr. GIRROIR: The honourable gentleman is making the charge now that Desjardins incited those men to commit a crime; that is the charge?

Hon. Mr. DANDURAND: Yes.

Hon. Mr. GIRROIR: Is it not only fair that we should know on whose evidence he makes that charge? Is it on the evidence of those criminals?

Hon. Mr. CLORAN: Yes; whom else could you get?

Hon. Mr. BEIQUE: Of course, there was nobody else.

Hon. Sir JAMES LOUGHEED: Then they turned on him.

Hon. Mr. BEIQUE: There were half-adozen men, and of course it was only those men who could testify as to what took place; but Desjardins himself did not deny that; there was no denial on the part of Desjardins that he had paid the \$25.

Hon. Mr. GIRROIR: No, but he denied that he incited those men to commit any crime.

Hon. Mr. CROSBY: They hadn't any money.

Hon. Mr. BEIQUE: I am stating facts. I did not follow the trial, but I think I am warranted in taking the charge of one judge and the judgment of another. There are two judges. Judge St. Cyr, at the preliminary investigation, had heard the evidence and ordered the arrest of some of those people, especially Desjardins, and gave his reason for it, and referred to the evidence which had been adduced before him. Then I am taking as my authority the charge of the Hon. Judge Pelletier, who is a man of high standing, a judge of the Court of Appeal, the highest court in our province, and once a minister of the Government, a late colleague of the honourable leader of the Government in this House, and a man for whom I am sure that honourable gentleman has the highest respect. Now, according to the charge to the jury, the evidence adduced at the trial was to this effect: that Desjardins himself advised the commission of the crimes; that he afterwards not only furnished \$25 and \$1.50 additional, but did actually supply some of those people with dynamite cartridges and a revolver. It is in the face of these things that we are asked to say that the Government or the Department of Justice were justified in taking the responsibility of the acts of that man. I repeat that we commend the acts of the Government 544

so far as engaging Desjardins and Giroux to ingratiate themselves with those people and to try to find out all about the crimes which were concerted, but we charge the Government with being derelict in its duty in taking the responsibility of acts of that kind.

Hon. Sir JAMES LOUGHEED: I said incthing to warrant my honourable friend in drawing that conclusion. I did not say that the Government assumed responsibility for the acts of Desjardins. What I did say was that the Government, having employed him, or he having been employed through the Dominion Police, was justified in seeing that he got bail and that he afterwards got a fair trial; and I adhere to that.

Hon. Mr. BEIQUE: But the honourable gentleman surely will not say that any Government is justified in defending or furnishing bail for any man who will incite to the commission of crime?

Hon. Mr. CROSBY: He did not do it.

Hon. Sir JAMES LOUGHEED: Will my honourable friend tell me how it might be ascertained that those facts were to be established without a man getting out on bail and getting a trial? It has not been established yet.

Hon. Mr. BEIQUE: It was established at the preliminary investigation by evidence of several witnesses, and it was established again—

Hon. Sir JAMES LOUGHEED: On the evidence of some of the worst criminals in the province of Quebec.

Hon. Mr. BEIQUE: To the satisfaction of the judge. On what, then, would the Government act: I am asked to refer to that part of the charge of the judge; I find it here.

Hon. Sir JAMES LOUGHEED: I suppose we are at liberty to differ from the finding.

Hon. Mr. BEIQUE: If the honourable gentleman were telling this House that the Government had made inquiries, and that from those inquiries they had come to the conclusion that the facts could not be substantiated, or that the charge of the judge was erroneous, or that the evidence which had been adduced at the trial was false, I would understand that the Government would be justified in their action. But unless the Government has something to go

Hon. Mr. BEIQUE.

upon, and as long as the evidence which has been adduced at the trial remains uncontradicted, and the judgment and charge of the judges remain unimpeached, I say that no justification can be shown why the Government chose to interfere as they did on that occasion. One paragraph of the Hon. Judge Pelletier is this:

If a man acts in that way and is a spotter, an informer, or a spy, he has the right to do all that, and to go and inform the people who have hired him about all that took place, and that is the law too, but a man like that has no right in law, and the law is based on common sense here. He has no right to induce these people to do something wrong. Not even a policeman has the right to advise anyone to do a thing which is forbidden, because he is the very man who ought to prevent it, and who ought to advise that it should not be done. Now, if a man, clothed with the authority of the law, assumes the right to advise people to do things which are wrong, that man becomes guilty from the moment he has adopted that course, and I give you that under my responsibility as good law. whatever may be thought of it in any quarter.

Hon. Mr. CROSBY: That is all right.

Hon. Mr. BEIQUE: 1 am sure that the honourable gentleman would not disagree with that statement of law.

Hon. Sir JAMES LOUGHEED: But the jury seemed to disagree with it, and did not find him guilty.

Hon. Mr. BEIQUE: Eleven out of twelve of the jury were in favour of finding him guilty, but one dissented and prevented a verdict from being given. Of course, the verdict had to be unanimous, and there could not be a verdict when one dissented. That is not a very extraordinary occurrence. I submit that this is a matter of considerable importance. We should not be carried away on one side or the other, and I am sure the motive of the honourable gentleman who has made the motion is but to try to place the facts fairly before this honourable House and the country. For my part I regret that the Government has considered it advisable 'under the circumstances to intervene and take the responsibility of Desjardins' conduct.

Hon. Sir JAMES LOUGHEED: My honourable friend occupies a very distinguished position as a member of the Bar of Quebec, and I should like to ask, if he considers it in accordance with British precedent that a matter of this kind should be discussed while it is sub judice, while this man is committed for trial and before he has been tried? Is it fair that this discussion should be circulated through the MAY 16, 1918

province of Quebec, so that the jurors on the next trial should be loaded up with preconceived notions as to what should be done to this man? Is it fair?

Hon. Mr. CLORAN: You should call attention to that in the House of Commons.

Hon. Mr. BEIQUE: My answer to that is this: that this discussion is not new; the facts are of common knowledge; they have been discussed in the papers and in the House of Commons as well as in this House; and, when the trial takes place. of course it may be the duty of the presiding judge to see that the minds of the jury who are called upon to sit will not be prejudiced by the discussion which has taken place.

Hon. Mr. CHOQUETTE: It is evident, as nobody from the other side is answering what is said on this side of the House on this motion, that they wish to stand by the answer given by the honourable leader on that side of the House, and by the crack of the whip he has told his supporters that they must not say a word except what he says himself, nor vote except as he votes.

Hon. Mr. CROSBY: I do not think the honourable gentleman has any right to say that anybody has cracked the whip and brought people in here and told them how to vote. What right has any honourable gentleman to reflect on any members of this House as to how they are going to vote? I do not think that is fair. I think the honourable gentleman can discuss the question without saying how this one or that one is going to vote. We are all apparently intelligent men who can judge for ourselves, and judge well. I have heard no crack of any whip, and I would ask my honourable friend to withdraw that remark and be fair. He can argue without throwing reflections on anybody in this House.

Hon. Mr. CHOQUETTE: I still repeat: my opinion is that the word of the Government has been given not to speak on this subject. That is my opinion; I have a right to repeat it.

Hon. Sir JAMES LOUGHEED: My honourable friend is absolutely incorrect.

Hon. Mr. CHOQUETTE: I may be incorrect, but that is my opinion.

Hon. Mr. CROSBY: There is one thing: the honourable gentleman is a judge for himself, and when the whip is cracked he knows what he has to do.

Hon. Mr. CHOQUETTE: I have a right to my opinion, and I am willing to resume S-35

REVISED EDITION

my seat and give a chance to my honourable friend to speak. I may be mistaken, but that is my opinion. I am sorry to see that nobody on the other side is defending the Government or is answering.

Hon. Mr. CROSBY: There is nothing to defend.

Hon. Mr. OHOQUETTE: It is my opinion that they are going to vote according to the Government's instructions. There is no harm in that; they may be right and they may be wrong, and surely my honourable friend is not going to find fault with that. Now, I am going to ask my honourable friend to sit to-night.

Hon. Sir JAMES LOUGHEED: No.

Hon. Mr. CHOQUETTE: Then I move the adjournment of the debate until tomorrow.

The motion for the adjournment of the debate was agreed to.

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

THE SENATE.

Thursday, May 16, 1918.

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

Prayers and routine proceedings.

PRIVATE BILLS.

THIRD READINGS.

Bill 67, an Act respecting the International Bridge and Terminal Company.— Hon. Mr. Macdonell.

Bill 61, an Act respecting the Toronto, Hamilton and Buffalo Railway Company.— Hon. Mr. Milne.

CRIMINAL CODE AMENDMENT BILL. SECOND READING.

Hon. Mr. ROBERTSON moved the second reading of Bill 69, an Act to amend the Criminal Code.

He said: Honourable gentlemen, the proposed amendments to the Criminal Code are the result of earnest representations made by persons representative of many classes in various parts of Canada. I will not deal at length with the reasons why each of the amendments is sought, but will just undertake briefly to explain their purpose.

SENATE

Section 1, amending section 211 of the Criminal Code, is for the purpose of raising the age of consent. It covers cases of seduction of girls between the ages of 16 and 18. At present the law applies to girls from 14 to 16 years of age, who will be protected by section 301 of the Code, as amended by section 3 of this Bill.

At the present time the offence dealt with in section 2 of the Bill is confined to girls employed in factories, mills, workshops or stores. The amendment proposes to extend this provision to girls in any employment. The provision is added that proof of previous illicit connection with the accused is not to be deemed to be evidence that the girl was not previously chaste. This is to prevent a man from urging that the girl was not chaste because he had previously had relations with her, which of course is no real defence. This section without the addition was in the Bill of 1913, which was thrown out by the Senate.

Section 3 takes the place of old section 211, leaving out the provision that the girl must have been of previously chaste character, and adding the provision, "and whether he believes her to be above the age of sixteen years or not."

The new section 220A, added by section 4 of the Bill, is intended to prevent a man and a woman from registering at a hotel or lodging house as man and wife when they are not so in reality. It has been suggested that this clause should be modified to prevent prosecution on the ground that marriage or divorce was not valid. I believe that the honourable gentleman from Boissevain (Hon. Mr. Schaffner) has an amendment for that purpose. The provision contained in the proposed new section 220B arose out of a case where a man was living in adultery with a soldier's wife and corrupting the soldier's children; and among some classes such cases are unfortunately too common. Subsection 4 of the proposed new section 220B prevents prosecutions from being improperly brought, as they cannot be instituted by any private person.

Sections 5, 7 and 8 deal with gambling dens which are supported by a rake-off from the game. I believe the evil of gambling dens is particularly prevalent upon the Pacific coast, many Chinese keeping such dens. In this connection I would mention that representations have been made to me personally within the last few days by gentlemen from the Pacific coast, Hon. Mr. ROBERTSON. who very strongly urge that favourable consideration should be given to this amendment. They point out to me that at the present time, with the large floating population that is now employed at fairly high wages, money is plentiful, and Chinese and Japanese gambling dens in particular are running wide open in the city of Vancouver city, and are having considerable influence upon the existing condition of industrial unrest, in the opinion of prominent business men in Vancouver. They want this clause inserted in the Act in order that it may assist in wiping out those gambling dens.

Section β is for the purpose of increasing the penalty in cases of theft of motor cars, which is becoming a common offence.

It is also proposed that the following new clause be added to the Bill as section 9, by way of amendment:

This Act shall come into operation ninety days after it is assented to by the Governor General.

The reason given for that amendment, which has been asked for by provincial authorities, is that it is necessary for the law to be known before it goes into force.

Honourable gentlemen, it is probably unnecessary for me to dwell at any great length upon the desirability or necessity for these clauses. Their desirability is, in my opinion, amply evident. The details of the Bill can be discussed when the House goes into committee.

Hon. W. B. ROSS: Honourable gentlemen, I think that we have already seen enough of this Bill to recognize that it is a rather serious one. There are in it many provisions which should receive very careful consideration by this honourable House. It is right and proper to pass legislation dealing with Chinese dens or with persons of the same character as those who run such dens, but at the same time we must see to it that we do not provide an instrument which may be used for the purpose of blackmail against many persons who cannot be classed with Chinese, Japanese, and others of bad character. So I think the Bill ought to be very carefully considered. If on consideration of its different clauses further information seems necessary, we ought to call witnesses, and, owing to the nature of the subject-matter of the Bill, which is different from that of other Bills, it had better be dealt with by special committee than by Committee of the Whole. I beg leave to move in amendment:

That this Bill be not now read a second time, but that it be referred to a 'special committee

546

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consisting of Hon. Messieurs Pringle, Bradbury, Daniel, Power, Casgrain, Watson, and the mover, to consider and report to the House.

Hon. Mr. DANDURAND: This is the first time that I have heard of a Bill being referred to a committee before being read the second time. I think it is contrary to practice and to our rules. I have not the rules before me at the moment. At this stage the principle of the Bill, if there is a principle in the Bill, should be either affirmed or rejected. It is only after the second reading that a Bill is referred to committee.

Hon. W. B. ROSS: What rule is there against sending it to committee at the present time, before the second reading? I would like to see the rule.

Hon. Mr. CLORAN: What is the object of referring it to a special committee? Is it to kill the Bill? I am simply asking for information. It strikes me that at this time of the session it is not possible to have the Bill dealt with by a special committee. Anyway, if the Bill is to be passed—and I think the Minister of Justice and the honourable minister who presented it here want it to pass—it should not be referred to a committee when there are only three or four days of the session remaining. It is understood that Parliament will prorogue by Empire Day.

Hon. Mr. BELCOURT: I cannot quote a rule against the proposition to refer a Bill to committee before the second reading, but I can quite see the reason why such a practice should not be adopted and the propriety of passing upon the principle of a Bill before referring the Bill to committee. Otherwise the committee might sit day after day and finally decide against the Bill, and it would be necessary for the whole procedure to be gone over again in the House.

Hon. Mr. DANDURAND: Why does not the honourable gentleman (Hon. W. B. Ross) allow the Bill to be advanced a stage, and after the second reading move the reference? That is the proper thing to do.

Hon. W. B. ROSS: The difficulty is that if the motion for the second reading is agreed to, we adopt the principle of the Bill. The object that I have in view in moving that the Bill be referred to a special committee is to get information for the study of the structure of the Bill and to have a report made which can be used when the Bill comes before this himourable House for the second reading.

S-351

Hon. Mr. CHOQUETTE: There is no harm in adopting the principle of the Bill, which is that the criminal law should be amended. We are all in favour of that principle. Though the principle of a Bill is in a certain sense adopted when the Bill is read the second time, there is no objection to making amendments in committee, either in special committee or in Committee of the Whole House. This is the first time that I have heard it proposed that a Bill should be referred to committee before its second reading. I raise the point of order that the Bill cannot be referred to committee before the second reading.

Hon. Mr. BEAUBIEN: Honourable gentlemen, it seems to me that there are many very important questions of principle involved in this Bill. For my part I do not think I should like to vote for the Bill as it stands. What objection is there to having a special committee study the Bill and make a report? Then, when it comes up for second reading, the principle can be discussed, and approved or rejected.

Hon. Mr. BELCOURT: Does my honourable friend realize that a committee might report a Bill and the House might say, "No, we cannot adopt the principle of it?" Then all the work of the committee would be for nothing.

Hon. Mr. BEAUBIEN: Well, what difference would that make? It may not be quite regular to refer the Bill to committee at this stage, but it seems to me extremely desirable to do so in this case.

Hon. Mr. POWER: Honourable gentlemen, my sentiments with respect to this Bill are, I think, substantially indentical with those of the honourable gentleman from Middleton (Hon. W. B. Ross), but there is just this point. The honourable gentleman thought that we should not approve of the principle of the Bill. There are certain clauses in the Bill which, I think, should be passed, those beginning with the fourth clause. I do not think that there is any serious objection to any of those clauses, and we might pass the second reading just in order to show that we do not disapprove of the whole Bill. Then, when the Bill is read the second time, the honourable gentleman from Middleton can make the motion which he has just submitted and the Bill will go at once to the special committee, if the House desires to appoint the committee. There will be no time lost, and

the same end will be attained: we shall get rid of any objectionable clauses in the Bill.

Hon. Mr. DANDURAND: May I draw my honourable friend's (Hon. W. B. Ross's) attention to rules 63 to 65 of the Standing Orders:

63. No Bill shall be read twice the same day: no Committee of the Whole House shall proceed on any Bill the same day the Bill is read a second time; and no Bill shall be read the third time the same day that the Bill is re-ported from the Committee.

64. The principle of a Bill is usually debated

at its second reading. 65. A senator may, at any time before a Bill is passed, move for the reconsideration of any clause thereof, already passed.

I have not had time to read over all the Standing Orders with reference to Bills, but I take for granted that after the first reading the next step is necessarily the second reading, and then the House goes into committee or the Bill is referred to a special or a standing committee.

Hon. W. B. ROSS: But there can be no objection, to moving an amendment to a Bill at any stage. However, if the understanding is that the only principle involved in the second reading of the Bill is that the Criminal Code should be amended, I do not care if it is read the second time now. Then I will make my motion. I withdraw my amendment and will renew it after the second reading.

The amendment of Hon. W. B. Ross xas withdrawn and the motion for the second reading was agreed to.

Hon. Mr. ROBERTSON moved:

That this Bill be referred to a Committee of the Whole House to-morrow.

Hon. W. B. ROSS moved in amendment:

That this Bill be not referred to the Committee of the Whole, but that it be referred to a special committee composed of Honourable Messieurs Pringle, Bradbury, Daniel, Power, Honourable Casgrain, Watson, Beaubien, Bostock and W. B. Ross

Hon. Mr. CHOQUETTE: Honourable gentlemen, before the amendment is put I desire to say, in justice to the honourable member from Middleton (Hon. W. B. Ross), that I was in error when a few moments ago I raised a point of order. I find in Bourinot's Parliamentary Procedure, page 509:

64. The principle of a Bill is usually debated at its second reading.

The Commons have no rule on the subject, but the practice of the House is always to discuss the principle of a Bill at this stage. Any member may propose as an amendment a resolution declaratory of some principle adverse to, or differing from, the principles, policy or

Hon. Mr. POWER.

provisions of the Bill, or expressing opinions as to any circumstances connected with its introduction or prosecution or otherwise opposed to its progress, or seeking further information in relation to the Bill by committees, commis-sioners, the production of papers or other evidence, or the opinion of judges.

According to this, I think the honourable gentleman from Middleton was right in moving his motion before the second reading, and, as on the spur of the moment I raised a point of order, it is only fair that I should put these facts before the House.

Hon. W. B. ROSS: We have reached the same point by a longer road.

The amendment was agreed to.

DAYLIGHT SAVING ACT AMENDMENT BILL.

SECOND READING.

Hon. Sir JAMES LOUGHEED moved the second reading of Bill 86, an Act to amend The Daylight Saving Act.

He said: Under the Daylight Saving Act as passed this session it is provided that during the prescribed period the time shall be one hour in advance of the time which, under the law of the province, is prescribed for such province. Several of the provinces desire to advance their time so that it may correspond with Dominion time, but it has been suggested that if they do so the wording of the Act will automatically advance the Dominion time one hour. This amendment is designed to prevent that.

Hon. Mr. BELCOURT: May I take the opportunity of suggesting to my honourable friend that, when submitting amending Bills such as this, it would be well to submit also the section that is amended? It is almost impossible to determine the effect of an amendment of this sort without looking at the section which it amends. I remember that three years ago a rule was adopted on the line I suggest. The language in this Bill conveys no meaning to the mind of the reader unless he has the statute with which to compare it, and that is not always convenient.

Hon. Sir JAMES LOUGHEED: I quite agree with my honourable friend. Only yesterday I took up the same subject with Mr. Gisborne, the Parliamentary Counsel, and suggested that we should adopt the practice of printing in full any clause to be repealed or amended, so as to show the application of the proposed amendment to the text of the statute. He fully agreed with me, and said that so far as he could conMAY 16, 1918

tribute in that direction he would do so. I propose to make inquiries into the question of who controls the printing of Bills —I think it is probably the joint committee of both Houses—and suggest that they determine upon some practice. I quite agree with my honourable friend that it is utterly imposible to determine the proper application of an amendment without the statute before us, and that we should have the whole text of the legislation in the printed Bill. I shall be glad to further prosecute my inquiries and see if we cannot have such a change made.

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

PRIVATE BILLS.

SECOND READINGS.

Bill 75, An Act respecting the Protective Association of Canada.-Hon. Mr. Watson.

Bill 28, an Act respecting the Belleville Prince Edward Bridge Company.—Hon. Mr. Pringle.

THE SENATE AND MONEY BILLS. REPORT OF SPECIAL COMMITTEE.

•Hon. W. B. ROSS moved the adoption of the Second Report of the Special Committee appointed to consider the question of determining what are the rights of the Senate in matters of financial legislation, and whether, under the provisions of the British North America Act, 1867, it is permissible, and to what extent, or forbidden, for the Senate to amend a Bill embodying financial clauses (Money Bill) as follows:-

The Senate,

Committee Room No. 70,

Thursday, 9th May, 1918. The Special Committee appointed to consider the question of determining what are the rights of the Senate in matters of financial legislation, and whether under the provision of The British North America Act, 1867, it is permissible, and to what extent, or forbidden, for the Senate to amend a Bill embodying financial clauses (Money Bill), have the honour to make their Second Report, as follows:--

Your Committee beg to report that in the latter part of the last Session of Parliament a similar Committee was appointed, but owing to the late date of appointment opportunity was not afforded the Committee for a full consideration of the Order of Reference. During the recess the Honourable W. B. Ross, a member of this Committee, prepared a memorandum dealing with the question, copy hereto attached, which memorandum has been carefully considered and adopted by this Committee. The following summing-up thereof is submitted as the conclusions of your Committee on the rights of the Senate in matters of financial legislation: 1. That the Senate of Canada has, and always had since it was created, the power to amend Bills originating in the Commons appropriating any part of the revenue or imposing a tax by reducing the amounts therein, but has not the right to increase the same without the consent of the Crown.

2. That this power was given as an essential part of the Confederation contract.

3. That the practice of the Imperial Houses of Parliament in respect of Money Bills is no part of the Constitution of the Dominion of Canada.

⁴ 4. That the Senate in the past has repeatedly amended so-called Money Bills, in some cases without protest from the Commons, while in other cases the Bills were allowed to pass, the Commons protesting or claiming that the Senate could not amend a Money Bill. 5. That Rule 78 of the House of Commons of

5. That Rule 78 of the House of Commons of Canada claiming for that body powers and privileges in connection with Money Bills identical with those of the Imperial House of Commons is unwarranted under the provisions of The British North America Act, 1867.

6. That the Senate, as shown by The British North America Act, as well as by the discussion in the Canadian Legislature on the Quebec Resolutions, in addition to its general powers and duties, is specially empowered to safeguard the rights of the provincial organizations.

7. That, besides general legislation, there are questions such as provincial subsidies, public lands in the western provinces, and the rights of the provinces in connection with pending railway legislation and the adjustment of the rights of the provinces thereunder likely to arise at any time, and it is important that the powers of the Senate relating thereto be thoroughly understood.

Your Committee are indebted to Messieurs Eugene Lafleur, K.C., Aimé Geoffrion, K.C., and John S. Ewart, K.C., prominent constitutional authorities, of Montreal and Ottawa, who have been good enough to forward their views on the question under consideration by your Committee. These opinions are appended hereto and form part of the Committee's Report.

All which is respectfully submitted.

W. B. Ross,

Chairman.

Memorandum re Rights of the Senate in Matters of Financial Legislation.

The Constitution and Powers and Practice of the House of Lords and the House of Commons are so well known that it is unnecessary to refer to them except so far as it is required to explain the constitution and functions of the Canadian Senate. The inquiry will be limited to the powers of the Senate in respect of "Money Bills"—Bills appropriating any part of the revenue or imposing a tax.

The House of Lords has at present six hundred and odd members, and all of these except about seventy we their positions to birth. The Crown has the prerogative to create an unlimited number of new peerages. This is commonly known as the "swamping power," and has often been described as the safety-valve of the British constitution. From recent legislation it is quite clear that the House of Commons supported by the Crown can impose any terms on the House of Lords. Till then that House had constitutionally co-ordinate powers with the House of Commons in "Money Bills" as in all Bills, and had never formally abandened them except as to originating money Bills. Todd, vol. 1, p. \$13, says: "Lord Derby in 1861 clearly showed that the Lords had never formally abandoned its rights to amend money Bills, and that in the opinion of eminent constitutional authorities they would be warranted in such an act should it be necessary to vindicate their freedom of deliberation and to prevent the enacting of a measure which they regarded as objectionable."

In 1661 the Commons asserted "that no Bill ought to begin in the Lords House which lays any charge or tax upon any of the Commons."

In 1671 the Commons affirmed that "in all aids given to the King by the Commons the rate or tax ought not to be altered by the Lords."

In 1678 the Commons resolved: "That all aids and supplies and aids to His Majesty in Parliament are the sole gift of the Commons, and that all Bills for the granting of any such aids and supplies ought to begin with the Commons, and that it is the undoubted and sole right of the Commons to direct, limit and appoint in such Bills the ends, purposes, considerations, conditions, limitations and qualifications of such grants which ought not be changed or altered by the House of Lords."

The House of Lords protested, but this was the practice thereafter. In 1861 the Commons asserted the right to include all financial proposals in the annual Supply Bill, and thus, not having the power to amend, the Lords would have to pass the Bill or reject it as a whole. This was protested 'against by the Lords, but was thereafter the practice. The power of the House of Lords over finance was practically gone from that day. This was the state of the practice concerning finance between the two Imperial Houses when the British North America Act was passed in 1867.

It will be noticed that these powers of the Commons and these disabilities of the Lords are not settled by a law, but by practice and custom founded on resolutions of the Commons backed up by threats to which the Lords yielded under protest. Mr. Asquith's resolution (1910), "that it is expedient that the House of Lords be disabled by law from rejecting or amending a money Bill," etc., is an admission of this fact.

Does the practice of the Imperial Parliament, as settled in 1867, or as it was asserted to be before the Act just passed limiting the powers of the House of Lords, govern the relations of the Senate and House of Commons on "Money Bills"?

Formerly there were many kinds of colonial constitutions granted by the Crown, but they nearly all ultimately took the form of a constitution consisting of the Crown, a Council appointed by the Crown, and an Elective Assembly. The grant was, until a comparatively late date, by Letters Patent, except in the case of Canada (1791), which was granted by Parliament, as it contained provisions that the Crown could not grant by Letters Patent. (See Appendix I in Lord Grey's "The Colonial Government of Lord Russell.") There were all miniatures of the British constitution.

There is no reasonable doubt that Legislative Councils, which are miniatures of the House of Lords, are constitutionally bound under penalty of being "swamped" to follow the practice of the House of Lords with regard to money Bills as of the date when the provincial con-

Hon. W. B. ROSS.

stitution was granted. Whether such Councils would be bound to change their practice as the practice of the House of Lords changed has, so far as we know, never been agitated.

The constitution of 1791 for the provinces of Upper and Lower Canada provided for a Legislative Council of a named number for each province, reserving to the Crown the right to name as many more as it saw fit. There was also provision for the creation of hereditary Councillors. Nothing was said about the relation of the Houses or money Bills. It is probable that Parliament assumed that the Council would follow the English parliamentary practice, and if it did not it could be "swamped." The Council was an almost perfect miniature of the House of Lords.

The constitution of 1840, when these two provinces were united, was in the main the same. The Legislative Council was to consist of a certain number (20), and power was reserved to add as many more as the Crown saw fit. The provision in the constitution of 1791 respecting hereditary Councillors was dropped. The constitution of 1791 gave representative government. That of 1840 made responsible government possible. Section 57 provided that money Bills should originate in the Assembly, but it was also provided that the Assembly should not originate a Bill unless recommended by the Governor.

There are several Constitutions in the southern hemisphere of practically the same structure. The Colonial Office said that these Councils should follow the practice of the House of Lords and not amend money Bills, but might reject them. The Privy Council also decided against the Legislative Council of Queensland (which was a nominated Council with the "swamping power") in its claim to amend money Bills.

In New South Wales the Council was to consist of at least twenty-one members, but there was no legal limit to the total number. Marriott, Second Chambers, p. 156, says: "There have been various disputes, chiefly on fiscal questions, between the two Chambers and Parkes definitely asked for a recognition of the principle that Ministers might recommend to the Gov-ernor the creation of Councillors." The Crown for the time refused; but in 1889 Parkes was more successful in obtaining from Lord Carrington permission to add members to the Legisla-tive Chamber at the convenience and discretion of the Executive. That principle, closely akin to one which has long prevailed in the mother country, may now be regarded as securely country, may now be regarded as securely enshrined among tle constitutional conven-tions of the Colony." At p. 163 he quotes from Wise's Commonwealth of Australia. who, it seems, regarded a Government of two Chambers, with an Upper House nominated by the Gov-"This plan gave the Second Chamber something of the influence and attributes of the House of Lords. It was constrained by its own traditions to yield before any manifestations of the popular will, and could at any time be coerced by the appointment of new members." Todd (Parliamentary Government in the Colonies, p. 821) gives the particulars of a case of "swamping" in New Zealand. See also Keith, Responsible Government in Dominions. p. 569.

It is quite clear that an Upper House in a Colony where the Executive has this "swamping power" is quite as helpless as the House of Lords in financial and in any measures that the government of the day is determined to carry. Besides, these Councils could be summarily dismissed by the Crown. They had no property in their possession, merely naked trusts. (Despatch of Duke of Newcastle to Governor of Prince Edward Island February 4th, 1862).

There are Constitutions where the Legislative Council is elective, and necessarily the number fixed, and no swamping can take place. In Tasmania the Council is elective. The number is eighteen. It has persistently claimed and exercised the right to amend money BiMs. Keith (Responsible Government in the Dominions, p. 626) says "that it is useless to contend that the practice of the House of Lords should govern in such a case." He also, on the last page of vol. 1 of his works, refers to the action of the Legislative Council of Quebec in throwing out a Supply Bill. He mentions the fact that it was a nominated House without the swamping power, and seems by his mention of this to recognize that such a Council is different from those where such power exists.

The next matter of importance to note is that the British Constitution is unitary. The King and Lords and Commons have a jurisdiction one and undivided. Prior to the creation of the Dominion of Canada the Colonies within the scope of their constitutions were unitary. The Governor, Council, and Assembly had the whole jurisdiction. The Crown cannot create a Dominion, and Canada received its constitution from the Imperial Parliament. The Dominion is the Colony, and the Provinces are parts of this Colony. The Dominion appoints the Lieutenant Governors of the Provinces, who communicate through the Governor General with the Imperial Government.

The Constitution of the Dominion of Canada was therefore new in the line of Colonial Constitutions. The legal effect of the words of the British North America Act will have to be settled (as Acts of Parliament are construed) by the plain meaning of the words used. That Act begins with a recital that the Provinces have expressed a desire to be federally united, with a Constitution similar in principle to that of the United Kingdom, and this it does by providing that the executive power and authority should continue and be vested in the Queen, and that the legislative power should be in a Parliament consisting of the Queen and the two Houses. This is the main principle, but there are many details in working it out. One of these is the Constitution of the Senate of seventy-two members, never to exceed seventyeight.

The Provinces, first of all, are divided into three districts: Ontario, Quebec and the Maritime Provinces, each to have twenty-four senators, and, in the case of the Maritime Provinces, twelve thereof are to "represent" Nova Scotia, and twelve New Brunswick. In the case of Quebec each of the twenty-four senators is to "represent" one of the twenty-four Electoral Divisions. A senator is required to be thirty years of age, to be worth four thousand dollars, and to reside in the Province for which he is appointed, and in Quebec to either reside or hold his property qualification in the Electoral District for which he is appointed. The appointments to the Senate are for life.

There are five things that are new: age, property, residence, life tenure and the fixed number. In the old Provincial Constitutions these are not found. In those above mentioned (1791) and (1840) a Councillor was required only to be a British subject of twenty-one years of age.

The Statute shows a fundamental difference between the Senate and the House of Lords. The senators are appointed to represent the provinces. The members of the House of Commons are elected for constituencies, and are summoned under Section 38 of the Act to attend. This puts them on the footing of Members of the English House of Commons, and they serve for all Canada. See Blackstone, Book 1, Chapter 2, p. 159, where he says that the Members of the English House of Commons are summoned, and that they serve for the whole Kingdom.

Then, the Senate is an Upper House in a federation and not in a unitary State or Legislative Union, as is the House of Lords. The Senate is more like that of the United States or the Upper House in Germany or Switzerland. If it is not the first duty of the Senate to protect Provincial interests it is impossible not to infer from the terms of the Act that this is a duty cast upon it. Why else the appointment by Provinces and Electoral Districts, with the qualifications of property and residence? Why not an appointment to the Senate simply as in the House of Lords or the nominated Legislative Council already referred to? Such fundamental changes are not made for nothing. The first duty of the Senate is to protect and preserve Provincial rights and interests. No such duty is required of the House of Lords or of any of the Legislative Councils in the Provinces. More than that, from the Act it is quite clear that to enable the Senate to do this it was made an independent body by the abolition of the swamping power, and making the tenure of the position for life. It has, of course, other powers and duties consequent on its being an independent part of the Constitution.

The British North America Act imposes one extremely important limitation on the powers of the Senate. Sections 53 and 54 of the Act read:

"(53) Bills for appropriating any part of the Public Revenue or for imposing any tax or impost shall originate in the House of Commons.

"(54) It shall not be lawful for the House of Commons to adopt or pass any Vote, Resolution, Address or Bill for the appropriation of any part of the public revenue or of any tax or impost to any purpose that has not been first recommended to that House by Message of the Governor General in the Session in which such Vote, Resolution, Address or Bill is proposed."

It is worth noting that this last Section simply embodies the practice of the Imperial House of Commons. That House may reduce; it can not of itself increase the sum recommended by the Ministry. (See Todd's Parliamentary Government, vol. 1, p. 702, and cases in notes thereto. See also Keith, p. 568.)

It is quite clear that if the House of Commons in Canada increased an amount recommended, the increase would be illegal unless a further recommendation should be had.

Section 53 embodies the only point on finance ever conceded to the House of Commons by the House of Lords. (See Todd, vol. 1, p. 811.) When the House of Commons passes an appropriation or tax Bill it must be either for the sum recommended or for some smaller sum. When the Bill is for a smaller sum, and the Ministry of the day continues to hold office, it must be assumed that the Crown has assented to the reduction. (See Todd, vol. 2, p. 391.) When such a Bill goes to the Senate the amount mentioned in the Bill is therefore the sum recommended by the Crown. The Senate could not increase this sum without coming in conflict with the prerogative of the Crown to say what money is wanted. (Todd, vol. 1, p. 689.) The foundation of all Parliamentary taxation is the necessity for the public service as declared by the Crown through its constitutional advisers. The Senate, therefore, cannot directly or indirectly originate one cent of expenditure of public funds or impose a cent of taxation on the people. This is involved in Sections 53 and 54 and the Clauses of the Act defining the executive power. This is, however, the only limitation of the powers of the Senate in regard to Money Bills in the British North America Act. In all other respects the Act leaves with it coordinate powers with the House of Commons to amend or reject such Bills.

One objection urged against this statement is that the Senate is bound to follow the practice of the House of Lords and not amend a Money Bill. There is nothing in the British North America Act which says this. The preamble says: "With a Constitution similar in principle to that of the United Kingdom," and therefore it is said the Senate is bound by the practices of the House of Lords. Resolutions, practice, and disuse go to form the Constitution of the United Kingdom. The Canadian Constitution can only be changed by the Imperial Parliament, and no resolution or practice can alter a word in it.

Principles and practices or customs are very different things. On principle the House of Lords is coordinate with the House of Commons and the Senate of Canada is coordinate with the House of Commons, except in this one matter of originating Money Bills. The House of Commons in England, by its use of the "swamping power," has reduced the House of Lords to a state of impotence in all financial matters. The House of Commons in Canada has no such power. A law without a sanction is nothing. A practice or custom or convention without the power to enforce it is nothing even if the practice were applicable.

The constitution of the Senate, as already outlined, is fundamentally different from that of the House of Lords, and its function of safeguarding provincial interests in a federal system is one unknown to an Upper House in a unitary system, as is the House of Lords. Then, the Senate is in a measure representative, although nominated. This is brought about by the property and residence qualifications of senators.

The division of the Dominion into Senatorial Districts differentiates the two Upper Houses. The senators, first of all, represent their provinces or districts, and their first duty is to them. Then, the "swamping power" was taken away for the express purpose of making the Senate independent of the House of Commons as a condition precedent to Confederation. On what implication or analogy can a practice forced on the House of Lords by an all-powerful House of Commons be applicable to an independent House like the Senate? It would require a Statute to effect this, like Sections 53 and 54.

Again, why did the Imperial Parliament, when passing the British North America Act, insert as Soction 53 only a part of the Resolution of 1678, knowing that the power of imposing the practice of the House of Lords by the swamping power was gone? The contention that it expressed part of the 1678 Resolution, and left the

Hon. W. B. ROSS.

other part to be implied or settled by a practice of the House of Lords, is not a reasonable one. The fact is that it was the Resolution of 1661 that was so inserted.

It is evident that the Canadian Senate, subject to the limitations of Sections 53 and 54 of the British North America Act, is an independent body with coordinate powers with the House of Commons, and entitled to make its own Rules and Practice.

The contention that the word "originate" in Section 53 excludes the change of a word or figure by the Senate is altogether inconsistent with the ordinary meaning of the word and with the whole history of its use in Imperial Parliamentary Practice and in the Provincial Constitutions with elected Councils and in European Constitutions with similar clauses to 53. We have seen that "nominated" Councils with the swanping power were held to the practice of the House of Lords, but those with elected Councils were not, but both had clauses corresponding with our Sections 53 and 54. It is a principle that a limitation goes as far as it says and no farther. Section 53 is a limitation of the powers of the Senate, and does not go beyond what it necessarily includes. What this is has already been dealt with.

When the House of Commons of Canada claims that it can drag the Senate beneath it as the Commons did the House of Lords in England through the "swamping power." the answer is that it has not got this power and is as much bound by the British North America Act as the Senate. We have a Constitution that can only be altered by the Imperial Parliament. The House of Commons cannot, by passing Rules, add to its powers or diminish those of the Senate. Rule 78 of the House of Commons is quite outside of the powers of that House.

If the Senate has not the power to amend money Bills, it has no practical power to see fair play to the Provinces in finance, or to protect an interest unfairly used financially. If it threw out a money Bill under the practice in England, as of 1860, the Commons could the next Session tack a new Bill in the same words to the Supply Bill, and say: You cannot amend; pass or reject the whole Bill. To reject a Supply Bill might in olden times have been feasible, but to-day, with the functions of government so vast and complicated, it is unthinkable. There would be Judges, Government, Railway men, or money to any public charge. It would mean chaos. pay A Supply Bill should be passed as a matter of course by the Senate in almost any conceivable circumstances if it contains nothing but Supply. If other matters are inserted in the Bill or "tacked to it" these should be struck out and be made into a separate Bill or Bills.

Your Committee subjoins a few references to the Debates on the Quebec Resolutions in the Canadian Parliament, and also a few references to works on the constitutions of Colonial Governments, for convenience, so that those interested may have access to those which are found in the Parliamentary Library.

In the ParliamentaryDebates, 3rd Session, Provincial Parliament of Canada. on the subject of the Confederation of the British North American Provinces, at page 21, Mr. Campbell gave the reasons for the Conference determining as they had on the constitution of the Upper House, and says: "And the main reason was to give each of the provinces adequate security for the MAY 16, 1918

protection of its local interests, a protection which it was feared might not be found in a House where the representation was based on numbers only, as would be the case in the General Assembly. The number of representa-tives to the Legislative Council under the Federal Constitution would be limited, and they would be appointed for life instead of elected by the people." "For the purpose of securing equality in that House the Confederation would be divided." He then explains why the Senate was not elective: Upper Canada was growing fast, and an agitation might arise there for greater representation. "They (Ontario) might object to the Fishing Bounties paid the Lower Provinces, to the money expended there in fortifications, or to something else, and claim a representation in the Council more in accordance with their population to enforce their views; and, in view of such contingencies, the delegates from those Provinces conceived it would not be safe to trust their rights to an elective House." At page 22, col. 1, referring to the Constitution of the United States, he says: "In this way the smallest State, like Rhode Island, was as fully represented as the State of New York, and if that was considered necessary in a country so compact together as the United States, how much more would it not be proper in a Confederation some of the sections of which were separate from each other by long narrow strips of land or wide estuaries, with small representation in the popular branch, and looking chiefly to their equality in the Upper Chamber for security for local rights and interests and institutions."

Sir John Macdonald says, at page 29, vol. 1: "We were forced to devise a system of union in which the separate Provincial organizations would be in some degree preserved." At page 35 he says: "We resolved then that the Con-stitution of the Upper House should be in accordance with the British system as nearly as circumstances would allow." At page 36 he says: " The provision in the constitution that the Legislative council shall consist of a limited number of members-that each of the great sections shall appoint twenty-four and no morewill prevent swamping. The fact of the Govern-ment being prevented from exceeding a certain number will preserve the independence of the Upper House," etc. At page 38, col. 1, speaking of the limitation of the number of senators, Sir John said: "To the Upper House is to be confided the protection of sectional interests: therefore it is that the three great divisions are there equally represented for the purpose of defending such interests against majorities in the Assembly." And further on he says: "For the same reason each State of the American Union sends its two best men to represent it in the Senate." On page 42 he says, "We provide there shall be no money votes unless these votes are introduced in the popular branch of the Legislature." At page 35, top of column 1, Sir John refers to the Powers and Privileges of the Commons. It should be noted that Section 18 of the British North America Act had to be enacted to give the Canadian Houses the Powers and Privileges of the Imperial Houses, as there was no provision of this kind in the Resolutions. The Privy Council has Quebec decided that this section does not include legislative power (Keith, p. 558). At page 89, Mr. George Brown says: "But honourable gentle-men must see that the limitation of the numbers in the Upper House lies at the base of the whole compact on which this scheme rests."

He went on to say that power to increase the number would sweep away the whole protection they had from the Lower House. He shows further that the Senate though nominated is representative. At page 92 he refers to the fact that the Lower House would have control of the purse. Ontario, he says, had seventeen more members than Quebec, and the people of Ontario could get fair play. At page 90 he says: "But it is objected that in the constitution of the Upper House, so far as Lower Canada is to be maintained, while as regards Upper Canada they are to be abolished—that the Members from Lower Canada are to sit as representing the divisions in which they reside or have their property qualifications, while in Upper Canada there is no such arrangement. Undoubtedly this is the fact; it has been so arranged to suit the peculiar position of this section of the province. Our Lower Canadian friends felt that they had French Canadian interests and British interests to be protected, and they conceived that the existing system of electoral divisions, would give protection to these interests." At page 89 Mr. Brown says: "But it is said that if the members are to be appointed for life the number should be be unlimited-that in the event of a deadlock arising between the two Chambers there should be power to overcome the difficulty there by the appointment of more members. Well, under the British system, in the case of a legislative union that might be a legitimate provision." At page 88, col. 1, he says, speaking of the loss of influence to Ontario: "Hitherto we have been paying a vast proportion of the taxes, with little or no control over the expenditure. But under this plan, by our just influence in the Lower Chamber, we shall hold the purse strings." At page 92, he says: "We are to have seventeen additional members in the House that holds the purse." At page 90 he says: "The desire was to render the Upper House a thoroughly independent body— one that would be in the best position to canvass dispassionately the measures of this House, and stand up for the public interests in op-position to hasty or partisan legislation." Mr. Dorion, at page 254, at the foot of col. 2, points out that the effect of abolishing the swamping power was to make the Senate entirely independent.

"The Federal Upper Chamber guards in fact the principle of state rights against the numerical majority and the will of the people, and its function may therefore be and frequently is the exact opposite of that of an Upper Chamber in a unitary state. In regard to finance this is especially the case. In a federation the smaller states always wish to be protected against the larger ones exploiting the Federal finances to their own profit; hence the Upper Chamber possesses powers of financial control that may fairly be called extraordinary in almost all Federal States." (Temperley, Senates and Upper Chambers, p. 15.)

"The United States comprise forty-five independent states, some as small as Cambridgeshire, others as large or larger than Yorkshire or Wales; yet each state has two representatives, and two only, in the Federal Senate. The reason is obvious. The stipulation which each petty state made when it entered the Union was that its interests and rights should not be at the mercy of a numerical majority in the Federal Lower House elected

on universal suffrage and therefore largely representing the bigger and more populous states." (Temperley, Senates and Upper Chambers, p. 15.) For the composition of Upper Chambers in the Colonies, see Temperley, p. 48. For the swamping of the Upper Chamber in the Colonies, see Temperley, p. 269, App. 6.

the Colonies, see Temperley, p. 200, Appr "The Federal state is the most complex and ingenious of modern political communities, and its Upper Chamber usually exhibits one aspect of that ingenuity. One principle is, however, common in all such formations. The Federation is based on a union of individuals and of states, and that union is expressed in the constitution of the two Chambers. The Lower one represents the rights and powers of the people—the total numerical majority. The Upper Chamber represents the rights and powers of the states in their separate and individual capacity. Population has always full representation in the Lower Chamber.

"In the unitary state the Upper Chamber only represents the rights of property or individuals or of the classes. In this respect, then, a Federal Senate always has an advantage which no upper Chamber in a unitary state (as, for example, the House of Lords in England) can ever claim to possess, and it is this act which lessens the possibilities of comparison, and renders many apparent analogies totally misleading." (Temperley, p. 209.)

At page 224 Temperley says: "In theory the Senate of Canada possesses equal rights with those of the Lower House, except that it cannot originate Money Bills. It has, however, the full power either to amend or reject them."

Speaking of the Australian Senate, Marriott, at page 168, says: "But, like the American Senate, it accords to each state equal representation—a principle not asserted without strong and intelligible protests from the larger States. To the smaller States, on the other hand, this principle was the condition precedent, the "sheet anchor" of their rights and liberties; and, once asserted, it is fundamental and (except in unimaginable conditions) unalterable."

In a return to an Address relating to the Constitution of Second Chambers, of the Honourable The House of Commons (Infperial), dated March 3, 1910, page 3, paragraph 2, the following appears:---

"2. It is provided by section 53 of the British North America Act that 'Bills for appropriating any part of the public revenue, or for imposing any tax or impost, shall originate in the House of Commons.' There is no other provision limiting the power of the Senate with regard either to finance or to general legislation."

The South Australian constitution contains a clause corresponding with our section 53, and Keith says of this, at page 626 of volume 2:

"In financial matters, as the constitution had carefully left the matter totally undetermined beyond providing for the origination of such Bills in the Lower House, it was only found possible to work at all by an informal agreement between the two Houses."

Keith, in volume 1, page 567, says:

"In 1909 and 1910 minor questions had arisen in the case of New Zealand as to the position of the Council. In the former year the Council inserted an appropriation clause in a Reformatories Bill, which was validated ex post facto by a Governor's message being obtained to cover it, and the Speaker decided that that procedure was adequate for the occasion. In 1910 the Upper House altered the Crimes Amendment Bill by inserting an appropriation clause, and there was rather a warm discussion,

Hon. W. B ROSS.

the Speaker ruling that either a Governor's message must be obtained and the House formally by resolve decide not to insist on its privileges, or the Bill must be laid aside. The former course was adopted after a lively debate."

Montreal, April 30, 1918.

The Honourable W. B. Ross, The Senate, Ottawa, Ont.

Dear Sir,—We have been asked if in our opinion the Senate has the power to amend Money Bills.

Sections 17 and 91 of the British North America Act place the Senate on exactly the same footing as the House of Commons as respects all legislation.

The only material derogation to this general rule is contained in section 53, which provides that Bills for appropriating any part of the public revenue or for imposing any tax or impost shall originate in the House of Commons.

The denial of the right to originate Money Bills does not involve the denial of the right to amend them. Nothing, therefore, in the text of the British North America Act takes away the latter right from the Senate.

The first paragraph of the preamble, where it is stated that the provinces desire to be united federally with a constitution similar in principle to that of the United Kingdom, is relied on. These words, being in the preamble, have much less importance, than if they were in the text. Further, it is obvious that similarity in principle does not mean identity in detail. The Canadian constitution differs from the British constitution in many and important respects; the similarity in principle referred to in the preamble is intended to exist only to the extent stated in the text.

The third paragraph of the preamble states that it is expedient, not only that the constitution of the Legislative authority in the Dominion be provided for, but also that the nature of the Executive Government therein be declared, and the text of the Act contains many sections which merely restate rules of the British constitution, such as section 53. already referred to.

such as section 53, already referred to. If the above-mentionned words of the preamble meant that the British constitution applies to Canada except in so far as the text of the Act expressly derogates therefrom, the third paragraph of the preamble and all those sections, particularly section 53, would be useless or meaningless.

The consideration of how the rule limiting the powers of the House of Lords in the United Kingdom came to be adopted affords an additional argument in support of the view suggested by the text of the British North America Act.

In the early days there was a conflict between the British House of Commons and the House of Lords on this question of the powers of the House of Lords in respect of Money Bills.

In 1678 the Commons resolved :

"That all aids and supplies and aids to His Majesty in Parliament are the sole gift of the Commons, and that all Bills for the granting of any such aids and supplies ought to begin with the Commons, and that it is the undoubted and sole right of the Commons to direct, limit and appoint in such Bills the ends, purposes, considerations, conditions, limitations, and quailifications of such grants, which ought not to be changed or altered by the House of Lords."

In 1693 the Lords resolved :

"That the making of amendments and abatements (f rates of Bills of Supply sent up from the House of Commons is a fundamental, inherent and undoubted right of the House of Peers from which their Lordships can never depart."

It is true that the Lords did not act in accordance with this resolution, and tacitly submitted to the claim of the Commons, obviously to avoid a conflict with the latter House, but this practice was not the law, and this appears from the preamble of the House of Commons resolution of 1910, which announced the proposed legislation curtailing the powers of the Lords. (May's Parliamentary Practice, 12th edition, p. 518.)

It is remarkable that of the two restrictions on the rights of the Lords which the Commons by its resolution of 1678 tried to impose, namely: the denial of the right to originate, and the denial of the right to amend, Money Bills, the British North America Act, while mentioning the first in section 53, should not mention the second against which the Lords had specially protested.

If it had been the intention of the British Parliament to impose the two restrictions on the Senate, it surely would have mentioned both, or, if content to rely on the preamble as incorporating the whole British constitution, it would have mentioned neither.

To these reasons might be added this further consideration, that there is very little analogy between the Lords and the Senate. The Lords represent themselves; the Senate represent the provinces. The Lords are not in an independent position, as the House of Commons can use its influence over the Crown and induce it to add as many members as are needed to the House of Lords to obtain a favourable majority.

It is probably for that reason that section 18 of the British North America Act, when dealing with the privileges, immunities and powers of the Senate, refers, as the maximum of such privileges, immunities and powers, to those held, cnjoyed and exercised by the Imperial House of Commons (and not by the House of Lords) at the passing of the Act.

Under the circumstances, we are of the opinion that the Senate of Canada may amend a Money Bill originating in the House of Commons as fully as the House of Commons can do. Of course, the powers of the Senate are limited to the same extent as those of the House of Commons by the fact that Money Bills must be recommended by a message of the Governor General.

Yours truly,

(Sgd.) E. Lafleur.

Aime Geoffrion.

400 Wilbrod Street, Ottawa, 27th April, 1918.

The Hon. Senator W. B. Ross, The Senate, Ottawa.

Dear Sir,—In reply to yours of the 23rd instant, I beg to say that I have read with muchinterest the "Memorandum re rights of the Senate in matters of financial legislation," and I find in it a great deal that, were the matter now being discussed for the first time, might well be urged in support of what is evidently the writer's view.

In considering all subjects of the class to which the present belongs, regard has always —and very rightly—been paid to history and precedents; and the relations between our Senate and House of Commons are, as I think, so firmly established that no change

could be introduced save by constitutional amendment. I do not mean, necessarily, by amendment of the British North America Act. Amendment of constitutional practice, agreed upon by both Houses, would suffice.

From the very earliest time, the Colonial Assemblies have successfully contended for the same privilege with reference to Financial Bills as that enjoyed by the British House of Commons. The cases in which contention arose are very numerous; but I do not know of any in which the quarrel between the two Houses has resulted in substantial victory for the Council as, in the earlier constitutions, the second chamber was styled.

A glance at the histories furnishes me with two instances which may be taken as containing typical assertion of the privilege of the Assembiles. The first of these is noted in Dickerson's American Colonial Government, 1696-1765. The author says (p. 160) that, in the time of Governor Cornbury, of New York:

"The Council sought to amend the Revenue Bill so as to remove this objection, but it was met by the point-blank assertion that the assembly would permit no amendment of money Bills."

The second instance I take from Dr. Kingsford's book, the History of Canada, volume 9, page 217. On that occasion (1818) the Council and Assembly were brought into sharp conflict, with the result, as the author says, that:

"The Council did not conceive an amendment to the money Bill as a breach of privilege; but, as it was so asserted, the Council would hereafter forbear from all amendment, and simply reject any Bill submitted to it, should occasion suggest."

There can be no doubt that the difference between the British House of Lords and the Canadian Senate referred to in the Memorandum are of substantial character; but, after all, the two Houses, with reference to the subject under consideration, occupy the same position. For the members of neither House are elected by the people, and the privilege of the Assembly with regard to money Bills has always been based upon the fact that the House was composed of popularly-elected members.

In the United States, it is because both the Senate and the House of Representatives have always been composed of men elected by the people—either by direct vote or, indirectly, by the State Legislature—that the two Houses have concurrent authority.

I am, Sir,

Yours truly,

(Sgd) John S. Ewart.

He said: I wish to point out that a special committee of this House considered this subject, and gave very considerable attention to the matter referred to them, and I think they have stuck closely to their text. The question referred to them was the legal question as to what is the power of this House with respect to so-called money Bills. Honourable members will find, on reading our report, that we confined ourselves to that. There are further questions, as to what constitutes a money Bill, and as to what principle should govern this House, being a court of review,

in a sense, of the work that is done by the lower House in financial matters. The committee have left those questions for further consideration, and have confined themselves to the practical question, what are the constituional rights of this House with regard to money Bills.

I invite the attention of every member of this House to the report of the committee, and I do that for more reasons than one. I think it is the bounden duty of every member of this House, or of any House, even of a judge on the bench, to examine carefully what are the functions and powers of his office, so that he will not. either consciously or unconsciously, give away anything that has been entrusted to him by the people who appointed him to office, and on the other hand will not exceed the power that has been conferred on him. I think it is a necessary and wise thing that a man should try to clear his own mind as to what are the functions of his office.

In addition to that, the subject is a very important one. It involves the large question, whether this House is on the footing of one of the old legislative councils that existed in British colonies, or whether it is of an entirely different character, being an institution created by the Parliament of Great Britain. No institution of the same kind had ever been created by the Imperial Parliament, inasmuch as Canada was a confederation, and this House was a Senate in the federal system, not a legislative council or an upper house in a unitary system. The difference between the two is mainly this: that in a unitary system the will of the majority is the governing principle; while an institution such as ours possesses not only all the powers usually conferred upon the upper house in a unitary system, such as the old legislative councils or the House of Lords, but also the special function of looking after the interests of the provinces qua provinces. While we have duties in respect to the individuals living in the Dominion of Canada, we have also power conferred on us, and a duty to discharge, in regard to the provinces as such. It might very well happen that a majority in the elected House would pass a measure that would be unfair towards one of the provinces; and in such case the Senate is here for the very purpose of doing justice to any special interest or any provincial interest by going contrary to the majority in the lower House instead of falling in with the action of that majority.

I invite the attention of every member of this House to the report, and I hope that there will be no part of it that will be allowed to escape criticism, either friendly or hostile; because I have no doubt that this report will have a great deal to do with the position that the Senate will take in the Dominion in relation to the question as to how far we can deal with financial matters. assuming, of course, that we deal with them wisely and moderately, as I have no doubt this House will. I think the adoption of this report will put our House on a more substantial footing than it has occupied for the last ten years. I move the adoption of the report.

Hon. Mr. BOSTOCK: I think this report is a very valuable one, and that the Chairman of the Committee, who has just spoken, deserves very great credit and praise for the amount of work he has given and the ability he has shown in dealing with this matter. I think the report puts the views of the Senate in regard to the question of money Bills in a light that is in many respects new to most of the members of the Senate. Since I have had the honour of a seat in this Chamber the usual view adopted has been that in regard to matters of finance the Senate is very largely guided by the practice and procedure followed in England. But, as the honourable gentleman (Hon. W. B. Ross) has pointed out, that view was based on the idea that the original constitution of the Senate was similar to the constitutions of those referred to as unitary legislative bodies; whereas the functions of the Senate go very much beyond the function of those bodies.

We are appointed here not only to coneider the interests of the country as a whole, but also to see that the provinces are properly protected, and that their rights are maintained in case they should be overridden in any way by the majority of the elected representatives in the House of Commons. Our position in this House is therefore a very responsible one, and I trust that every member of the Chamber will study this report very carefully and realize what the position of the Senate is in dealing with financial matters.

Very serious questions are coming before the country at present, and I fear that as time goes on those problems will become more serious. Therefore members of this Chamber should give much more earnest consideration than ever before to those questions, because this Senate has heretofore acted under the impression that our powers were very much curtailed, and that

Hon. W. B. ROSS.

we had not the right to amend money Bills.

The question we have to consider in relation to this report is as to what action we should take later on in regard to Money Bills. The change in the attitude of the Senate in regard to these matters is very important, and one that should not be adopted without very careful and serious consideration. But in the interest of the country we must maintain our position and see to it that the rights and responsibilities of the Senate under the British North America Act are properly exercised. That Act placed the Senate in all financial matters very largely on an equality with the House of Commons, except that we had not the power of originating money Bills.

The fact that we are governed by a written constitution, as has been explained by the honourable gentleman from Middleton (Hon. W. B. Ross), puts us in a position very different from that of a House such as the House of Lords, or any other Upper House which is subject to a superior power that could swamp the power of that Upper House by appointing more members, and thus prevent action by that House which might run counter to the wishes of the Crown or the views of the Lower House.

I think that we should give very careful and very close attention to this report. The opinions that have been expressed by leading counsel are also very valuable, and add greatly to the strength of the position in which we find ourselves placed to-day.

Hon. Mr. POIRIER: As this is a fundamental question, and as few of us have had time to read this valuable report, I would beg to move that the consideration of this question be postponed until Tuesday next, so that we may read the report leisurely and look up the authorities. If it is rushed on now, the chances are that we shall simply run over this important report and not assimilate it for our own use and benefit. I therefore move the adjournment of the debate.

The motion for the adjournment of the debate was agreed to.

THE CASE OF CHARLES DESJARDINS.

DISCUSSION POSTPONED.

Hon. Mr. CHOQUETTE: Honourable gentlemen, when the debate took place yesterday we were all, including the leader of the Government, under the impression that the trial was not taking place. I had seen in the press that it was to be postponed to

the next session of the court, in which case it would have been proper to discuss the matter. Now I am informed, and my colleagues must be informed, that the trial is going on in Montreal, and as the matter is sub judice I think it would be well to have the discussion adjourned to Monday, at least, so that we may know what takes place at the trial.

I move that the order be discharged and placed on the Order Paper for Monday next.

The motion was agreed to.

INLAND REVENUE ACT AMENDMENT BILL.

FIRST READING.

Bill 82, an Act to amend the Inland Revenue Act.-Hon. Sir James Lougheed.

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

THE SENATE.

Friday, May 17, 1918.

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

Prayers and routine proceedings.

DELEGATION OF CANADIAN FARMERS.

On the Orders of the Day:

Hon. Mr. CLORAN: 1 would like to inquire of the honourable leader of the Government in this House if he would deem it advisable, as many of us think it is, to lay before the House any correspondence, memoranda, and resolutions addressed either to the Cabinet or to the Governor General from the farmers' delegation which has occupied public attention in Ottawa and throughout the country for the past few days. It is understood that some very valuable data and some very valuable suggestions have been presented to the Government, and that in return certain replies have been given. We have no official knowledge of that. The only knowledge we have of the transaction is through the newspapers, which may be correct, but incom-plete. The object of making this inquiry is to have these valuable documents consigned to our records. They are valuable because this delegation represented more than half the population of Canada, the largest ever known in the history of Canada, or probably on the continent of America, and because of what they contain. The statesmen of the future will want to know how this delegation proceeded with business,

and how its demands or requests were met. We cannot rely altogether on newspaper reports, and I think it would be advisable on behalf of the men of the future to have this information consigned officially to the records of the Senate.

I do not suppose the leader of the Government has considered the matter, so I leave it in his hands to consider what is to be done.

Hon. Sir JAMES LOUGHEED: I have no official knowledge of any such documents. Like my honourable friend, I saw in the press that certain documents had been, or were supposed to be, transmitted to the Government. If my honourable friend will move in the usual way, I shall see that the documents, if there are any in the possession of the Government, are placed on the Table.

Hon. Mr. CLORAN: I was about to prepare a motion to that effect.

PRIVATE BILLS.

THIRD READINGS.

Bill 28, an Act respecting The Belleville-Prince Edward Bridge Company.—Hon. George Taylor.

Bill 75, an Act respecting The Protective Association of Canada.—Hon. Mr. Watson.

Bill E 2, an Act to incorporate The British Canadian Insurance Company.— Hon. Mr. Barnard.

Hon. Mr. POPE moved the third reading of Bill 60, an Act to incorporate The Montreal, Joliette and Transcontinental Junction Railway Company.

Hon. W. B. ROSS: I have a notice of motion on the Order Paper in respect of this Bill. The House is aware of the nature of the motion, because it was discussed somewhat informally when I made a motion on the second reading of the Bill. The change is a small one in one respect, in another it is important. If honourable gentlemen will look at the Bill, section 16, they will find that it reads in this way:

Subject to the consent and approval of the Board of Railway Commissioners for Canada, the company may lease or may grant an easement over a portion of its right of way, for the transmission of electrical power.

Now, there is danger connected with that section, that a vested right might arise, somewhat similar to vested rights which have arisen in connection with statutes passed within the last ten or fifteen years in this House. The motion is to amend that section so that it will read:

Hon. Mr. CLORAN.

Subject to the consent and approval of the Board of Railway Commissioners for Canada and to the provisions of the Railway Act.

That will guard against difficulties arising such as the persons who might acquire rights under this section claiming that on account of this being a special Act they would not be governed by the terms of the general Railway Act. It is desirable that private companies should know definitely once for all, at their inception, where they are. I think it is a mistake to give them wide powers and to have an agitation at a later time to take those powers away. Now is the time to make the correction. I have been told that a somewhat similar Act slipped through last year. That is all the more reason why this Act should not slip through now.

Hon. Mr. DANIEL: Would not this company necessarily come under the Railway Act anyway?

Hon. Mr. ROSS: The Railway Act is a general Act. This is a special Act. I am not quite sure whether the special Act is governed by the general Act unless words to that effect are inserted in the special Act. The rule is that a special Act stands on its own footing, and, unless there is legislation saying that all special Acts shall be governed by the general Act, or unless there is something in the special Act saying that it will be governed by the general Railway Act, the special Act would govern. That has been a difficulty in connection with some legislation passed recently, and I do not think there should be any doubt about it. A stitch in time saves nine.

Hon. Mr. MACDONELL: In the Railway Committee I endeavoured to have these words inserted, I did this, not because I believe this particular company is in any way trying to evade the provisions of the general Railway Act-there is no reason to suppose that they are-but for the reason that if we are going to have uniformity of legislation it is essential that it should be specified in the charter of this company that it is governed by the provisions of the general Railway Act. We are getting into a rather loose way of legislating-both Chambers-and it is wise that we adopt essentials in all legislation. If this Bill goes through as it is, every other company that comes along will quote this Act as a precedent, and ask to have an Act passed without making the company incorporated under it subject to the provisions of the Railway Act; and if that can be done with reference to the

MAY 17, 1918

Railway Act it can be done with reference to all other public Acts. If we are passing Acts incorporating companies — railway companies, we will say for the moment and not making them liable to the provisions of the general Railway Act, which are public safeguards and essential in the public interest, what is the use of passing a general Railway Act?

In answer to the honourable gentleman from St. John (Hon. Mr. Daniel), I would point out, in the first place, that the words "subject to the provisions of the Railway Act of Canada" are put into our railway legislation almost uniformly, and the absence of that proviso in Bills incorporating private companies would indicate that they are not subject to the Railway Act.

Hon. Mr. POPE: What makes you think this does not come under the Railway Act?

Hon. Mr. MACDONELL: I am giving my reasons, and will continue to do so, if permitted. Under the most recent decision of the Privy Council, where the provisions of a general Act-the Railway Act in this case-come into conflict with the provisions of a special Act, the special Act prevails, and the general Act is of no effect. The Privy Council has so decided in a case which is well known in this House and in the other Chamber. So where there is conflict or want of perfect accord between a general Act and a special Act, we should see that the general Act prevails unless there are special reasons why the special Act should have the precedence. It should be stated in the Bill that the general Act will govern. If it is intended to safeguard the provisions contained in the general Railway Act, or to have them prevail, the special Act should provide that the charter is subject to the provisions of the general Act. It does no harm to have this amendment inserted. The law clerk of the Senate recommended it in the Committee. If we let this Bill go through without making the company subject to the provisions of the general Railway Act, we shall set a precedent that can be and will be followed, and we shall have a great structure in the general Railway Act that has no application, because every company in time will get from under its provisions. I submit that there should be no two opinions, but that we should at once accept the amendment.

Hon. Mr. POPE: Honourable gentlemen, I have only one objection to the amendment submitted, and that is that owing to the

shortness of time it would prevent this Bill becoming law this session. As for the words suggested, I do not think it would make any difference to the promoters whether they were put in or left out. The clause of the Bill as it stands was copied from the standard clause in a Bill incorporating the Edmonton and Southwestern Railway Company, passed in 1916. The two clauses are precisely alike. As to this Bill there was a misapprehension in the committee. The Law Clerk stated that it was creating a precedent which would be dangerous in the future. Later on he discovered that it was not creating a precedent-that such a clause had already been adopted and passed by the Senate. This is a rather important measure. It has gone through the House of Commons, it has passed the Committee of the Senate, and it has come here in its present form. It was passed by the Committee of the Senate after they had heard all the discussion necessary upon this very point; and now that is here, owing to the extreme shortness of time before us-because the session may end almost any day -I think it would be unfair to put the promoters to the unnecessary expense of postponing this legislation and coming to another Parliament. As to whether this Bill comes under the general Railway Act or not, not being a lawyer, I do not propose to plead the case; but, as a farmer, I would assume that any railway Act passed for the general benefit of Canada would come under the general Railway Act of Canada.

Hon. Mr. POIRIER: I think you are right.

Hon. Mr. POPE: That makes two farmers who think I am right. I should like to see the amendment withdrawn, and I feel that I am quite within my rights in pressing this matter to a conclusion.

Hon. Mr. CROSBY: On several occasions I have brought to the attention of the House the disadvantage of having a dispute between lawyers. I am glad to say that to-day we have two farmers in the House who agree.

Hon. Mr. POIRIER: Another farmer.

Hon. Mr. CROSBY: Yes, we are all farmers, and I would just as soon trust myself to the farmers, because when two lawyers get together, one on one side and one on the other, you cannot tell who is right. Some lawyer is always wrong. A case goes from the lowest court to the highest court in the land, and you will

SENATE

find lawyers arrayed on each side, and judgment is not given for both, so you cannot be guided by lawyers. This is not always the case with farmers. They may dispute as to the merits of certain classes of cattle, but on general principles they agree.

Reasons have been given for the passing of this Act to-day. This Bill came up before the committee and they decided that it was all right. My honourable friend from Toronto (Hon. Mr. Macdonell) spoke of the general Railway Act. What kind of a general Railway Act is that which does not take in everything that has to do with railways, that does not cover this and every other piece of legislation that comes into this House? Are we going to be asked to defer this Act, which, as I understand, is going to bring advantage to a great number of our population, and lay it over for another year simply because two or three lawyers here say that it is not just what it ought to be, and have in their minds some technical way of blocking it for a while?

Hon. Mr. MACDONELL: Question, question.

Hon. Mr CROSBY: My honourable friend calls question, but I have heard him occupying the time of this House hour after hour, repeating the same thing every two minutes. If there is any man who ought to be careful about calling question, it is my honourable friend from Toronto. I always speak to the question. As I understand it, and as the committee understood it, this railway is going to be an advantage to a certain number of people, and the members from that particular part of the province of Quebec have joined in asking that this Bill should be put through. Now, I am prepared to follow those men, and not to follow the lawyers. I am prepared to follow the farmers. If it should develop that there is anything wrong with the Bill, we can rectify it, for we will be here another year if God spares us, unless Toronto puts us out of business. I understand they have that in contemplation, but, if so, my honourable friend will have to go as well as the rest of us, even if that movement began in Toronto, where every scheme originates. But the committee should not stultify themselves by deferring this Bill or amending it so that it will have to go to the Commons and come back here again, which would delay it for a whole year, as its promoter states. I have no hesitation in saying that I will support it, and I hope all the honourable gentlemen who are not lawyers, technical lawyers at least, will do the same. My honourable friend from To-

Hon. Mr. CROSBY.

ronto spoke at least half-a-dozen times of the general Railway Act; but how is it general if it does not cover every Bill that comes into this House in connection with these matters?

Hon. Mr. MACDONELL: My honourable friend only exposes his own ignorance in speaking in that way.

Hon. Mr. CROSBY: My honourable friend only exposed his own ignorance in that instance. I may tell him that there was intelligence here before he came into this building, and there will be intelligence here when he goes out of it; we are not dependent wholly and solely upon his head for intelligence. We are here to legislate for the advantage of the people of this country in whatever section we may find them, and we have a right to put this Bill through. The honourable gentleman who is promoting this Bill states that the addition of the words proposed in the amendment would do no harm or no good, but he says the only reason for omitting them is that the adoption of the amendment proposed would prevent the Bill from going through this session. I hope the House will support the Bill as it is.

Hon. Mr. CLORAN: I am glad to hear the honourable gentleman who has taken his seat defending the farmers here; at least, he shows them some respect, and does not treat them as was done in another part of this building. Therefore, I think the farmers will be most thankful to him for his remarks. I thoroughly agree with him in regard to lawyers framing Bills; they frame them obscurely, especially to furnish business later on. It takes half-adozen lawyers to explain one side, and half-a-dozen to explain the other side, and then the poor judge does not know what to do.

Hon. Mr. BOYER: Are you giving your own experience?

Hon. Mr. CLORAN: No, because I never made law to be cured. The argument of my honourable friend from Bedford (Hon. Mr. Pope) should be taken into consideration by my honourable friend from Middleton (Hon. W. B. Ross). This Bill is not going to overturn affairs in the locality interested, or throughout the Dominion, but it is going to do a lot of good in the section of country affected. True, this phrase is not in it, "subject to the provisions of the Railway Act," but I am authorized to say that the promoters of the company in charge of this Bill have no objection whatever to the introduction of that clause;

they do not want to evade the laws of the country, and they are willing to submit themselves to the general law; but unfortunately the committee reported the Bill as it is without those few words. As the senator from Bedford has well said, if this amendment is adopted, and the Bill is sent back to the Commons, it will be among the massacred innocents, to use the parliamentary phrase applied in England to Bills that are thrown aside at the close of a session. This Bill has gone through the House of Commons and through the Senate committee, and it would be a pity to practically kill it by having to amend it just for the sake of adding this little clause. think the honourable senator from Middleton ought not to press his amendment.

Hon. Mr. DANIEL: I am not a lawyer, but I would like to read a little law as given in the Railway Act, chapter 37, R. S., section 3:

This Act shall, subject to the provisions thereof, be construed as incorporate with the special Act, and, unless otherwise especially provided in this Act, where the provisions of this Act and of any special Act passed by the Parliament of Canada relate, to the same subjectmatter, the provisions of the special Act shall, in so far as is necessary to give effect to such special Act, be taken to override the provisions of this Act.

Hon. Mr. LYNCH-STAUNTON: But section 5 says:

This Act shall, subject as herein provided, apply to all persons, companies and railways, other than Government railways, within the legislative authority of the Parliament of Canada.

Hon. W. B. ROSS: That is, where there is no conflict between the general Act and the special Act.

Hon. Mr. LYNCH-STAUNTON: There is no conflict here.

Hon. W. B. ROSS: There is direct conflict.

The amendment of Hon. W. B. Ross was negatived, the main motion was agreed to, and the Bill was read the third time and passed.

NAVIGABLE WATERS PROTECTION ACT AMENDMENT BILL.

CONSIDERED IN COMMITTEE.

On motion of Hon. Sir James Lougheed, the Senate went into Committee on Bill 41, an Act to amend the Navigable Waters Protection Act. Hon. Mr. Blain in the Chair.

REVISED EDITION

S-36

Hon. Sir JAMES LOUGHEED: I intimated to the House some time ago that I proposed moving certain amendments to this Bill. Perhaps I had better inform the Committee what all the amendments are, so that the Committee may have a proper appreciation of the entire Bill as we propose to amend it. In section 1 it is proposed to strike out, in the fourteenth line, the words "Minister of Public Works" and to insert in lieu thereof the words "Governor in Council." In section 2, in line 21, it is proposed to strike out the words "upon the recommendation of the Minister of Public Works."

Hon. Mr. DANDURAND: You replace those words by something?

Hon. Sir JAMES LOUGHEED: No, because that amendment will take the exercise of the authority out of the hands of the Minister of Public Works and place it in the hands of the Governor in Council. I pointed out to my honourable friend from Hamilton, who is somewhat apprehensive as to the application of this Bull to certain interest in his district, that it is proposed to amend subsection 1 of the proposed reenactment of section 5 of the Navigable Waters Act by adding at the end thereof the following words:

Provided, however, that the Governor in Council may approve of works constructed or in process of construction on the first day of June in the year of our Lord one thousand nine hundred and eighteen, subject to the provisions of section 7 thereof—

That is, section 7 of the Navigable Waters Protection Act, not of this amending Act, because there is no section 7 here—

-and such approval shall have the same effect as approval of works to be constructed.

The object of this section is that the Governor in Council, upon application, may approve of works already constructed to the same extent and with the same force as if those works originally received the sanction of the Governor in Council; so that no retroactive results will arise from the passage of the legislation now before us, and I think that section will be sufficently wide to protect works already constructed

Hon. Mr. DANDURAND: Within what time will those works have to be approved of by the Governor in Council?

Hon. Sir JAMES LOUGHEED: We have placed no limitation at all. It is probably more desirable that we should not do so, because it may not be necessary to get the approval of the Governor in Council

for those works, unless some condition should arise by which it would become apparent that there would be a conflict between, say, public interests represented by the Government and the owners of those works. But there is nothing to prevent the sanction of the Governor in Council being secured, in the meantime, upon application being made. In saying this, I am anticipating the objection which my honourable friend from Hamilton will raise to the Bill.

Hon. Mr. LYNCH-STAUNTON: I wish the House to give very careful attention to this Bill. I have given it most careful study, and I consider it retroactive in its provisions, confiscatory of people's property, and ultra vires of this Parliament. Now let me point out to you what the law is, and how it is proposed to change the law. There is no person who owns any property on any shore on any navigable stream or lake in Canada whose rights are not being interfered with by this Bill. I invite the attention of the House to the law as it now stands. The Act respecting the protection of navigable waters, chapter 115, Revised Statutes of Canada, section 4, which it is proposed to repeal, says:

No bridge, boom, dam or aboiteau shall be constructed so as to interfere with navigation.

Now, mark these words:

Unless the site thereof has been approved by the Governor in Council.

That statute is, in my judgment, within the power of this Parliament to pass, if I may say so, because it is a provision to prevent people from interfering with navigation. Now, this new section 4 revolutionizes the law. It enacts:

4. No work shall be built or placed in, upon, over, under, through or across any navigable water unless the site thereof has been approved by the Governor in Council, nor unless such work is built, placed and maintained in accordance with plans and regulations approved or made by the Governor in Council.

The meaning of this section is that an owner may not build on his water lot without consent, whether or not his work will in fact interfere with navigation.

Hon. Mr. BOSTOCK: Without an Order in Council.

Hon. Mr. LYNCH-STAUNTON: Without an Order in Council. That is to say, it takes away my vested interest in that property, and makes me subject to the minister for the time being.

Sir JAMES LOUGHEED: The Governor in Council.

Hon. Sir JAMES LOUGHEED.

Hon. Mr. LYNCH-STAUNTON: The same thing; the Governor in Council acts on the recommendation of the minister. Now, that is confiscation, nothing more, nothing less. It is designed to increase the jurisdiction of the Governor in Council, or rather to entirely change his jurisdiction, which was under the old law confined to structures which interfered with navigation. Now, it does not matter whether the structure interferes with navigation or not. Any person may have a work in course of construction. The reason I have been so much interested in this question is that I gave an opinion on it to a company in Hamilton who bought a water lot-and there are dozens of companies in a similar positionand who have been filling in that water lot for the past 20 years in water which is not navigable, never was navigable, never was pretended to be navigable, and the Ontario Government gave a patent to that company, and the Dominion Government has for years allowed the lot to be filled in. But lately the Department of Public Works ordered the work stopped. It was pointed out to the department that this was not in navigable water, and that the Act did not apply; so this Bill is intended to bring within the control of the Minister of Public Works all the property of all persons who own docks, wharves, or other works of those kinds in Canada. It obliges you, if you have a dock in any stream, in any river, on the ocean, anywhere, to come to Ottawa to obtain permission to build on it. If you have an island, or have a summer house on any body of water in Canada on which a boat floats, you cannot build a ten-dollar wharf upon it without permission from the Minister of Public Works.

I have heard it laid down by the honourable leader of the Government in this House that no legislation should be passed here that interferes with vested rights. I say that this proposed measure unnecessarily interferes with vested rights, and takes away from persons in Canada their private property.

The present law gives the Government the right to interfere wherever in public waters a structure is to be put that obstructs navigation, but this Act enlarges its jurisdiction so as to control all men's property that is lapped by the water of any stream, or lake, or even the ocean, any part of which is navigable.

I have been speaking of the Act generally. Now to come to detail. In paragraph a of the old law "work" is described as follows:

(a) Lawful work means any work not contrary to law in force in any place.

Under this new paragraph

(a) Work includes any bridge, boom, dam, aboiteau, wharf, dock, pier or other structure-

There the old law stops, but under this Bill "work" includes also-

-pipe, or telegraph or power cable or wire and the approaches thereto.

Hon. C. E. TANNER: I confess that I am not quite able to follow the argument of the honourable member from Hamilton (Hon. Mr. Lynch-Staunton) in this matter. I had not given the subject matter any particular consideration before this discussion arose this afternoon, but I have in mind a case the very opposite of that to which the honourable gentleman has referred. Within the past year or two, when private owners along the East river of Pictou proposed to build a bridge across that river at a very important part, a grave injustice would have been done to the public, and there would have been a serious interruption of navigation but for the provision of the Navigable Waters Act, which compelled the owners to submit their case to the Governor in Council. If it were not for that requirement, they would no doubt have constructed the bridge, but fortunately the public were saved by the very provisions of this Navigable Waters Act.

Now, as I understand the fundamental principles involved in these matters, a person who acquires what is called a water lot acquires simply the title to the soil under the water. There is a general fallacy prevailing that when a man or a company acquire a water lot they acquire also the water which flows over that lot.

Hon. Mr. LYNCH-STAUNTON: The Privy Council has said so.

Hon. Mr. TANNER: So far as my knowledge goes, the person who becomes the owner of a water lot acquires the soil and has no right whatever under English law to interfere in any way with the navigable water. It would be in my judgment a very serious matter indeed if an owner of what is called a water lot, a man who gets a grant of the soil underneath the water, were to be permitted to put up buildings without being subject to supervision of some kind; and it seems to me proper that that supervision should be vested in the Governor in Council, as it is under the existing law.

As I say, I have not examined very critically the proposed amendments, but they S-361

appeal to me as being designed to protect public interests, to prevent individuals from asserting rights which they have no right to assert. My honourable friend from Hamilton has given us a case in his own locality where a company is filling in a water lot in a place where, he says, the waters are not navigable. I have not recently looked into the question of navigable waters, but I remember doing so some time ago, and I would have grave doubt that the judgment which the honourable gentleman has expressed to us this afternoon with regard to what are not navigable waters would be sustained by the authorities. I rise only for the purpose of pointing out that the case in the county of Pictou to which I have referred seems to be in point with his illustration; and the fundamental principle of this Bill, as I understand it, is the protection of the public against the encroachment of individuals.

Hon. GEO. McHUGH: May I ask the honourable gentleman (Hon. Mr. Tanner) if the present law does not give the public protection against individuals such as those who proposed to block navigation by the construction of that bridge? Does not the present law prevent the construction of anything that would interfere with the navigation of navigable waters?

Hon. Mr. LYNCH-STAUNTON: That is the point.

Hon. Mr. TANNER: I understand that this Bill does not change the principle of the law, but simply enlarges its provisions.

Hon. Mr. McHUGH: The Bill gives much more power and makes procedure much more difficult for a private owner who may want to build a little wharf on a river for the loading of his own products on steamboats or for a similar purpose. He can make arrangements with owners of steamboats for the loading of his products if he builds a little wharf at his own expense, the steamboat company agreeing to call at the wharf and take the products to market. If he obstructs navigation in any way, the present law gives the Government power to step in and see that the public are protected.

Hon. Mr. TANNER: But the honourable gentleman omits to notice this important fact, that there must be somebody to decide what is and what is not navigable water. The honourable gentleman, as I understand him, would leave that matter to the judgment of individuals. For instance, if I owned a water lot, he would

let me decide for myself. The public say that is not right, and that the Governor in Council must decide the question.

Hon. Mr. McHUGH: I do not wish the honourable gentleman to infer that from what I have said. The Government have certainly the right to step in as soon as any person attempts to place an obstruction that would interfere with navigation, and say: "You must not do it," or, "You must remove the obstruction."

Hon. Mr. LYNCH-STAUNTON: The honourable senator who has last spoken is perfectly correct. The statute is absolutely clear that no person has any right to build any such bridge as has been mentioned by the honourable gentleman from Pictou (Hon. Mr. Tanner), or erect any other structure which would in any way interfere with navigation. My contention is that the present law is being revolutionized; that the author of this Bill is not satisfied to give the Government power to prevent interference with navigation, but he wants the Government to have power to interfere with every person who builds in any water at all. A person who wants to build a bridge across a navigable river cannot do so under this law, which provides ::

No bridge, boom, dam, or aboiteau shall be constructed so as to interfere with navigation unless the site thereof has been approved by the Governor in Council.

Hon. Mr. CROSBY: That refers only to navigable waters.

Hon. Mr. LYNCH-STAUNTON: Yes. But again I desire to impress upon honourable gentlemen that the law is being changed radically; the principle of this Bill is enturely different from the principle of the cld law. If this Bill had been limited to allowing the Governor in Council to interfere where any person was about to obstruct navigation, I would have nothing to say; but, for instance, if I am building a little dock in a marsh ten miles away from that part of the water which is navigable I may not do so without an Order in Council. I do not object to being obliged to get an Order in Council passed.

Hon. Mr. SMITH: That is dealt with in subsection 2.

Hon Mr. LYNCH-STAUNTON: I have read carefully the provisions of this section. Subsection 2 says:

The provisions of this section shall not apply to small wharves or groynes or other bank or beach protection works, or boat-houses, provided—

Hon. Mr. TANNER.

Now, will honourable gentlemen listen to these words?

Provided, that in the opinion of the Minister of Public Works, (a) they do not interfere with navigation, and (b) they do not cost more than \$1,000.

I state here deliberately that if this Bill becomes law no person can erect any structure in any water which is connected with a navigable body of water before he lays the plans and specifications before the Minister of Public Works and obtains his consent. A Bill of this kind should never pass the House without serious consideration. It is more important than the Railway Act. Such a law should not be run through, half digested and unconsidered, without the persons who are interested all over Canada having an opportunity to say a word upon the question, as if it were a mere matter of form. It is proposed to deprive all such persons of their rights.

This Bill is retroactive. The honourable leader of the Government says that it is proposed now to insert a section providing that if one has heretofore built a wharf on his own property without an Order in Council, the minister may order its destruction at the owner's cost. This is retroactive legislation, and therefore objectionable. Now, when there is a law which allows the proper department to stop any work which may interfere with navigation, surely it is not necessary to go any further, as is being done in this measure. This Bill was not even discussed in the House of Commons.

Hon. Sir JAMES LOUGHEED: Oh, yes, it was.

Hon. Mr. LYNCH-STAUNTON: I was under the impression that there was no discussion on it.

Hon. Mr. CROSBY: I read the debate on the question.

Hon. Mr. LYNCH-STAUNTON: I would like to see it.

Hon. Mr. ROBERTSON: It is at page 760 of the House of Commons Hansard.

Hon. Sir JAMES LOUGHEED: Will my honourable friend from Hamilton pardon me just a moment? Let us proceed somewhat systematically with the discussion of this Bill. Instead of the wholesale denunciation being made as to the effect of the Bill upon existing works, let us see what it does provide. We have now under consideration section 1. I ask my honourable friend to point out wherein the passage of section 1 would interfere in any way MAY 17, 1918

with the works to which he has referred. The only difference between the existing law and section 1 of the Bill is that the Bill extends the right of the Government to require that those who may desire to build tunnels or pipes, telegraphs or power cables or wires across a navigable stream must make application to the Governor in Council. Outside of that, I see no difference between the existing law and section 1 of the Bill. If my honourable friend, who apparently has given an opinion to certain clients of his, will point out wherein there is any difference, with that exception, I shall be very glad to listen to him.

Hon. Mr. LYNCH-STAUNTON: Paragraph a says:

"Work" includes any bridge, boom, dam, aboiteau, wharf, dock, pier or other structure.

This Bill adds:

-tunnel or pipe, or telegraph or power cable or wire and the approaches or other work necessary or appurtenant thereto.

Hon. Sir JAMES LOUGHEED: That is the existing law. This is new:

-or any work, structure or device, whether similar in character to the foregoing or not, which in the opinion of the Minister of Public Works may interfere with navigation.

Hon. Mr. LYNCH-STAUNTON: There is the whole point.

Hon. Sir JAMES LOUGHEED: When this Government is charged with authority over the navigation of navigable streams, is it unreasonable to say that no structure or device shall be erected over a navigable stream, which, in the opinion of the Minister of Public Works, may interfere with navigation?

Hon. Mr. LYNCH-STAUNTON: I think so.

Hon. Sir JAMES LOUGHEED: If that is the principle laid down by my honourable friend, we have a clear-cut, welldefined division between us. If my honourable friend propounds the doctrine that any person should be permitted to construct a device which will interfere with the navigation of a navigable river, I understand his objection to the Bill.

Hon. Mr. LYNCH-STAUNTON: The leader of the Government misapprehends me. My point is that the Government should have the right to interfere when any person proposes to build a structure which will interfere with navigation; but there is a vast difference between that, which is the law, and changing the law and saying, "in the opinion of the Minister of Public Works."

Hon. Sir JAMES LOUGHEED: I have stricken out the words "Minister of Public Works."

Hon. Mr. LYNCH-STAUNTON: I object to the words "in the opinion." I do not want it to be an opinion; I want it to be a fact. The law as it is now has been the law ever since Confederation, and it was drawn by a man who understood what he was doing. It is intended to prevent interference with navigation, not interference with what "in the opinion" of somebody may be an interference. Suppose the minister says, "You are interfering," and I think I am not, surely I am not to be prevented from going to the Governor in Council and asking for a fiat? If this is passed, when the minister expresses an opinion the controversy is ended.

Hon. Sir JAMES LOUGHEED: Oh, no. The Governor in Council could determine that.

Hon. Mr. LYNCH-STAUNTON: "In his opinion."

Hon. Sir JAMES LOUGHEED: I have stricken out the words "Minister of Public Works," so that it now will read, "which in the opinion of the Governor in Council may interfere with navigation."

Hon. Mr. LYNCH-STAUNTON: That is the same thing. Why not put in the same words, "unless the site thereof has been approved by the Governor in Council?" As long as the language of the old Act is adhered to I do not mind the addition of these other structures.

Hon. Sir JAMES LOUGHEED: Under section 4 of the existing Act the site must be approved by the Governor in Council, and the works likewise must be approved by the Governor in Council. Wherein is the difference?

Hon. Mr. LYNCH-STAUNTON: The old Act says:

No bridge, boom, dam or aboiteau shall be constructed so as to interfere with navigation.

The Bill says:

-which in the opinion of the Minister of Public Works may interfere with navigation.

I want the law continued as it is.

Hon. Mr. GIRROIR: As I understand it, the old Act provides that if a work actually interferes with navigation the Minister of Public Works has the right to stop it. In

this case he has the right to come in, not in the event of the work actually interfering with navigation, but when "in his opinion," or when, as the leader of the House says, "in the opinion of the Governor in Council," it interferes with navigation.

Hon. Mr. CLORAN: I think the honourable gentleman from Hamilton (Hon. Mr. Lynch-Staunton) should consider the suggestion of the leader of the Government. I agree with the honourable gentleman from Hamilton in saying that the authority given to one man is too wide, because, after all, the Minister of Public Works is Mr. Brown, and Mr. Brown never sees one-half or one-third of the things that go on in his department. He sends out a man who comes back and reports and it is the opinion of the civil employee which will prevail. The minister knows nothing of these things, and cannot be expected to. If he sends a man down who has a grudge against a neighbour-we all know how these things are carried on,he comes back to the minister and reports against the work. The leader of the Government gives us a better guarantee for the safety and the protection of property in the words: "in the opinion of the Governor in Council." It is harder to get the opinion of the Governor in Council than it is to get the opinion of the Minister of Public Works. You cannot expect one man to be in every corner of this Canada of ours to see that things are right. Officials have to do these things. The opinion of the Governor in Council is not going to be lightly expressed, because in the Council there may be some ministers who will favour a certain project and others who will oppose it. At all events, the matter will be threshed out in Council, whereas, if it is left in the hands of the head of the department, there is no guarantee that property rights will be respected. Some one has to be the judge of whether a wharf, a dam, or any other structure is to interfere with navigation. We cannot take the opinion of the man who wants to build the structure; his opinion would be one-sided. When a small matter of this kind has to be brought before a Cabinet meeting and an Order in Council passed, a man will be very well protected. The chances are that in ninetynine cases out of one hundred such a work would be an obstruction. If there is no better way, I am prepared to accept the suggestion of the honourable leader of the Government. I am interested in this matter, having water lots lying on navigable Hon. Mr. GIMROIR.

streams. What are navigable streams? They are streams where boats can float. Is a river or a stream to be called a navigable stream because canoes go down it?

Hon. Mr. GIRROIR: The minister, or the Governor in Council, will decide that.

Hon. Mr. CLORAN: He should not be allowed to. There should be a clause defining that. That a fellow goes down a stream in a canoe and takes a young lady with him, is no reason for calling a little stream a navigable stream; but under the law I suppose the minister would have the right to say that it was. Navigable streams should be defined. They should only be called navigable if power is used for navigating them-either horsepower to pull barges along the banks of a river, or some other power. Because some one paddles down a stream, is it right or fair to call it a navigable stream? Take the Ottawa river and the St. Lawrence river. They are navigable, but there are portions which are not navigable. Because certain portions are really navigable, will proprietors along eight or ten miles of the shore where there is nothing but rapids, and where navigation is not possible, be compelled to consider themselves as coming under this law? That question is not decided in the Bill. The Lachine rapids on the St. Lawrence river extend for seven or eight miles above Montreal. By the south shore there is a portion of these rapids the middle of which is navigable, but on either side of that narrow channel, for about threequarters of a mile, there is no navigation. and the shores constitute one of the finest pieces of country that we have for the building of little wharves for summer residences. Are the proprietors of all those summer residences to come under this Act? There are many other similar cases along the St. Lawrence river and along the Ottawa river. I own an island between two large rapids; am I to come under this Act? In the olden days Senator Hamilton, who was the proprietor of the Hawkesbury property, built all the wharves and dams he wanted, and they cannot be torn down. This Bill, I think, would interfere with the rights of proprietors in such cases.

I think the honourable gentleman from Hamilton (Hon. Mr. Lynch-Staunton) has done good service in raising the question for discussion, because, after all, they say that very often when cases are brought before a court the judges are not able to interpret the law. What do they do? They send for the Parliamentary Debates and find out what the legislators intended before the law was actually drafted, and they give their interpretation accordingly. A judge who does that acts wisely and prudently; unfortunately they do not all do it. Some of them simply take up a statute and give whatever interpretation pleases them. There are things that appeal to a man who wants to see the law fair, and not only fair, but clear; and I think there is just as much credit in making the law clear as there is in making it fair.

Hon. Mr. BELCOURT: I cannot see why the honourable gentleman from Hamilton is so worked up over this Bill. To my mind it makes very little difference in the law as it stands. The only difference is that certain words have been added.

Hon. Mr. LYNCH - STAUNTON: The whole law is changed.

Hon. Mr. BELCOURT: I do not think there is very much change. The words "tunnel or pipe, or telegraph or power cable or wire" are new, and the reasons which prompted the putting of the other words into the Bill can be applied with equal force to new words. If there is reason why the erection of a bridge or boom should be under the supervision of the Minister of Public Works, it seems to me that there is a stronger reason why the erection of a tunnel or a pipe should be under the same supervision. Navigation may be more seriously obstructed by a tunnel or a pipe than by a bridge or a boom. When you work out all the sections, you arrive at the conclusion that ultimately the decision rests with the Governor in Council, whether under the old Act or under this legislation. It is the Governor in Council who finally decides whether a structure is to be torn down, or the manner in which it is to be erected. I think this is quite a proper provision.

My honourable friend seems to forget the right of the public to navigation. The Government is the only protector of the public right to the use of navigable waters in this country, and unless you put it in the hands of the Governor General to prevent inpediments to navigation, how are you going to prevent them? Surely the law was well conceived and quite necessary, and I think this amendment is well conceived and necessary.

My honourable friend says that the Minister of Public Works might destroy a wharf, and that the right to compensation would be gone. If I erected a structure without permission, or contrary to the approved plan, surely I would not be

entitled to compensation. Otherwise my right would not be gone, because an Order in Council could be passed.

Hon. Mr. GIRROIR: I wish to say just one or two words in order that I may understand the question better before I am called upon to vote on it. No one for a moment disputes the contention of the honourable gentleman from Ottawa (Hon. Mr. Belcourt) that the Government has a right, through its Department of Public Works, to see that navigation in the navigable waters of Canada is not interfered with. That is conceded on all hands and cannot be disputed. The point that the honourable gentleman from Hamilton makes, as I understand it, is that under the existing Act the Minister of Public Works has a right to interfere when any one builds any structure which interferes with navigation. The question as to what is a navigable water is a mixed question of law and fact, and any one can go to the courts and endeavour to establish his claim that the work which he has built or proposes to build, does not interfere with navigation, or is not built in navigable waters. Under the old Act he has that right; but the new Act is vastly different, because it says that his work can be stopped, removed or destroyed, if in the opinion of the Governor in Council it interferes with navigation. This distinction is very wide, and it seems to me that to give that power to the Governor in Council would absolutely shut out the right given under the old Act to settle in the courts the question whether the work interferes with navigation or is in navigable waters. Another feature touched upon by the honourable member for Hamilton is worth considering.

Hon. Sir JAMES LOUGHEED: May I point out that we are limiting the discussion at present to the point as to the determination by the Governor in Council of what constitutes navigable water. If my honourable friend will look at section 4 of chapter 115, the existing Act, he will observe that the approval of the Governor in Council has to be given to the site, and also to the works to be constructed; and if the Governor in Council withholds approval of course the site cannot be selected and the works cannot be proceeded with. If the Governor in Council should give approval, then it is quite manifest that the determination of the question rests with the Governor in Council.

Hon. Mr. LYNCH-STAUNTON: Then why not leave it as it was before?

Hon. Mr. GIRROIR: I can quite see the force of the contention of the honourable leader of the House, but he is resting his case upon the old Act, which is very different in its provisions from the one now proposed. Under the new Act the issue between the Government and an owner would not be the bald question whether the work was interfering with navigation or was built in navigable waters, but whether these things were so in the opinion of the Minister of Public Works. This Act gives him absolute power to determine, without allowing the right to the party aggrieved to submit his case to the courts. If I am correct in my interpretation of this new section I do not think this amendment should pass.

Hon. W. B. ROSS: I would ask the honourable gentleman if he draws any distinction between the opinion of the Governor in Council and the approval of the Governor in Council? The old Act uses the word "approval."

Hon. Mr. GIRROIR: That is not my point at all.

Hon. W. B. ROSS: But it is my point.

Hon. Mr. LYNCH-STAUNTON: There is no difference.

Hon. W. B. ROSS: Do you draw any distinction between the two? The old Act says the approval of the Governor in Council and the new paragraph (a) uses tha phrase, "the opinion of the Governor in Council."

Hon. Mr. LYNCH-STAUNTON: The introduction of the term "navigable water," is the only difference.

Hon. Mr. GIRROIR: The honourable gentleman from Middleton (Hon. W. B Ross) cannot argue against my point by introducing another which is altogether different, and saying that it is his point. That does not meet my argument, which I do not think the honourable gentleman from Middleton exactly understands; perhaps I do not make myself clear. My point is that the same authority has not to give approval in both case. Under the old Act the questions, whether the water in which a structure is being built is a navigable water, and whether the structure interferes with navigation, are mixed questions of law and fact and must be determined, and the minister must rely upon the fact being established that the work does interfere with navigation, and that the water is a navigable water, before he can touch the work. In the proposed Act, Hon. Mr. LYNCH-STAUNTON.

that question is determined by the minister's opinion.

Hon. Mr. BELCOURT: So it was under the old Act.

Hon. Mr. LYNCH-STAUNTON: No, it was not.

Hon. Mr. BELCOURT: He was the sole judge under the old Act.

Hon. Mr. CLORAN: It is a question of fact, the law is so obscure.

Hon. Mr. GIRROIR: Here is the old section 4:

No bridge, boom, dam or aboiteau shall be constructed so as to interfere with navigation, unless the site that has been approved by the Governor in Council.

Now, this proposed amendment says in paragraph (a):

Work includes any bridge, boom, dam, aboiteau, wharf, dock, pier or other structure which in the opinion of the Minister of Public Works may interfere with navigation.

In the old Act the question as to whether it interferes with navigation is wide open. This Act does not propose to say who shall determine that question.

Hon. Mr. LYNCH-STAUNTON: I suggest that this Bill be allowed to stand until next Tuesday, to give an opportunity to discuss the matter with the minister, if the honourable leader of the House will allow it.

Hon. Mr. GIRROIR: Just one moment; let me finish; I am trying to explain this point. If I did not believe that I was right, and that honourable gentlemen who are opposing are wrong, I would not argue.

Hon. Mr. POIRIER: I am afraid we will have to call upon the farmers to make this clear.

Hon. Mr. GIRROIR: The old Act stated distinctly that no bridge, boom, dam, etc., should be constructed so as to interfere with navigation unless the site thereof was approved by the Governor in Council. That is to say, the Governor in Council had to approve of the site if it interfered with navigation. But let me point out the difference in the language in the new Act. Paragraph a says:

(a) "Work" includes any bridge, boom, dam, aboiteau, wharf, dock, pier or other structure, tunnel or pipe, or telegraph or power cable or wire and the approaches or other works necessary or appurtenant thereto, or any work, structure or device, whether similar in character to the foregoing or not, which in the opinion of the Minister of Public Works may interfere with navigation.

Hon. Mr. POIRIER: Is that the new Act?

Hon. Mr. GIRROIR: That is the amendment proposed, which means that if the work constructed or to be constructed, in the opinion of the Minister of Public Works, interferes with navigation, then it may be stopped, whether as a matter of law and fact it does interfere with navigation or not. There is a distinction, and it is a very wide one.

Hon. Sir JAMES LOUGHEED: We are not making very much headway. My honourable friend from Hamilton is under the impression that the proposed amendments will seriously interfere with certain interests in Hamilton, and he has asked that it be allowed to stand until Tuesday. I am perfectly willing that he should see the Minister of Public Works in the meantime. I think my honourable friend is laboring under a misapprehension; I cannot agree with him at all in the construction he places upon the Bill. However, I am willing that it should stand until Tuesday.

Hon. Mr. CROSBY: Put it through now. Hon. Mr. POIRIER: Yes, put it through now.

. Hon. Sir JAMES LOUGHEED: I am giving my honourable friend the opportunity of seeing the Minister of Public Works, that is all.

Hon. Mr. BOSTOCK: I would like to point out that new section 4 of section 2, reads:

4. No work shall be built or placed in, upon, over, under, through or across any navigable water unless the site thereof has been approved by the Governor in Council.

Should not the first line read:

4. No work shall be built, placed in, or maintained-

—in order to make it agree with the other part? I would draw my honourable friend's attention to that, so that he may consider it before we go into committee again.

Hon. Sir JAMES LOUGHEED: It would seem that it should be in the alternative:

Shall be built or placed in

That is to say, the work might be built without being placed in a navigable river, and it seems to me that the alternative should be provided: " built or placed in."

Hon. Mr. BOSTOCK: I am not differing with that; the question is whether those words "or maintained" should be added there.

Hon. Sir JAMES LOUGHEED: I will look into that.

Progress reported.

DAYLIGHT SAVING ACT AMENDMENT BILL.

CONSIDERED IN COMMITTEE.—THIRD READING.

On motion of Hon. Sir James Lougheed, the Senate went into Committee on Bill 86, an Act to amend the Daylight Saving Act, 1918. Hon. Mr. Fisher in the Chair.

Hon. Sir JAMES LOUGHEED: There is only one clause in this Bill and I move its adoption. As I explained yesterday, under the Act which was passed during the present session it is provided:

During the prescribed period in each year in which this Act is in force, the time, for general purposes in Canada, in each province, shall be one hour in advance of the time which under the law of the province is the time prescribed for such province.

Now, several of the provinces desire to advance their time so that it may correspond with Dominion time. It has been suggested that if they do so, the wording of the Act will automatically advance the Dominion time one hour. This amendment is intended to prevent that. Honourable gentlemen will see that if the provinces acted as suggested, they would advance our time, and would come in conflict with the Act. This amendment is to meet that condition.

Hon. Mr. POPE: What becomes of standard time?

Hon. Sir JAMES LOUGHEED: Standard time will be observed just as we observe it to-day. The standard time is practically Dominion time, not provincial time; consequently, if a province should advance its time by one hour to Dominion time, it would come into harmony with standard time.

Hon. Mr. CLORAN: There was plenty of time to consult the provinces on this point before passing the original Act.

Hon. Sir JAMES LOUGHEED: This has been brought about by the representation of the provinces.

Hon. Mr. CLORAN: They ask for it? Give it to them.

The Bill was reported without amendment, read the third time and passed.

BILL.

SECOND READING.

Hon. Sir JAMES LOUGHEED moved the second reading of Bill 82, An Act to amend the Inland Revenue Act.

He said: This Bill proposes increasing, for revenue purposes, the excise duty on the different grades of tobacco, and also upon cigars and cigarettes.

Hon. Mr. POWER: What is the present duty paid-ten cents a pound?

Hon. Sir JAMES LOUGHEED: On chewing and smoking tobacco the duty is increased from 10 cents per pound to 20 cents per pound; on cigars, from \$3 per thousand to \$6 per thousand, except when put in packages, containing less than ten cigars each, on which the rate has been increased from \$4 per thousand to \$7 per thousand. On cigarettes weighing not more than three pounds per thousand, the duty is increased from \$3 to \$6 per thousand; on cigarettes weighing more than three pounds per thousand, from \$8 to \$11 per thousand; on foreign raw leaf tobacco, unstemmed, is from 20 cents per pound to 40 cents per pound; on foreign raw leaf tobacco, unstemmed, from 42 cents per pound to 60 cents per pound. On materials used in manufacturing tobacco where less than 50 per cent of Canadian raw leaf tobacco is used, the duty is increased from 16 cents per pound to 23 cents per pound. On Canadian raw leaf tobacco, formerly free of excise, the proposed rate is five cents per pound.

Now I shall give to honourable gentlemen a statement as to the estimated increase in revenue:

Tobacco manufactured	 	\$2,073,508 00
Cigars	 	719,256 75
Cigarettes		
Foreign leaf tobacco		
Canadian leaf tobacco	 	224,750 00

Estimated increase in revenue, \$9,035,796 14

That is the estimated increase of revenue that may arise from the increased excise duties now proposed under this Bill.

Hon. Mr. CLORAN: That is, if the poor man smokes as much as usual.

Hon. Sir JAMES LOUGHEED: Well, no restraint will be placed upon him, if he chooses to buy tobacco.

Hon. Mr. CLORAN: Of course, this is a money Bill; but was the Government well Hon. Mr. CLORAN.

INLAND REVENUE ACT AMENDMENT advised in taxing the poor man's cigar as. much as the rich man's, an extra \$3 a thousand? On cigars that sell at the rate of two for five cents, a man would pay as much duty as would be paid by the man who smokes a 35-cent, a 50-cent, or a dollar cigar. I think the Government was not well advised.

> Hon. Sir JAMES LOUGHEED: I was about to say, honourable gentlemen, that to the average user of smoking or chewing tobacco the increased duty will mean an additional expenditure of about 20 cents per month. The increased duty on cigars is about two-thirds of a cent on each cigar, while the increased duty on cigarettes amounts to about three and a half cents for a package containing ten cigarettes. We have to distribute the tax over all classes of the community, and I think they will be prepared to bear the burden, as they have already done.

> Hon. Mr. CLORAN: There is no doubt about that.

> Hon. Sir JAMES LOUGHEED: The reason for the tax is to increase the revenue.

Hon. L. G. POWER: I do not propose to discuss the Bill before the House, but the only feature in it which does not meet with my entire approval is that which doubles the duty on ordinary smoking tobacco. A cigar-and I hope the honourable gentleman from Victoria (Hon. Mr. Cloran) will not quarrel with me about this-a cigar is in itself generally looked upon as a luxury; a cigarette is a luxury; and it is only right and proper, when we have to raise money, that the money should be raised on luxuries as far as that is practicable. But ordinary tobacco is not a luxury; it is really a necessary of life to the great bulk of the male population. Twenty cents a pound on the tobacco which is smoked by a very large proportion of our population is really a duty of something like sixty per cent. I think the Government might have been satisfied to add fifty per cent to the duty instead of doubling it. I should have had no objection to a tax of fifteen cents a pound on tobacco, but I think twenty cents is too much.

Hon. HEWITT BOSTOCK: My honourable friend objects to the increase on tobacco, but he has overlooked one clause of the Bill which allows everybody to grow his own tobacco if he wishes. Perhaps my honourable friend might spend some of his

time in growing tobacco himself, and he would in that way avoid the duty.

Hon. Mr. POWER: I do not think the climate of Nova Scotia is favourable to the growth of tobacco. The climate of British Columbia is, I assume.

Hon. Mr. BOSTOCK: Yes. My honournble friend might come out to British Columbia. In this Bill there is, I notice, one clause which refers to a tax on tobacco grown by the farmer. The duty on any kind of tobacco that is grown in Canada for home consumption is five cents per pound. There are various qualities of tobacco grown and there is a question whether it would not have been advisable for the Government to consider the grading of the tax.

Hon. Sir JAMES LOUGHEED: It would not be practicable.

Hon. Mr. BOSTOCK: It seems that the tax falls a good deal more heavily on the man growing the lower grade of tobacco than on the person who grows a high grade.

Hon. Sir JAMES LOUGHEED: One can be grown just as cheaply as the other.

Hon. Mr. BOSTOCK: But the tax does not fall as heavily on the man who grows a high grade of tobacco.

My honourable friend has referred to the revenue that will be obtained by this tax. He has stated that the total amount that the Government hopes to obtain from it will be about \$9,000,000. The Government may obtain that amount, or . they may not. Sometimes when taxes are increased, the effect is to decrease the revenue to some extent. Unfortunately this tax will not mean an increase in excise revenue to the Government, because the revenue derived last year from excise duty on spirits, malt and such products amounted to \$12,000,000, and now, I presume, since prohibition has been adopted, the Government will lose that revenue. Therefore, even if they obtain an increase of \$9,000,000 from this tax, there will still be \$3,000,000 less revenue than was obtained last year. It looks as if the person who indulges in tobacco will be required to make up for the loss of revenue on spirits, malt, and such things.

This is a direct tax. The tax is on so many cigars, so many cigarettes, so many pounds of tobacco. I would like to ask my honourable friend if it has been considered whether a tax could not have been placed on the value of the tobacco. It might fall more fairly on the people. Hon. Sir JAMES LOUGHEED: The imposition of excise duties has been carried out under the present system for a great number of years, and the increasing of the duty under the present system is very much more practicable and better understood than resorting to new methods of taxation.

Hon. Mr. CLORAN: I would point out that this tax opens up a new field of speculation, which would not be altogether dishonest. There is an increase of \$3 a thousand on cigars. What is to prevent the consumer from requiring the manufacturer to make his cigar twice its present size? The longer cigar would be a sufficient smoke for a whole day. By doubling the length of the cigars the man reduces his tax by \$1.50 a thousand. Some cigars are just the size of your small finger; some are the size of your second finger, and others the size of your third finger. What is to prevent the manufacturer, who will have to pay \$3 extra per thousand, from making three small cigars into one cigar?

Hon. Mr. POWER: That is a valuable suggestion.

Hon. Mr. CLORAN: You will find that the manufacturer will have recourse to this niethod of saving money; and saving money in war time is no crime. A poor man who to-day pays five cents for his cigar will tomorrow be required to pay ten cents for the same brand. He says to the manufacturer, "Make me a cigar that will contain two of the old ones and I will pay ten cents." In that way he escapes the tax. The proposal to put a tax on the number and on the weight is not a fair one. Why should the poor man pay \$3 extra on a thousand cigars, worth only \$5 a hundred. when his neighbour across the road, who smokes cigars worth 10, 15 or 25 cents each, will have to pay only \$3 extra on the thousand? The thing does not result in fair dealing.

Hon. Sir JAMES LOUGHEED: I would point out to my honourable friend that on foreign-made cigars there is an import duty, based on weight, and then of course there is the excise duty, based on weight, on domestic tobacco used for cigars. So the manufacturer will not be able to take advantage of the very ingenious suggestion made by my honourable friend.

Hon. Mr. CLORAN: Why can he not? Why can the manufacturer not make his cigars to suit the tastes of the people? He may make me a small cigar, which costs only two cents. I used to pay eight cents a box for these, and now I have to pay

fifteen cents. It would be very easy to make two cigars like this into one. I am simply throwing out a suggestion so that the honourable leader of the Government may be on his guard and be ready next year to have any necessary provisions enacted.

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

SPECIAL WAR REVENUE ACT AMENDMENT BILL.

FIRST READING.

Bill 83, an Act to amend the Special War Revenue Act, 1915.—Hon. Sir James Lougheed.

APPOINTMENT OF MR. E. G. BILL. INQUIRY.

Hon. Mr. MURPHY inquired of the Government:

1. If a person named E. G. Bill, recently a teacher in an American College or University, has been appointed or is proposed to be appointed to a position in the Statistical Division of the Military Service Branch of the Justice Department under Colonel Machin in this city?

Of the Minitary Service Branch of the Justice Department under Colonel Machin in this city? 2. Is this man of military age? 3. Does the head of the Military Service Branch consider this extra officer necessary and has he asked for same?

4. What is his proposed salary?

Hon. Sir JAMES LOUGHEED:

1. Mr. E. G. Bill is a Canadian British subject, assistant professor of mathematics at Dartmouth College, New Hampshire, who patriotically volunteered his services to assist the Government in any capacity in which he could usefully serve for the prosecution of the war; and on account of the excellence and variety of his qualifications for the work he has been charged temporarily with important duties in the Military Service Branch of the Department of Justice.

2. He is 34 years of age.

3. Yes, but Mr. Bill is not an extra officer, as he is the only man of the branch charged with his particular and special duties.

4. \$250 per month.

PRODUCTION AND DISTRIBUTION OF FERTILIZERS.

INQUIRY.

Hon. Mr. NICHOLLS inquired of the Government:

1. What arrangement, if any, have been made for the production and distribution of fertilizers to the farmers?

2. What arrangements, if any, have been made to encourage the manufacture of atmos-Hon. Mr. CLORAN.

pheric nitrogen for use as a fertilizer, and also in the manufacture of explosives for military use?

·Hon. Mr. LOUGHEED:

1. No direct steps have been taken by the Government towards the encouragement of the production of mixed or compounded fertilizers by the fertilizer manufacturer, as it did not appear to be necessary, the industry being keenly alive as to the increased demand for fertilizers. Embargoes have been placed upon the export of wood ashes, a Canadian source of potash, and upon sulphate of ammonia, a valuable nitrogenous fertilizer produced in considerable quantities in Canada. An investigation was carried on in Nova Scotia to ascertain the possibility of preparing a useful fertilizer by the drying and grinding of sea weed, with satisfactory results. Though not a concentrated product, and, therefore, not one that would stand heavy transportation charges, it has been proved a valuable material for supplying two of the essential elements of fertility-nitrogen and potash. For the past two seasons it has been under field trial, especially in the Maritime Provinces.

The experimental farm system, through the division of chemistry, has on a large number of its branch farms and stations throughout the Dominion, carried on investigatory work with fertilizers, and the practical results and conclusions therefrom have been given wide distribution by means of reports, bulletins, etc. In addition, the division of chemistry conducts a very large correspondence with farmers on the value and legitimate, economic use of fertilizers.

Special arrangements were made towards facilitating and hastening the carrying of fertilizers by the railroads.

2. The Government have been instrumental in having processes for the manufacture of atmospheric nitrogen investigated, but no arrangements have so far been made for its manufacture.

MORNING SITTINGS OF THE SENATE.

MOTION.

Hon. Sir JAMES LOUGHEED moved:

That commencing on Tuesday next, unless differently ordered, there shall be two distinct sittings of the Senate every day, the first sitting to commence at 11 o'clock, a.m., until 1 o'clock, p.m., and the second sitting to commence at 3 o'clock, p.m., and that all Standing and Select Committees of the Senate be permitted to sit while the Senate is in Session, notwithstanding anything contrary in Rule 86.

He said: Honourable gentlemen, under the conditions which apparently have arisen in the House of Commons, it may not be necessary to hold an extra sitting on Mon-

day, but we can sit on Monday evening if the work to be done should make that desirable. It is expected that prorogation will take place about Thursday next, and it is therefore desirable that we should expedite as much as possible the work that may come before the House. It is quite apparent that we have not so much work as to necessitate a morning sitting on Monday, but we should pass this motion, so that if it becomes necessary for us to sit twice a day, we rnay do so.

The motion was agreed to.

PUBLICATION OF THE DEBATES OF THE SENATE.

DISCUSSION AND INQUIRY.

Hon. WM. DENNIS rose in accordance with the following notice:

That he will call the attention of the Senate to the cost of reporting and publishing the Senate Debates, and inquire if it is the intention of the honourable the leader of the House to take any action with the view to discontinuing the official reporting and publishing thereof.

He said: Honourable gentlemen, about 11 o'clock every forenoon there is placed in the post office box of each member an "unrevised" copy of the official report of the debates of the Senate. This is a verbatim report of every word uttered on the floor of this House by honourable members, whether set speeches prepared with the utmost care after exhaustive investigation and profound thought, ordinary impromptu talk on ordinary measures, hot and hasty words uttered on the spur of the moment and forever afterwards to be regretted, or the most trivial, petty and irrelevant talk-every word uttered appears in the printed report, is embalmed for time and eternity, and thus becomes "historical." And incidentally I may mention that many of the ideas expounded by honourable members, and sometimes much of the exact language used by the same honourable members, may be found on the pages of this precious volume three or four or six or eight times, according to the number of speeches made on the same subject in the committee stage and on the second and third readings of any measure before the House. These verbatim reports are made by a staff of expert stenographers, amanuenses, editors, typesetters, proofreaders-to whose particular work I will refer later-"make-up" men, stereotypers and printers-not to mention the labour of distribution. The edition is delivered to members each day, so that by noon every hon-

ourable member can determine upon the wisdom or otherwise of the remarks made by himself or other members the day previous and whether any or what errors, trivial or important, may have been made in the report. Though there are only 96 members of this House, with an average attendence of perhaps 60, over 2,000 copies of this edition are printed for daily distribution—500 or 600 more than there is any real necessity for.

I am not now questioning the wisdom or otherwise of printing the debates of this House, or any necessary document, in more than one language. The British North America Act provides that the "records and journals" of Parliament shall be printed in both languages. For the first five years of the life of this honourable House there was no official report of the debates, printed or otherwise. It was not until 1871 that the official Hansard was established. Previous to that date the only record of the speeches was through the newspapers, and it is a significant fact that half a century ago, and for the first decade or two of its existence, the newspapers gave two or three times the attention, space and prominence to the discussions and proceedings of the Senate that they give to-day; and I direct the careful attention of honourable gentlemen to that significant fact. As I have stated, the only reports of the debates of the Senate during the first five years of its history were the reports which appeared in the newspapers. A contract for a stenographic official report was awarded to the brothers Holland in 1871, and the contract system continued up to two years ago, when the present system of a permanent staff of reporters was established. In this connection I may point out that while these expert gentlemen are employed as permanent official's and paid according to their class annual salaries and their whole time is at the command of the House should the session last ten or twelve months, as a matter of fact the official reporters are employed only while Parliament is in session, and this year they will only be employed ten of the fifty-two weeks for which they are paid salary. I admit that these are ten strenuous weeks, and it is not the fault of the very efficient and expert gentlemen who constitute the staff that they are not employed the rest of the year. That is due to the action of the Senate in employing them and confining their services to one particular line of duty instead of the Government employing them for general stenographic work and utilizing their ser-

vices during the entire year as required and thereby saving a large amount of that is now unnecessarily money paid out for other expert stenographic work that these gentlemen could do without extra cost if there was a Bureau of Reporting for all government work, as there should be; and thus co-ordination, co-operation, efficiency and economy could be enforced. That, however, is a subject which I hope to call attention to on a convenient date after the information called for by this honourable House has been brought down.

As I said, the Senate Hansard was established in 1871, and this honourable House jogged along for a third of a century with the English edition. In 1904 it was found advisable to expend \$10,000 a year in printing an edition of 100 copies of an official report in the French language, and five years later the example thus set by the Senate was followed by the House of Commons-of course, at a proportionately increased expense. While I am not at this time questioning the wisdom of publishing the debates in both languages according to present custom, if we are going to continue this enormous, and to a large extent, as I think, useless expense for any official report, I want to emphasize the fact that after everything that is said by honourable members, whether important speeches or trivial remarks, has been reported, edited, typewritten, set in type, stereotyped, 2,000 copies printed in English, and care-fully or otherwise read by every honourable gentleman who has the leisure or the inclination; the whole thing, every word, whether of the greatest moment, utterly trivial or absolutely ridiculous, is laboriously translated into another language by expert translators, again typewritten by another set of amanuenses, put into type on another set of machines by another squad of men employed on that special work; the proofs again read by another set of employees supposed to be particularly qualified for their work; then the pages-whether there are six or thirtysix—are stereotyped; the electric power is turned on, the great press starts, and-45 copies are printed and supplied to the eighteen or twenty honourable members of this House by whom alone they are readif by them-four or five weeks after the first 2,000 copies are printed, and when the subject-matters of the debates have been finally disposed of and can no longer be of interest, not to say importance: and when, as a matter of fact, no useful purpose can be served to any member of this House, and

certainly not to the country, comparable with the cost involved. For instance, the 45 copies of the French language edition of the report of what was said on the floor of this honourable House on April 13-35 days ago-was only distributed to-day. I am sure no honourable gentleman will pretend that a daily official dual language report of a debate in this House five weeks ago can be of any practical value to any honourable gentlemen after the words were uttered and fully reported and printed the day after they were spoken. And in this connection I may mention that while 2,000 copies of the unrevised edition are printed for immediate daily circulation in the language which every Honourable member of this House speaks more or less fluently, it is then "revised," bound up into volumes at large expense, and the bound volumes supplied to members, to various libraries, to a few societies or organizations that clamour for them, or sent to other cold storage institutions. Last year some 700, in round numbers, of these volumes were made up, but only 400 distributed, leaving 300 volumes still on hand, which 300 volumes will in due time find their way to the junk heap to make room for this year's edition. There are also 45 or 50 copies of the French edition annually put up into bound volumes. Though Parliament adjourned last year on the 20th September, the bound volumes of Senate debates in English were not supplied to honourable members until after the assembly of the present session in March-six months after date; and the volumes in French have not yet been delivered-eight months after date. As a matter of fact, the last "copy" of the French translation of the debates of the 1917 session of the Senate had not been delivered to the Printing Bureau when the present session of Parliament assembled.

And for this imperfect and unsatisfactory, if not absolutely unnecessary, "service" the people of the country, if not the members of this honourable House, will be amazed to learn that, in this time of national necessity and dire distress, when economy and retrenchment and the saving of every dollar has become of the most vital importance-in this critical period of our life, this honourable House is actually frittering away the sum of \$33,000 a year -the cost last year-on such a luxury as this! I use the word "luxury." One may be expected to derive some gratification from a luxury; but what gratification can any honourable member derive from the expenditure of \$33,000 a year for publishing reports of what is said in this

574

Hon. Mr. DENNIS.

MAY 17, 1918

House under such conditions as I have described? An expenditure of say \$330 for each member, or equal to \$70 or \$75 for each bound volume—the most expensive edition de luxe books in the world! And, if it is in order, I may be permitted to say that the cost of the Senate Hansard is only a fifth, or perhaps one-quarter, of the cost of the Commons Hansard. But that is a matter over which we have no control and on which we may not express an opinion.

Lest anyone should question the accuracy of the figures which I have mentioned as the cost of the Senate Hansard, I will give the details of the expenditure for the last session, which I am frank to say is larger than the average because it was the session that preceded the election, and honourable gentlemen naturally took advantage of the opportunity to make frequent and lengthy speeches with the assurance that they would appear in Hansard, and with the erroneous idea that they would thereby get to the country. In round figures the cost of reporting, editing and typewriting was \$11,000; translation into French, \$5,000; and the amount charged by the Bureau for printing, etc., was \$17,000total, \$33,000. The cost of printing was for labour and material alone and did not include interest on capital or overhead expenses. In previous years the cost ran from \$20,000 upwards. But the principle is the same. The cost of printing the 2,600 or 2,700 copies in English and binding 700 into volumes exceeded \$10,000, while the cost of printing the forty-five "unrevised" copies in French for daily distribution-that is, four or five weeks late-was \$4,500, or equivalent to \$100 a copy for the session. I have not the figures of cost of issuing the fifty bound volumes of the "revised" edition in French, because that edition, now eight months overdue, has not yet been completed and the cost made up.

My opinion is that a Senate Hansard is no longer necessary, that its continued publication is an unjustifiable expense-a waste of public money : that it ought to be abolished with the prorogation of this session; that the Senate should make mutually satisfactory arrangements for the retirement or otherwise of the present editor, who has been a faithful and efficient official of Parliament for a third of a century; and that the Government be asked to utilize as may be required the services of the other recently-appointed members of the staff; and I intend to move to this effect. But if such a move for economy does not meet the approbation of honourable members, and it is decided to continue the publication of official reports of the debates, we ought to insist upon: (1) prompt translation, printing and distribution; and (2) more intelligent service from the Printing Bureau generally.

The work of the printing department. especially in the proofreading of the Senate debates, is more than unsatisfactory: it is a disgrace to the department. I do not want to weary the Senate with details, but let me give you a few samples of the kind of work turned out by the Government Printing Bureau. Though the copy is all typewritten and carefully edited, gross errors are made in the debates as printed, which not only spoil the sense of an honourable member's speech, but frequently make it nonsensical-as was the case of the printed report of a speech a few days ago by the honourable senior senator from Halifax, which represented him as saving the exact opposite of what he actually did say. The honourable senator from Toronto, in his remarks on trading in German goods, mentioned a sum of £80,000,000. The intelligent proofreader changed it into \$80,-000,000-a difference of a mere bagatelle of \$320,000,000. The printed debates contain frequent gross departures from the plainly typewritten "copy," and there are innumerable typographical errors-errors of spelling, punctuation, division of words, etc. -due evidently to unintelligence or deficiency of education in the English language. "Third reading" is printed where copy sa'd "first reading," and vice versa. Proper names are often printed wrong, though plainly typewritten in the copy. In the recently printed list of the staff of the Canada Food Board, four names are misspelled-the chairman, Henry B. Thomson being printed "Tomson," Todd printed "Tood," Billing printed "Billings," Gahagan printed "Cahagan." "The honourable gentleman's psychology has been a continual and interesting study to me." was printed "The honourable gentleman's physiology," etc. "God save the King" was printed "God save the KinK," with a capital "K" at the end. Hon. Mr. Bostock spoke of a statement "not founded on fact;" it was printed " statement founded on fact." "The cession of Canada to Great Britain" was printed "The secession." "Bridge" printed "dredge." "Superannuation" printed "superintendence." "Evidence not debatable" printed "evidence not detachable." "Horny-handed son of toil" printed "hoary-handed son of toil." "The right honourable leader of the Opposition in

August last said:" printed "The right honourable leader of the opposition Sir August Cash." "Chaplain" printed "Champlain." "Train employees" printed "Yukon employees." Then, too, some very ridiculous, I might say idiotic, divisions of words appeared in the printed debates, such as pu-blic, sta-tes, judic-iary, pecul-iar, machinery, Pr-ime Minister, sour-ce, ask-ed, portion, mater-ial. Lines are sometimes left out or put in the wrong place, making nonsense of the matter.

These may seem small things to people unfamiliar with printing and the importance of accuracy in speaking and printing, but they are indications of the general state of incompetency in the Printing Bureau, not to use a stronger term, nor to speak of the material additional cost of making the necessary corrections, sometimes equal to a large percentage of the original cost of setting the type; and in correcting marked errors many fresh ones are made—sometimes more than the original ones—thus involving double cost.

The incompetent work I have described is doubtless largely due to the fact that many of the proofreaders in the Bureau have been there between a quarter and a third of a century and are consequently not up to date; that 35 to 40 of the 52 proofreaders employed, not being thoroughly familiar with the language which they are reading, naturally cannot be expected to be experts in correcting the printed proofs; and that there is no responsible or qualified superintendence. There can therefore be but little hope of improvement in these matters without still added expense.

Many honourable members are dissatisfiel because the newspapers give so little space to the proceedings of the Senate, for which they erroneously and unfairly blame the summary reporters, and will naturally ask how the country is to know what we are doing if Hansard is abolished. I answer:

(1) That the people of the country never see Hansard, and I doubt if it is regularly read or even glanced at in half-a-dozen newspaper offices in Canada.

(2) That no one is more interested than the newspapers themselves in giving all the space to the proceedings of the Senate that its importance demands and justifies. If the Senate desires to loom up larger in the public life of the country, that end can be quickly accomplished by doing things that will attract and rivet public attention initiating legislation embodying popular

Hon. Mr. DENNIS.

reforms and occupying its rightful position as a co-equal and co-ordinate branch of Government instead of being little more than a rubber stamp to the House of Commons, as a great many people think has been the case for a quarter of a century or more.

I desire to add that a fair daily summary of the debates of this House is prepared by Mr. Hannay and supplied to all the correspondents in the Press Gallery, to the various press associations, etc., and is sent by the Associated Press to all the daily newspapers in Canada. If the papers do not regard the news as worth the space, that is not the fault of the reporter. It is up to the Senate to do things to arrest public attention and thus compel the papers to give the space to Senate proceedings that the public demand.

Honourable gentlemen, I beg to give notice that on Monday next I will move that, in view of the imperative call for economy in all branches of the public service, it is the opinion of this House that the reporting and printing of the official report of the debates of the Senate should be discontinued.

The Senate adjourned until Monday next at 3 p.m.

THE SENATE.

Monday, May 20, 1918.

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

Prayers and routine proceedings.

SENATE AND HOUSE OF COMMONS AMENDMENT BILL.

SECOND READING.

Hon. L. G. POWER moved the second reading of Bill Y, an Act to amend the Senate and House of Commons Act.

Hon. Mr. CLORAN: Honourable gentlemen, I would like to have the decision of the Speaker in regard to the constitutionality of this Bill. I am not going to quarrel with the provisions affecting ourselves; that is a matter for individual members to decide for themselves; but there are provisions in the Bill which I as a member of this Senate decline to be responsible for, and to which I take exception. I refer to the provisions dealing with the Parliamentary domestic concerns of the members of the House of Commons. I am firmly of the opinion that this House has no right MAY 20, 1918

whatever to dictate terms of any description to the members of the House of Commons with regard to their own domestic affairs. It is an interference which at least is injudicious and which I am sure would be considered obnoxious by the House of Commons.

The Bill is unconstitutional because it deals with money matters. It provides not only for a diminution in the payment of public money to the Senate, but at the same time proposes an increase in the expenditure of public money. We are all settled on the point that we have no right, constitutional or totherwise, to increase expenditure. For a number of years we have claimed our right to diminish expenses, a claim which has been very thoroughly put before the Senate and the country in the report regarding the powers, rights and privileges of the Senate, brought down by the honourable gentleman from Middleton (Hon. W. B. Ross).

The provision in this Bill which increases the expenditure would give a senator \$20 per day under certain conditions, whereas under present conditions he is allowed only \$10 or \$15. On that point I call the attention of the Speaker to the fact that this is a money Bill in the full sense of the term. Although it is a very picayune, cheese-paring matter, a principle is at stake. What right have we in this House to tell the House of Commons how they shall regulate their indemnity? To my mind it is-I was going to say impertinent, and members of the House of Commons would treat it as such. So that on both points. the character of the Bill and its nature, it ought not to be pressed at the present juncture. I think the honourable the senior member from Halifax would be well advised in withdrawing it. Under the circumstances I ask the decision of the Speaker as to whether this Bill is constitutional from the financial point of view and whether or not it is regular, as being against the rights of the other House.

Hon. Mr. POWER: Honourable gentlemen, I think it is to be regretted that the honourable gentleman from the Victoria division (Hon. Mr. Cloran), when attacking this little measure, did not keep himself within the lines of the facts. There is no proposal in this Bill to increase the indemnity from \$20 to \$30 a member. The Act which the Bill proposes to amend says:

A member shall not be entitled to the said sessional allowance for less than thirty-one days' attendance; but his allowance for any S-37 less number of days shall be twenty dollars for each day's attendance.

The Bill itself says:

A member shall not be entitled to the said sessional allowance for less than thirty-one days' actual attendance; but his allowance for any less number of days shall be twenty dollars for each day's attendance.

The amount is identical with that mentioned in chapter 10 of the Revised Statutes. The only change made is that the word "actual" is inserted before "attendance."

This House unanimously the other day adopted the report submitted by the honourable gentleman from Middleton (Hon. W. B. Ross) dealing with the rights of the Senate in connection with money Bills. However, I do not propose to rest on that decision, which would remove all doubt as to our right to pass this Bill; but I would call attention to Bourinot, on page 492:

Many other entries will be found of the House accepting Senate amendments rather than delay the passage of a Bill at an advanced period of the session. It is quite regular, however, to agree to amendments which "affect charges upon the people incidentally only, and have not been made with that object."

This Bill affects the money question only incidentally, and there was no intention of doing more than that. We are continually passing Bills that affect the revenue in a slight degree. This Bill does not propose to lay any charge on the public. As far as it goes, if it were enacted, it would have the effect of reducing the charge, although that would be only incidental to the adoption of the principle of the Bill.

Hon. Mr. DANIEL: I think that, as most of us have not before us a copy of the Revised Statutes, the honourable the senior member from Halifax should explain exactly what changes would be effected in the present law if the Bill which he introduces were passed. He should state, for instance, whether the number of days a senator is permitted to be absent before any deduction is made from the total indemnity will be greater or less. I think we are entitled to know exactly what changes this amendment, if passed, will make in the present condition of affairs.

Hon. Mr. POWER: That was what I proposed to do, but I have been headed off by the question of order raised by the honourable gentleman from the Victoria division (Hon. Mr. Cloran), and of course the Bill cannot be proceeded with until that question has been disposed of.

REVISED EDITION

SENATE

Hon. W. B. ROSS: If I understand the objection raised by the honourable gentleman from Victoria with respect to this Bill, I do not think it is well founded. In the first place, in applying to the Bill the supreme test to ascertain whether it is a money Bill or not, you have to inquire whether it proposes to lay some new burden on the people or not. If I understand this Bill, it does not propose to do anything of the kind. Provision is already made for the payment of indemnities or salaries, or whatever you choose to call them, to the members of the House of Commons and the members of the Senate, and all that this Bill would do is to effect, so to speak, a redistribution of those indemnities. So it is quite within the functions of Parliament. Apart altogether from the question of money Bills, it is in no sense an invasion of the rights and privileges of the House of Commons or the rights and privileges of this House. I cannot agree with the honourable member from Victoria on the point of order. The question of whether we shall adopt the Bill on its merits or not would of course have to come up for discussion after the point of order is determined. I would like the honourable gentleman from Victoria division to point out where any new burden is laid on the people of Canada by this Bill.

Hon. Mr. CLORAN: Of course, opinions differ. There is a provision in this Bill to increase the pay of a delinquent senator from \$15 to \$20 a day.

Hon. Mr. POWER: Nothing of the kind.

Hon. Mr. CLORAN: Well, it is mentioned in the Bill that he shall be entitled to \$20 per day. In the past, when a senator has been absent a certain number of days, a deduction of \$15 a day has been made from his indemnity. It is true that the indemnity is voted, but under certain conditions which limit the amount that each senator shall receive for his attendance. There is no question about that. The amount of \$2,500 is voted for each member of the House of Commons and each member of the Senate, under certain conditions. Of these conditions we are all aware. A member must attend for a certain number of days in order to receive that indemnity, and for each day that he is absent a deduction is made at the rate of \$15 a day. The conditions have existed since the indemnity has been granted to senators and members of the House of Commons. Now what does this Bill provide? . It provides payment of Hon. Mr. POWER.

\$20. Whether the present deduction of \$15 a day comes out of the indemnity due to the member or not does not do away with the contention that the allowance of \$20 a day in an increased expenditure, there is not the slightest doubt of it in my mind. The indemnity is voted for a purpose and on one condition: that you attend every sitting of the Senate or the House of Commons, less fifteen days' grace. For every day you are absent in addition to those fifteen you are taxed \$15. How the honourable senior member for Halifax brings forward a provision that the payment shall be \$20. If that is not an increase, I would like to know what that is?

Hon. Mr. POWER: There is no such provision in the Bill.

Hon. Mr. CLORAN: One provision in the Bill is for an increase of pay. Anyhow, I am not laving so much stress on that. My point is that it is a bad precedent for us here to interfere with the domestic regulations of the House of Commons. On that ground alone, so as not to make the House of Commons more hostile to this body than it is at present, the Bill should not be proceeded with. I think that is a proper ground to take. What is the use of increasing the hostility of the Commoners or the country at large against this body, which is already defunct, in the opinion of many of them? That is my principal point. On that point I think the honourable the Speaker would do well to declare that this Senate ought to mind its own business.

The Hon, the SPEAKER: Honourable gentlemen, the point of order raised by the honourable member from Victoria division (Hon. Mr. Cloran) is that the Bill is unconstitutional, being a money Bill. We have had several discussions in this House last session and during the present session on questions of money Bills, and the general consensus of opinion has been that the Senate has a right to discuss money Bills and to amend them, provided the effect of the amendment is to reduce the amount to be paid or the expense to be incurred and not to increase it. As I read the Bill, instead of increasing the amount to be expended it would have the contrary effect: it would reduce the expenses of both Houses of Parliament. I do not see any of our rules which affect the question other than rule 71, which says:

To annex any clause to a Bill of Aid or Supply, the matter of which is foreign to, and different from, the matter of the Bill, is unparliamentary. The honourable the senior member for Halifax has quoted Bourinot, at page 492, as follows:--

It is quite regular, however, to agree to amendments which "affect charges upon the people incidentally only, and have not been made with that object."

As the law stands to-day, a member who is present at the first sitting of the House would be entitled to his indemnity at the end of the session if it continued for thirty-one days or more, including the days of recess. So a member has only to attend the sitting of the House one day in order to be entitled to the indemnity less a deduction of \$15 a day for any days in excess of fifteen during which he was absent. It will be observed, on the other hand, that the Bill now before us provides that a member, in order to have a right to his full indemnity, must actually attend thirty-one days during the session. If he attends only on one day he will be entitled to only \$20. Consequently, instead of increasing expenses, this Bill would have the effect of reducing them considerably, in this House and in the House of Commons. Therefore I believe that the point of order is not well taken.

As to the propriety of presenting this Bill to the Senate, I leave that to be judged by the members of this House.

Hon. Mr. CLORAN: Give us your decision on that too. I would like to know it. The decision on that is more important than on the other.

Hon. Mr. POWER: Honourable gentlemen, I suggest that we read some items from a short return which has been prepared, showing, amongst other things, how utterly mistaken the honourable gentleman from Victoria is with respect to the payments to members of this House. The honourable gentleman thinks that every member is entitled to \$2,500 and that he gets that, subject to certain deductions, which may be very considerable. As to the last point, the honourable gentleman is in error. I shall not give the names, because that would not be proper, but I shall read the return for the session of 1915. One honourable gentleman who attended five days received \$2,245. Another honourable gentleman who attended two days received \$2,200. Another honourable gentleman who attended nine days received \$2,305. Another honourable gentleman who attended two days received \$2,200. Another honourable gentleman who attended one day received \$2,185. Another honourable S-371

gentleman who attended three days received \$2,215.

Hon. Mr. DENNIS: Are these members of the Senate or of the House of Commons?

Hon. Mr. POWER: The return for the next session is of a like character. I wish it to be distinctly understood that I am not undertaking to criticise or find fault with the action of the members of this House who drew such considerable sums for very slight services. At the same time I think that the honourable junior member for Halifax (Hon. Mr. Dennis), who has given notice of a motion with respect to the Chief Justice of Canada, who is supposed to have drawn some money for which he did not make ample return, should have hesitated, because, if he had stopped to think, he would have felt that in moving against the Chief Justice he was really moving against the majority of the members of this House: they have drawn money for which they have not worked. As I say, I do not find fault with them; that is the law, and human nature is such that if the law gives a man a present of a handsome sum of money he is not likely to refuse it; and the law gave that to the Chief Justice, and he was not sufficiently altruistic to refuse to accept the money.

Now, the history of this matter is brief enough. The first Act with respect to the Senate and the House of Commons was passed in 1867, chapter 3 of the statutes of that year. That Act gave to each member of either House an indemnity for thirty days' attendance of six hundred dollars. In 1873 the indemnity was increased to \$1,000, and the provisions with respect to absence and attendance were not altered. The provision was that any member could not draw the whole indemnity as a lump sum unless he had attended thirty-one days. Another Act was passed in 1905, which did not make any serious change. It increased the indemnity, but it left the law with respect to the number of days just about as it stood. Then, section 33 of chapter 10 of the Revised Statutes is as follows:

A member shall not be entitled to the said sessional allowance for less than thirty-one days' attendance; but his allowance for any less number of days shall be twenty dollars for each day's attendance.

The Bill before the House makes no change in that respect except the insertion of the word "actual" before "attendance."

Now, honourable gentlemen may ask how it is that the condition of things exhibited

in the partial return that I have read could arise? It arises in this way. Section 35 of chapter 10 of the Revised Statutes reads as follows:

A deduction at the rate of fifteen dollars per day shall be made from such sessional allowance for every day beyond fifteen on which the member does not attend a sitting of the House of which he is a member, if the House sits on such day; Provided that, in the case of a member elected or appointed after the commencement of a session, no day of the session previous to such election or appointment shall be reckoned as one of such fifteen days.

Then follows subsection 2, and this is where the mischief got in:

2. Each day during the session on which there has been no sitting of such House in consequence of its having adjourned over such day, or on which the member is in the place where the session is held but is by reason of his illness unable to attend any such sitting as aforesaid, shall be reckoned as a day of attendance at such session, for the purposes of the indemnity; and a member shall, for the said latter purpose, be held to be in the place where the session is held whenever he is within ten miles of such place.

The intention of the law clearly was that a member of either House should not draw the indemnity, whatever the amount might be, unless he had given at any rate a reasonable attendance at the meetings of the House to which he belonged. The operation of section 35 might be illustrated by taking the session of 1916, in which there were altogether 128 days. There were 59 sitting days; that left 69 non-sitting days; and the member who came on the last day of the session-a member who came here for prorogation-could count all those non-sitting days, 69, and then he could count the 15 days mentioned in the section that I have just read, making altogether 84 days. The House had sat only 59 days, and he had put in 25 days more than he was obliged to under the letter of the law. Now, honourable gentlemen will see at once that a law which is capable of such construction as that is a very improper and unsatisfactory one.

Hon. Mr. BELCOURT: Is that an actual case?

Hon. Mr. POWER: Yes. This is a condition of things that needs to be remedied. At first apparently the members had not, to use a slang expression, got on to the real interpretation of this measure, and up to 1886, at any rate, the attendance of members in this House was probably nearly as regular as that in the other House. But some shrewd gentleman discovered that there was a chance to drive a coach and Hon. Mr. POWER. four through this indemnity Act, and proceeded to do it, and from that time it has been done to a greater or less extent until the present time, when the abuse has reached its highest point.

Hon. Mr. BELCOURT: Is that an isolated case, or are there any other cases wi that kind?

Hon. Mr. POWER: I gave cases, though without names, half-a-dozen in the session of 1915, and I had another half-dozen for 1916, but did not think it was necessary to trouble the House with those. But there it is: an honourable gentleman can actually come here and attend at prorogation and then draw \$2,000 and go home. I know there are some honourable gentlemen who are not aware of the existing condition of things, although I fancy that when they go to the accountant's office they may be surprised to find how generously they have been dealt with. But if we provided that there should be actual attendance we should have much fuller meetings of the Senate than we have now, as honourable gentlemen would feel to a certain extent that they were bound to attend here, and the effect would be to shorten the sessions. If honourable gentlemen had to attend the meetings of the Senate, they would do their best to see that the sessions were shortened. Further, the majority of the members of this House do come here and attend faithfully to their duties during nearly all the sitting days of the session, and it is most unfair to those gentlemen that others who do nothing at all for the country should be in a position to draw, at the close of the session, about as much as the members who have attended regularly. That statement must commend itself to every honourable gentleman present, and I feel satisfied that the Government, who are in favour of economy and efficiency, and are naturally anxious that the session should not last too long, would be very glad to have a measure of this kind adopted. I have the honour to make the motion.

Hon. Mr. CROSBY: Suppose that Parliament was in session for forty days, and during that session the Senate had adjourned thirty days, would the senator be able to say that he had sat in the House for forty days?

Hon. Mr. POWER: He would draw \$20 a day for the time he spent here. As a matter of fact, however, we do not have sessions of forty days. The session of 1916 was an average session, and it lasted 128

days. Three months is about the shortest session we have.

Hon. Mr. CROSBY: But suppose that the senator attended every day that the Senate was in session, though not every day that the Parliament was in session, the other House being in session for some forty days, for example, as this year. If the senator attended every day that the Senate was actually in session, and the Senate adjourned for ten days during those 40 days, he would not receive the indemnity for the same number of days that honourable gentlemen in the other House received theirs. I think it would be unfair to make the indemnity apply only to actual sitting days, for as a matter of fact the Senate might adjourn on account of work not coming from the other House in time, and in that way senators would be put in a different position from members of the Commons.

Hon. Mr. POWER: I think the honourable gentleman will find, if the experiment is tried, that the Senate would not adjourn for ten days in a session lasting only 40 days. In such case the Senate would sit every day.

Hon. Mr. DANIEL. I hardly think that the whole statement of the honourable member for Halifax, who is introducing this Bill, is entirely correct. If it is, I have a claim against the Government for about \$2,300.

Hon. Mr. POWER: I hope you may collect it.

Hon. Mr. DANIEL: I was appointed to the Senate in the latter part of the session, and the Senate sat for less than thirty days after I was appointed. All that the accountant gave me for my attendance was \$20 a day.

Hon. Mr. POWER: That is all you were entitled to.

Hon. Mr. DANIEL: But under the statement of the honourable gentleman, if I heard him correctly, a member coming in towards prorogation would be entitled to the full indemnity, minus \$15 a day for the days he was absent, but not including the fifteen days of grace.

Hon. Mr. POWER: The Act contains a special provision in the case of members appointed during a session. I was dealing with gentlemen who were members of the House at the beginning of the session. Hon. Mr. DANIEL: But what difference did that make, if they were not in attendance?

Hon. Mr. POWER: I am not saying it makes any, but in law there is a difference.

Hon. Mr. DANIEL: I would like the honourable gentleman to point it out to me in the law.

Hon. Brigadier-General MASON: One thing about this Bill strikes me as being rather peculiar, and does not seem altogether fair. Take the present session: this is the 33rd sitting, or the 34th; let us suppose that we will have in all 38 sittings, as prorogation is spoken of for next Thursday. A senator is present at thirty-one of these sittings and is therefore entitled to the sessional allowance, less \$15 per day for those seven days upon which he was absent. That will result in that member receiving the sum of \$2,395, made up of \$2,500 less \$105. By the provisions of this Bill a member who has attended only thirty days would receive \$600. In other words, a senator who was present thirty-one days would receive \$2,395, but one who was present thirty days would receive only \$600. That would not seem fair.

Hon. Mr. POWER: I wish to give the information for which the honourable gentleman from St. John asked. I will read chapter 10, section 37:

Whenever any person is a member of either House for more than thirty days during any session, though such person may be a member for a part only of such session, he shall be entitled to his sessional allowance, subject to the deduction aforesaid for non-attendance as a member, and subject also to a deduction of fifteen dollars for each day of such session before he was elected or appointed, or after he ceased to be a member, as the case may be.

ceased to be a member, as the case may be. 2. If he is a member for only thirty days, or less, he shall be entitled only to thirty dollars for each day's attendance at such session, whatever is the length thereof.

Hon. Mr. CLORAN: There is evidently a spurt of economy coming from the "Bluedistrict of our country. Halifax is nose' furnishing the apostles of economy in this House. The senior member for Halifax and the junior member for Halifax are up in arms against the tremendous extravagance of this Government. The idea of keeping up a Hansard with \$33,000 a year is awful, and the idea of paying members of Parliament according to the wishes of Parliament, both referring to the House of Commons and the Senate, is evidently disturbing the economic soul of the senior member for Halifax. Now, these practices have

been going on pretty well for the past fifty years, and why these two gentlemen from that glorious city by the sea should come up and disturb our serenity and comfort is more than I can understand. We will deal with the junior member from Halifax when his turn comes; we will find out where economy can be practised.

To deal with the matter now before the House, brought up by the senior member for Halifax, it is well to point out, on behalf of the absent members, that the revelation of their financial relations with this House, personally and officially, could well have been left aside. It will not advance the cause of the war one iota. If it were for war purposes I would hold up my hands for it; but, of course, there are very few of us able to go to the war just now. The honourable gentleman gave the amounts drawn by senators over and above what he considered they were entitled to; but he ought to remember that many of those senators are away from this House owing to ill health. They should have been spared this attack. We have them on both sides of the House, and have had since I have been here. Fortunately, Providence has given me health robust enough to attend nearly all sittings, actual or otherwise, and sometimes the actual sittings were not worth coming to. When we deal with matters of this kind the actual sitting is really not worth attending. The indemnity is voted on conditions which have been maintained and fulfilled by members both of the House of Commons and the Senate. Those conditions the honourable gentleman from Halifax wishes to subvert.

This is not the time to deal with a question of this kind, when three-fourths of the members of the House are not present. The honourable gentleman has told us that members practically-he did not use the word steal, but it amounted to the same thing-got money that did not belong to them, that they had not earned. Now, although I attend here regularly, I do not want to accept responsibility for that charge against my colleagues, whether on this side or on the other side of the House. It is not a fair and proper one, and this is not a matter which I think should be dealt with by a Parliamentary Bill. If this matter was to have been dicussed at all, it should have been discussed in camera in a committee, where things could have been done and propositions made without calling the attention of the entire Dominion to this condition of things. I held, and I still hold, that this Bill should not be pressed. To

Hon. Mr. CLORAN.

counterbalance the fact that senators have drawn amounts of money out of proportion to their actual attendance at the sittings of the House, the honourable gentleman forgot to give credit to the honourable senators, his colleagues, who did not get a cent-of the \$2,500, and who were fined several hundred dollars by the Dominion Government.

Hon. Mr. WATSON: For what purpose?

Hon. Mr. CLORAN: God knows. Anyhow, they were found to have been short some hundred and fifty days in their attendance. The session was a very long one, some eight or nine months, and the senators were appointed towards the end of the session, which was not their fault. They came here, and instead of receiving \$20 a day for their actual attendance during the three or four weeks that they were in the House, they got a bill from the accountant of the Senate at that time charging them with two or three hundred dollars each. I think one of the honourable gentlemen is in the House at present, and another is in Montreal. It took several of us all of our time to have that money refunded, or the fine not paid. That matter was not made much of. I know some senators, and I guess most honourable gentlemen know one or two, who are unable to be here on account of almost déadly sickness. Why charge these men en bloc with taking money that does not belong to them 'or that they have not earned? I do not think it is proper; it is infra dig. So much for the Senate.

The learned and able member from Halifax took very good care not to discuss the tail of the Bill, which contains the most noxious poison. He did not ask the House to enforce these conditions against the members of the House of Commons. What was lacking in his exposition? Was it the courage of his convictions? No, I do not believe it was. Well, what was it? I leave it to the House to decide. The most important part of this Bill is not that it affects the Senate, but that it affects the House of Commons, and on that ground I stand.

As to the character of this Bill, the honourable the Speaker ruled that it was a money Bill within the meaning of the report laid before the Senate—that it did not mean an increase in public expenditure, but on the contrary a decrease. That ruling was accepted. Then I appealed to him to give his decision on the point of order as to the nature of the Bill. The honourable the Speaker evidently did not like to rule on that point, and stated that he left it to the discretion and the judgment of the MAY 20, 1918

House to decide whether it was a proper Bill to be before this House. I would have liked to have had his opinion on that matter; it would have strengthened the views of the members here in regard to the nature of the Bill, which is calculated to do harm to this honourable House in the House of Commons. On these grounds I think the Bill should not receive its second reading, and if I can get a seconder I shall move the six months hoist. The honourable member for Rougemont (Hon. Mr. Dessaulles) will second the motion. It is not a premeditated plot.

Hon. Mr. DANLEL: I quite sympathize with the ideas and motives of the honourable member who has introduced this Bill. At the same time, I must say that I do not feel like voting for it at this late date in the session, when we really have not sufficient time to look into the matter thoroughly. It is no doubt a grievance to those who are here and who stay all session that a number of the members of this House absent themselves during a very large part of the session and are not mulcted to any great extent on that account. At the same time, we have to remember that we occasionally have a session in Ottawa-last session was one of themwhen, if a member attended every day and were paid at the rate of \$10 a day the whole indemnity would be exhausted, and, I think, on some occasions something more. I think that we might well have an opportunity to ponder over this Bill during the recess, and it may be that some other method of inflicting financial punishment, without going as far as this Bill goes, will be discovered. In thinking casually of the matter, it struck me that perhaps a good way to deal with it-at all events, another way-would be to pay to a member an amount which would bear the same ratio to the total indemnity as the number of the days he was present would bear to the total number of days of the session. Suppose there were a forty-day session and a member attended only ten days, he would be entitled to one-quarter of the total indemnity. I think something might be worked out which would be more easily adjustable than the method provided in the Bill which is before us.

As I have said, I think there is a grievance, and I think perhaps it is the duty of this Chamber to endeavor to remedy it; but as we expect to prorogue within two or three days, I think it would be foolish for us to imagine. even if we passed it that this Bill would receive any consideration in the other House this session. I do not think we shall lose any time by allowing it to stand and passing on to the next order of business.

Hon. Mr. DAVID: Honourable gentlemen, I would consider it proper to vote for the Bill if it were amended in such a way as to meet the objections of the honourable gentleman from St. John (Hon. Mr. Daniel) and the honourable member from Halifax (Hon. Mr. Crosby). I think the objections are very serious. The object of the Bill is a very good one. There is no doubt that the law is abused. There are cases in which the provisions of the Bill would be in the interest of the country. The honourable gentleman from Halifax (Hon. Mr. Crosby) asked what would happen if Parliament sat forty days, and during those forty days the Senate, after the opening, adjourned for two weeks, because there was no work before it. The members of the other House would be paid their full indemnity, but the members of this House would lose their indemnity through no fault of their own.

Hon. Mr. CROSBY: If the honourable gentleman from St. John (Hon. Mr. Daniel) will move an amendment to the amendment, I shall be very pleased to second it.

Hon. Mr. CLORAN: Move mine straight.

Hon. Mr. CROSBY: I always try to go straight. From the time that Parliament is summoned-and I want the lawyers to listen to this, as it may help them some time-until it is prorogued or dissolved the House is in session. If the Senate discovers that it has not work for to-day, to-morrow, or the next day, would it be wise or necessary for us to come here and look at one another and listen to my honourable friend from Victoria, or would it be better to adjourn for two or three days? The honourable senior member for Halifax says, "Yes, let us sit every day." Well, he must like to look at us, or I cannot understand his reasoning. There is a great deal in the contention of my honourable friend, but I think it is rather late in the day to bring in such a Bill. I think the suggestion of the honourable gentleman from St. John is a good one, that we should be allowed to consider this matter during the recess, and we could then take it up and go into it thoroughly when we come back, as I trust God will permit us all to do.

Hon. Mr. GIRROIR: I quite agree with the honourable member from Halifax (Hon. Mr. Crosby) in the remarks which he has just made, and I call attention to

the point taken by him, that it would be useless for us to meet here unless we have business to attend to. Sitting here and looking at each other would not be very beneficial to honourable members of this House or to the country; therefore the only thing to do when there is no work coming up from the Commons is for the Senate to adjourn and wait until there is some work to do. If these days are not to count in our favour, the result will be that men who come here from the west or from the extreme east and who have to remain in the city of Ottawa will not benefit by remaining here, and honourable gentlemen can see what an awkward position they would be placed in. If we adjourned for seven or eight days, it would be useless for me, who live in Nova Scotia, to attempt to go home. I would no sooner be home than I would have to start back. The same applies to men who come from the extreme west.

Hon Mr. CLORAN: The same with Saturday and Monday.

Hon Mr. GFRROIR: I think we are altogether wrong in not allowing the days to count when we adjourn for want of business. I agree with the honourable member from Halifax (Hon. Mr. Power) that it does appear as if some persons are drawing money which perhaps they should not draw, and that it is desirable that some change be made in the Act to cover those cases. But, as pointed out by the honourable member from St. John, this Act is being brought down at the close of the session when we have very little time to consider it. It affects this Chamber, and I presume the House of Commons, perhaps not directly, but indirectly, and I think it would be unfair to push it through when there is so little time to consider its details. I think it would be better to allow it to stand over until next session. In the meantime the questions raised can be carefully looked into, and such amendments proposed to the old Act as will make it more workable and more just to the country and to all concerned.

Hon. Mr. DANIEL: I would like to move in amendment to the amendment that this Bill be not now read the second time, but that it be referred to a special committee, consisting of Hon. Sir James Lougheed, Hon. Mr. Bostock, Hon. Mr. Power, Hon. W. B. Ross, Hon. Mr. Belcourt, Hon. Mr. Blain and the mover.

Hon. Mr. GIRROIR.

Hon. Mr BARNARD: Before the motion is voted on, I would like to suggest to the mover of this amendment that he should include in the committee a member from one of the western provinces.

Hon. Mr. DANIEL: The leader of the Opposition comes from British Columbia.

Hon. Mr. BARNARD: I fully sympathise with the desire of the honourable member from Halifax in wishing properly to regulate this question. At the same time, I think he has forgotten what I have found to be somewhat frequently forgotten in this Parliament—that everything is not centered east of the great lakes. Honourable gentlemen who come as great a distance as I do, come under very considerable disabilities and at considerable sacrifice to our private interests. Take a concrete case of what would happen if the Bill as drawn were to be passed to-day. This House has sat exactly 33 days this session.

Hon. Mr. DANIEL: Thirty-four days.

Hon. Mr. BARNARD: I counted them twice. This is the thirty-fourth sitting. The House adjourned from the 22nd of March till the 9th of April, and during that time a man from my province could not possibly go home and get back in time for the next sitting unless he turned around immediately. The result is that he would be out the expense of staying here and doing nothing in that time. I speak of course subject to correction, because I have not followed very closely the proceedings of this House; but my recollection is that in any ordinary session the Senate has at least two long adjournments, and sometimes three. It is distinctly unfair to ask a man from the West to spend his time doing nothing, and away from his own business, for all that long time, although a long adjournment does give a man a chance, if he misses a few sittings of the House, of getting home and to some extent attending to his own affairs. I think that the honourable member from Halifax, in drawing this Bill, has not considered the question from all angles. I would prefer to see the amendment of the honourable member from Victoria division (Hon. Mr. Cloran) carried, and the whole matter considered afresh next session. I really do not see the object of appointing a committee now to deal with this matter. The committee will not be able to report this session.

Hon. Mr. POWER: I did not expect when I introduced this Bill that it would pass this session. It strikes me that it must

have been brought home to the mind of the honourable leader of the Government that there was room for reform in connection with this particular matter, and what I hoped to get was an undertaking from him that during the recess the Government would make provision to put an end to the abuses which have existed. I think that the House has a right to expect that something of that kind will be said on behalf of the Government; and, if there is anything of that kind said, I shall be very happy to let the Bill drop.

Hon. Mr. CLORAN: I think the honourable gentleman from Halifax is making the situation worse. The Government has absolutely nothing to do with this matter. We are perfectly independent of the Government. Who is the government here? We are the government in our own affairs. I do not know where the suggestion comes from. It is not democratic. The idea of putting the salvation of the Senate in the hands of-what? Of the cabinet council! That is not a proper suggestion. The amendment to my amendment would be in order if we were at the beginning of the session; but why appoint a committee when we have no guarantee that some of the members of the committee will be here next session? Why appoint a committee that will be dead during the recess? That is not a sensible proposition. There are only two things to do: carry the six months hoist or adopt the Bill.

The Hon. the SPEAKER: The question is on the sub-amendment moved by the Hon. Mr. Daniel, seconded by the Hon. Mr. Ross of Middleton.

Hon. Mr. POWER: I am willing to withdraw the Bill.

Hon. Mr. WATSON: The mover has signified his willingness to withdraw the Bill.

The Hon. the SPEAKER: Before the Bill is withdrawn, the two amendments must be withdrawn.

Hon. Sir JAMES LOUGHEED: May I be permitted to make an observation. honourable gentlemen, upon this subject? I think the Senate is indebted to my honourable friend from Halifax for introducing a discussion upon this subject. We cannot overlook the fact that the law as it at present stands upon the statute book is subject to certain abuses which it is very desirable we should correct as far as we possibly can. It has been obtruded upon my attention, particularly during the pres-

ent session, that some provision should be made, by way of amendment to the Act, to insure a fair representation of the Senate being present in the declining days of a session. The number of honourable gentlemen who have spoken to me about their desire to leave for their homes in anticipation of an early prorogation would actually lead, in my judgment, to there being less than a quorum present if those honourable gentlemen were not discouraged from carrying out that desire. One cannot take exception to that in many cases, unless there is some restraint placed upon that condition by the statute. I find that most of the honourable gentlemen who desire to return home at a comparatively early date preceding prorogation are those who have been in fairly continuous attendance during the session and who, living at a considerable distance have not had an opportunity of returning to their homes. It is most natural that they should desire to return home. I remember that some years ago our deceased colleague, the Hon. Sir Mackenzie Bowell, at that time in Opposition, remonstrated with myself on my being absent. He said that his support to the left of the Speaker had become so reduced that he had not a seconder to a motion. That was actually the case. It seems to me that the absence of members is an abuse which requires correction to a greater extent than even that pointed out by my honourable friend from Halifax Therefore, at the beginning of next session my honourable friend should introduce this subject-

Hon. Mr. POWER: It is the business of the Government.

Hon. Sir JAMES LOUGHEED—and have it referred to a committee who would make a thorough inquiry into it, because the matter has to be considered from many standpoints. My honourable friend from Toronto (Hon. Brigadier General Mason) pointed out this afternoon a most peculiar anomaly, which should be met. If my honourable friend (Hon. Mr. Power) will bring this question up at the beginning of next session, I shall be very glad in my capacity as a member of the Senate to assist him in every possible way to meet the difficulties which he has so well pointed out.

Hon. N. A. BELCOURT: In addition to what has been said by my honourable friend, may I express my surprise at the perversion to which this statute has been put by honourable gentlemen endeavouring

to obtain indemnity to which they have not been entitled. To me it is rather discouraging to tackle this question, or any other question, when I look at the statute, which is simple and plain enough, and find that it has been perverted to the extent which has been pointed out by my honourable friend. For instance, he mentioned the case of an honourable senator who attended only on the day of prorogation and who managed through his own ingenuity, or the ingenuity and assistance of somebody else, to draw the whole indemnity, or nearly all of it. If honourable gentlemen will exercise ingenuity in that way, and find, as evidently they can find, somebody to support them, they will be able to draw the whole indemnity, or almost all of it, no matter what this House does. It seems to me hopeless to pass any legislation when we see persons riding through or over or under it in the way which has been pointed out by my honourable friend. I think what this House ought to do is to make an inquiry into the cases to which reference has been made. The honourable gentleman says there were five or six such cases last year and about the same number the year before. I am not anxious to know the names; the names do not mean anything to me. The crime is not determined by the label that you put upon it; it is the act itself. If there are such cases, we ought to inquire into them. Surely there is a tremendous lack of responsibility on the part of any man who would do that kind of thing. He must be wanting in self-respect, in respect to this honourable House, and in his duty to the country. I think the matter ought to be inquired into.

The Hon. the SPEAKER: Does the honourable gentleman from St. John withdraw his amendment?

Hon. Mr. DANIEL: Yes.

By leave of the House, the amendment of Hon. Mr. Daniel was withdrawn.

The Hon. the SPEAKER: Now, the amendment by the honourable gentleman from Victoria division.

Hon. Mr. CLORAN: As I understand, the honourable senator from Halifax withdraws his Bill.

Hon. Mr. POWER: Yes.

Hon. Mr. CLORAN: My motion is not necessary. It has accomplished its purpose. I withdraw it.

By leave of the House, the amendment of Hon. Mr. Cloran was withdrawn.

Hon. Mr. BELCOURT.

The Hon. the SPEAKER: Now the Bill. Does the honourable gentleman withdraw it²

Hon. Mr. POWER: Certainly.

The Bill was withdrawn.

INLAND REVENUE ACT AMENDMENT BILL.

CONSIDERED IN COMMITTEE-THIRD READING.

On motion of Hon. Sir James Lougheed, the Senate went into Committee on Bill 82, an Act to amend the Inland Revenue Act. Hon. Mr. Crosby in the Chair.

On section 1, new section 279, subsection 1, paragraph a-duties of excise on manufactured tobacco:

Hon. Mr. BOSTOCK: This doubles the amount of the present tax, I understand.

Hon. Sir JAMES LOUGHEED: Yes. As I explained the other day, the duty on chewing and smoking tobacco has been increased from 10 cents per pound to 20 cents per pound.

Paragraph a, subsection 1, new section 279, was agreed to.

Paragraphs b, c and d were agreed to.

On paragraphs e and f-cigars:

Hon. Sir JAMES LOUGHEED: The duty on cigars is increased from \$3 to \$6 per thousand, except when they are put up in packages containing less than ten cigars each, on which the rate has been increased from \$4 to \$7 per thousand.

Hon. Mr. BOSTOCK: My honourable friend the other day gave us an estimate that the probable increase of revenue from these taxes would be \$9,000,000.

Hon. Sir JAMES LOUGHEED: Yes, a little over \$9,000,000.

Hon. Mr. BOSTOCK: The revenue from tobacco, cigarettes and snuff amounted to \$11,000,000 last year.

Hon. Sir JAMES LOUGHEED: Of course the increased tax will probably result in some reduction in consumption. Therefore we cannot safely estimate an increase of revenue of 100 per cent over the revenue previously collected.

Paragraphs e and f were agreed to.

Paragraphs g and h were agreed to.

On paragraphs i and j-on foreign leaf:

Hon. Mr. BOSTOCK: There is one question I would like to ask my honourable

MAY 20, 1918

friend with regard to the matter of the taxation of raw leaf tobacco for cigars Some years ago, when an effort was being made to manufacture cigars in British Columbia, the question was raised that there was difficulty in using the native leaf on account of the way the duty was applied. For the purpose of manufacturing cigara from the native leaf it was necessary to have a department separate from that in which cigars from imported leaf were manufactured. I do not know how the question was settled at the time. I know there was a considerable amount of difficulty in the carrying on of the industry, the point being that the manufacturers had to pay a higher rate because they brought foreign leaf into the factory, and there seemed to be no way in which the foreign could be separated from the home-grown. The duty militated to a considerable extent against the manufacture of cigars from home-grown tobacco. Can my honourable friend give us any information upon that point?

Hon. Sir JAMES LOUGHEED: No; I am not familiar with that question. Does my honourable friend speak of discrimination being exercised against the importation of foreign leaf for use in a domestic factory?

Hon. Mr. BOSTOCK: It was practically a question of the regulation or the way in which it was being interpreted. As the regulation was drawn, it resulted practically in a discrimination against the man who was manufacturing cigars from home-grown tobacco. If he had in any part of his factory the foreign-grown tobacco he practically had to pay the same license and fees as if he was manufacturing entirely from foreigngrown tobacco; therefore, there was no encouragment to the manufacturer to manufacture from home-grown tobacco.

Paragraphs i and j were agreed to.

Subsection 2 of new section 279 was agreed to.

On section 2, new section 328A—license to grow tobacco:

Hon. Mr. BOSTOCK: This is a new section altogether?

Hon. Sir JAMES LOUGHEED: It is an amendment of the old section.

New section 328 A was agreed to.

The preamble and title were agreed to.

The Bill was reported, read the third time and passed.

CIVIL SERVICE BILL.

FIRST AND SECOND READINGS.

A message was received from the House of Commons with Bill 53, an Act respecting the Civil Service of Canada, which was read the first time.

Hon. Sir JAMES LOUGHEED moved the second reading of the Bill.

He said: In order that this Bill may be brought before the committee as early as possible, I move the second reading, and will make what explanation the House may desire as to the principle embodied in the Bill.

Hon. Mr. BOSTOCK: Would my honourable friend be prepared to allow a general discussion at the committee stage? because there are a number of gentlemen who might want to discuss the principle of the Bill, but are not here at present.

Hon. Sir JAMES LOUGHEED: Yes. I anticipate that the main discussion will be at the committee stage, on account of the many paragraphs in the Bill and the numerous principles that may be said to run through the several paragraphs.

We cannot enter upon a discussion of all those principles in the few minutes at our disposal; but, speaking generally, I would say that the principle which already runs through the Civil Service Act as it stands to-day upon the statute book is applied by this Bill to the Outside Service as well as to the Inside Service, looking ultimately to practically a fusion of the two services. It is proposed that the Outside Service shall become at once subject to such examination as may be thought desirable to ensure an efficient service being appointed; that the standard of examination shall be determined upon in due course, the Bill not outlining that examination, especially as it must necessarily be in process of evolution, growing out of the necessities of the case and of the standard of efficiency which should be applied to the Outside as well as to the Inside Service. The question of salaries must also be considered ,as was done in the case of the Inside Service. The policy of the Act looks forward to the Civil Service Commission taking a comprehensive survey of the whole of our Outside Service throughout the Dominion at an early date, and co-ordinating and correlating that service with the Inside Service as far as can possibly be done; also making inquiries into the different branches of the public service with a view of eliminating such superfluous

officers or employees as may not be necessary for the carrying out of the work pertaining to any particular branch of the service; also possibly transferring such surplus officers or employees as may be found to other branches of the service where such labour may be advantageously employed. There is also the very important principle of economy that must be considered by the commission in making the survey to which I allude. It seems to me that the broad general principle which I have outlined in a very general way must commend itself to the House.

Of course, it is a very radical reform, particularly in Canada, where we have been accustomed for so many years to what is known as political patronage. But it seems to me, from the experience of other countries in placing the public service under a commission, that members of Parliament particularly may appreciate the advantage which is bound to arise from this reform.

This measure, in a sense, must be largely experimental. The whole scheme must evolve in due course into one of more perfected work, as the commission finds its problems thrown upon its hands to be worked out as circumstances may determine. If it is necessary to strengthen the Civil Service Commission in any way, of course that will be a responsibility thrown upon the Government by additional legislation hereafter; but at the present time the Government is prepared to hand over the whole Outside Service to the Commission, with the view of placing it entirely under the administration of that commission the same as the Inside Service. In view of the many unsatisfactory features of the Outside Service which present themselves, not only to our minds, but to the public mind under the present system, I feel that we are justified in proposing this measure. I therefore move the second reading of the Bill.

Hon. Mr. BOSTOCK: I am sure that honourable gentlemen in this House will congratulate the Government on what they are trying to do under this Bill. As my honourable friend has said, the legislation in 1908 was introduced and carried through Parliament in an attempt to do away with patronage and partisanship in the Inside Service of Canada. The object is one that must be considered very desirable by any one who has had any experience in public life. It is very desirable that a man in the Civil Service of Canada should be placed in such a position that when he enters the service he may look forward to rising to the top of the tree according to his professional ability and his services to the country, and may feel that merit will secure his advancement. Unfortunately, however, I fear that that condition of things has not been arrived at in the administration of the Act that is on our statute book to-day.

The administration of the Civil Service under the control of Commissioners will very largely depend on how those Commissioners interpret the Act, and on their ideas of what the administration of the Act should be. The present measure may be an attempt in the right direction, and I think it is; but I very much fear that, unless the Commission has very strong support from the Government of the day, whatever Government it may be, there will be great difficulty in living up to the ideal of doing away with patronage and partisanship in the Civil Service. We all know that on the change of Government in 1911 a number of things were done that were not considered to be conducive to the removal of patronage in the Civil Service. The view of the members of the Government who came into power in that year apparently was that in certain ways their influence and their opportunity for managing the affairs of the country were interfered with by the fact that the men at the head of the departments were not in sympathy with them in their political views; and in a number of instances they were apparently afraid that those men would not work in such close cooperation with them as they desired; hence certain changes and rules were made for the purpose of overcoming what I suppose they considered was a difficulty. The same thing may arise even under this Act as it is introduced to-day. Its administration will depend entirely on the view taken of it by the Government and the intention of the Commissioners. These will determine whether the object that it is desired to attain will be reached.

At the present time a case has been referred to in another place in which one of the Commissioners, in connection with the appointment of a person to the Civil Service, placed on the notice that went out the statement that this was done at the request of a member of the House of Commons. If that kind of thing goes on, of course the whole object that it is desired to attain by this Bill will be nullified and stultified; and one can only express as strongly as possible one's dislike of anything of that kind being done.

The other day I received a letter from a man in British Columbia saying that

Hon. Sir JAMES LOUGHEED.

MAY 20, 1918

he had applied to the Commissionners for an appointment in the Outside Service, and that he had given the names of two gentlemen who vouched for his respectability and his character. Of course, if the Commissionners of the Civil Service have to apply to the men whose names are down on this paper as recommending the particular applicant, unless they are very careful the result will be exactly the same as it is at present; because the Commissioners in Ottawa cannot possibly have information as to a man out in British Columbia; they cannot know that man's qualifications; therefore naturally they have to apply to some one whom the applicant may mention as knowing him. The only difference I can see between that arrangement and what we have to-day would be that possibly the applicant might not mention the member representing the district, or he might; and if he mentioned the local member as the one best acquainted with him, and who would speak as to his character and capability for filling the position, the situation would be just about the same as it is today. When the Commission received the paper making the statement as to the man's capability they would naturally want to know whether that statement was correct. and they would apply to the member, because his name was mentioned in the paper; therefore, the system would be practically what it is now. Of course, the Commission would, I presume, be at liberty to apply to some one else as well if they thought that the member's recommendation was not sufficient, but the chances are that in order to save time they would not go any further than take the member's recommendation. I cannot see how they are going to get over the difficulty, and in that case I do not anticipate very much improvement in the condition of things which the Government hopes to bring about by this Bill.

Another point to which I direct attention is the condition of matters in Canada today arising from the number of Commissions appointed by the Dominion Government. The condition is very unsatisfactory to the members of the Civil Service. who have a just cause of complaint, as I think the Government themselves must realise, arising from the fact that at present a large number of people who are working on those Commissions are drawing higher salaries than are paid to the regular members of the Civil Service. Men who have given the best years of their life and their best work to the country see people brought in from the outside and placed on those commissions, doing work that is not of any

greater importance to the country than their own, or even of equal importance with that of the regular members of the Civil Service, and yet being paid higher salaries. I think that the policy that has been pursued of appointing this large number of commissions is not a good one, and is not fair to the members of the regular Civil Service. As I understand the position today, if a man is wanted in a department to fill a position, application is made to the commissioners, and they make a recommendation stating that so-and-so has passed the examination and is qualified to fill the position and to be placed in a certain class; and the department to which that man or woman goes must put him or her in that position and pay the salary according to the scale. They are absolutely tied down by that system. But if the same man or woman is appointed to a commission, the question is left entirely to the Governor in Council to say what salary shall be paid and practically what class the appointee shall be put into. The consequence is that very often the employees of a commission are paid a higher salary than a man or woman appointed to the Civil Service. This does not conduce to contentment or the bringing about of satisfactory and good work in the Civil Service, for the members of the regular service feel that they are not being fairly treated. Possibly this point may not have been brought to the attention of the Government in the stress of work to which the Government has to attend in connection with the war and thus they may not realize the effects of this method on the Civil Service of the country.

Other matters regarding this Bill may be discussed better in committee, and I understand from my honourable friend that honourable members who are not here today will be given full opportunity for discussion.

Hon. Mr. BELCOURT: Does my honourable friend expect to pass this Bill this session ?

Hon. Sir JAMES LOUGHEED: Yes; prorogation will not take place until Wednesday or Thursday. It is in the hands of the House.

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

CANADIAN NORTHERN RAILWAY BILL. FIRST READING.

Bill 87, an Act supplementary to chapter twenty-four of the Statutes of 1917, respect-

ing the Canadian Northern Railway System. -Hon. Sir James Lougheed.

SPECIAL WAR REVENUE BILL.

SECOND READING.

Hon. Sir JAMES LOUGHEED moved the second reading of Bill 83, an Act to amend the Special War Revenue Act, 1915.

He said: This is purely a revenue Bill. It proposes increasing the public revenues from the different articles set out in the Bill by the amount therein mentioned. For the information of the House I may particularize a little more. Section 1, as honourable gentlemen will observe, provides for an increase in the tax payable on a berth in a sleeping-car and a seat in a parlour-car. The increase in the former case is from 10 cents on each berth to 10 per cent of the price of each birth, but in no case is the tax to be less than 25 cents. In respect of the latter, the increase is from 5 cents for each seat to 10 cents for each seat. By the imposition of this tax it is estimated that the revenue will be increased by \$130,000. Section 2 is simply an amendment to existing legislation, and is intended to correct an interpretation which has been placed upon the Act in the province of Quebec, by which the Act is to a certain extent evaded. It has been held by the judicial authorities of that province that the tax is only applicable when a consumer purchases the medicine. Of course, it is intended that the tax should be applicable to all sales of the article, no matter whether purchased by the consumer or by some one representing him.

Hon. Mr. POWER: If the tax is paid when the article is sold by a druggist, then it has to be paid again.

Hon. Sir JAMES LOUGHEED: The point is that the person purchasing it might not be the actual consumer, but might be purchasing for a customer.

Section 3 proposes an imposition of a war excise tax on matches and playing cards. It is estimated that \$3,000,000 will be realizable out of the additional tax which is being placed upon matches. Apparently it has always been difficult in Great Britain and elsewhere, to carry out successfully a tax upon matches. I remember reading some time ago a memoir of the late Lord Sherbrooke, who was Sir Robert Lowe, Chancellor of the Exchequer in the Gladstone admnistration. The British administrations had tried, I think on two or three different occasions, to collect a tax on matches, but found public opinion so Hon. Sir JAMES LOUGHEED. opposed to it that for the time being they abandoned the tax. On this particular occasion Mr. Gladstone, being in need of revenue, imposed such a tax. It was proposed to place upon each box of matches a stamp with the Latin maxim "Ex luce lucellum." The Bryant and May people organized a great movement, and thousands of vehicles laden with women and girls, employees of the factory, stormed Westminster, and Sir Robert Lowe had to be smuggled into the House. The public press shortly afterwards came out with this little squib ridiculing the tax:

> Ex luce lucellum, Of course, we all know; But if Lucy don't sell 'em, What then, Mr. Lowe?

Eventually the tax had to be withdrawn. I hope, honourable gentlemen, that we may be more successful in collecting the tax proposed in this Bill.

We are imposing a tax of 8 cents a package on playing cards. It is estimated that \$200,000 will be collected by this tax.

Proceeding to part IV of the Bill, it is proposed to levy a tax upon articles therein graphophones, mentioned — automobiles, gramophones, phonographs, talking machines, cylinders and records therefor; mechanical piano and organ players and records therefor. It is estimated that \$5,000,000 will be collected from the tax on automobiles, and \$250,000 from the tax on graphophones and other talking machines. Of course, that does not include Parliament. On articles commonly and commercially known as jewelry it is estimated that \$200,-000 will be collected.

Hon. Mr. CLORAN: How would it do to replace Hansard by talking machines?-

Hon. Sir JAMES LOUGHEED: We are considering that now. The honourable member for Halifax (Hon. Mr. Dennis) has a motion on the Order Paper dealing with that.

This tax will result in a substantial increase being made in our revenue, and I think honourable gentlemen will agree that the articles mentioned can well bear the imposition of such taxes as I have mentioned.

Hon. Mr. BOSTOCK: Honourable gentlemen, we quite realize that the Government has to raise taxes at the present time, and probably the taxes proposed in this Bill are as reasonable as any others that could be imposed; but I would like to draw the attention of the leader of the Government to a question which I have had on the Order Paper since the first of May.

Hon. Sir JAMES LOUGHEED: I have very great pleasure in giving my honourable friend the information he asks for. It just came into my hands a few moments ago.

Hon. Mr. BOSTOCK: I have not the time now to study it, but we ought to have returns as to these taxes so that we may know what the Government has been realizing. My honourable friend has given an estimate of what he hopes will be realized by this increased taxation, but this return which he has handed to me is the first statement I have seen showing what actually has been obtained by the Government under the Act of 1915.

Dealing with the Bill, I fail to see why it is better on a seat in a parlour car to charge a fixed rate of 10 cents, and on a berth in a sleeping car a percentage tax on the value of the berth. It seems to me that it would have been clearer if both had been dealt with in the same way.

The other taxes are necessary, and therefore have to be raised.

In regard to the taxes on matches and playing cards, it is provided that the manufacturer or importer shall affix the stamp and pay the tax; but in the case of proprietary medicines that is not done. Since the Act of 1915 was passed I have been unable to see why the tax should not be collected from the manufacturer or the importer of the proprietary medicine or the other articles coming under that particular clause. It would seem to be a better and less expensive way of collecting the tax. At the present time, in order to collect the tax on proprietary medicines and other articles mentioned in section 2, it is necessary to maintain a staff of officials who visit the retail stores throughout the country and see that the tax is properly imposed. If a return were brought down showing the travelling and other expenses of these officials. I doubt very much whether they would not amount to more than the income from the tax. I suggest to my honourable friend that perhaps we can deal with that matter when the Bill reaches the Committee stage.

Hon. Mr. CLORAN: If I take a train from here to Montreal, a trip requiring three-and-a-half or four hours, I pay a tax of 10 cents; coming back again, I pay another 10 cents. Then, if I take a train to Toronto, a trip requiring nine or ten hours, the tax is only 10 cents. From Toronto I go to Vancouver, which takes four or five days.

Hon. Sir JAMES LOUGHEED: You take a sleeper.

Hon. Mr. CLORAN: I do not need to. People are going to evade these taxes as much as possible. I take a seat in the Pullman, but I do not sleep in the Pullman. I drop off at a village or a town, where I may have business as a commercial traveller, and next morning I get on the train again and all I have to pay is the ten cent tax on my seat, whereas if I slept on the car I would have to pay 25 per cent of the value of the berth.

Hon. Sir JAMES LOUGHEED: Ten per cent of the price of the berth, and 10 cents on a seat; but no tax less than 25 cents.

Hon. Mr. CLORAN: During the day a man would be charged 10 cents, and at night he would be charged—

Hon. Sir JAMES LOUGHEED: Ten per cent extra.

Hon. Mr. CLORAN: Ten per cent of \$2 would be 20 cents. Would that suffice for the whole trip if I were to go from here to Quebec, or from here to Vancouver?

Hon. Mr. CROSBY: It is just for one night.

Hon. Mr. CLORAN: The Bill is not clear.

Hon. Mr. BRADBURY: It is 10 per cent on the ticket.

Hon. Mr. CLORAN: Ten per cent on the value of the berth.

Hon. Sir JAMES LOUGHEED: You would pay about \$20 for a berth ticket to Vancouver and the tax would be 10 per cent of that.

Hon. Mr. CLORAN: Whereas, had I a seat, I would pay 10 cents. The man who travels a long distance pays less.

Hon. Sir JAMES LOUGHEED: Your berth entitles you to a seat during the day-time. You do not buy a seat if you have a berth from here to another point; the seat is included with the berth.

Hon. Mr. CLORAN: It is very well to estimate a large amount of revenue, but the minister must remember that the tax on matches is practically 100 per cent.

Hon. Sir JAMES LOUGHEED: One cent for each 100 matches.

Hon. Mr. CLORAN: That is practically double the old cost. You are not going to get that estimated revenue, and I will tell you why. People will consume fewer

matches. When the poor man has to pay 2 cents for matches instead of 1 cent, he will not burn so many. In estimating his revenue, I think the minister has exceeded the amount he will get.

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

THE SENATE AND MONEY BILLS. DISCUSSION CONTINUED.

The Senate resumed from May 16 the adjourned debate on the motion for the consideration of the second report of the Special Committee appointed to consider the question of determining what are the rights of the Senate in matters of financial legislation, and whether, under the provisions of the British North America Act, 1867, it is permissible, and to what extent, or for-

bidden, for the Senate to amend a Bill em-

bodying financial clauses. Hon. PASCAL POIRIER: Honourable gentlemen, I proposed the adjournment of this debate, not so much with a view to making a speech as to give my honourable colleagues and myself time to look over the report. Before lying down one likes to take a look at the bed he is going to sleep on.

I have looked carefully over this report, and the conclusion I have arrived at is that the motion of my honourable friend from Middleton (Hon. W. B. Ross) should be left in abeyance for the time being. A serious question is involved in this report. It is hardly less than a challenge to the House of Commons regarding jurisdiction in money matters. I for one do not believe in tackling a heavyweight if I am only a middleweight. This is a question that one side alone cannot decide. It is a bi-lateral question, and, in my opinion, the best way to have dealt with it would have been to have invited a joint committee of the two Houses to consider the question, not from one side only, but from both sides.

The report is an extensive one. If I may be allowed to continue talking Latin, as my chief did a few minutes ago, I would say that it is an ingens, or rather an indigesta moles: It is very valuable in respect of the information that it contains, and, fortunately for the report, it is boiled down into seven propositions, which are, I understand, evolved from the very learned memorandum that was made on this question by my honourable friend from Middleton. It looks to me as if that memorandum, which it took a year or two to prepare, has been accepted holus bolus, without a dis-

Hon. Mr. CLORAN.

senting voice, and presented for our edification. To it are added the opinions of very able lawyers, Mr. Eugene Lafleur and Mr. Aimé Geoffrion, of Montreal, and Mr. John S. Ewart, of Ottawa. All this makes it very interesting reading. But when the report is read over the conclusions arrived at-at least, those which I have arrived at -are rather hazy. It is in my opinion more of a brief than anything else. The intention was to prove the rights that the Senate possesses, or should possess, over money Bills, and the proof is based upon the letter of the constitution. In a matter like this at is the spirit of the law that should be considered.

Honourable gentlemen know that taxation in England is a historical question of the greatest magnitude, interesting not only England but the whole world. The people of England have insisted from the beginning that they themselves, and not the King nor the lords spiritual or temporal, should decide what money should be voted. They have been jealous of that privilege; they have stood by it; and from that attitude of the English people our modern liberties have sprung. This is a matter of history, which I mention in order to emphasize what I have said regarding the spirit of the law. While in continental Europe, the kings, the clergy and the nobles would impose and superimpose taxes, and the people would have nothing to do but pay, in England the people did pay, but they paid willingly, as free men. For a certain period their freedom was in the embryo state; but from Magna Charta the English peasant, the English citizen, was a semi-free man as compared with the unfree men-if I may use the expression-belonging to continental monarchies. The masses of the English people, in standing by that principle, had to fight against the rest of the realm; but, fortunately for them, they had always on their side either the king or the nobles, and they fought out the issue until modern liberties have evolved; and it is due to that determination of the English and the Scotch, and the Irish if you like-we will put them all together-that the world to-day is free. Honourable gentlemen, a man who can be ordered to give his money or to pay taxes without his will is not a free man. To such an order Englishmen would never have yielded. Now, that must be taken into consideration when this question is dealt with. To my mind, very little attention was paid to it. Attention was given to the wording of the constitutional Act of 1867, and any-

thing omitted from the Act was interpreted as giving us powers—powers that the House of Lords do not possess.

I come new to the memorandum. As 1 have stated, it has been summarized in seven paragraphs:

The Special Committee appointed to consider the question of determining what are the rights of the Senate in matters of financial legislation, and whether under the provision of The British North America Act, 1867, it is permissible, and to what extent, or forbidden, for the Senate to amend a Bill embodying financial clauses (Money Bill), have the honour to make their Second Report, as follows:

1. That the Senate of Canada has and always had since it was created, the power to amend Bills originating in the Commons appropriating any part of the revenue or imposing a tax by reducing the amounts therein, but has not the right to increase the same without the consent of the Crown.

I doubt if even with the consent of the Crown we would have the right to increase the amount. That right, as I said before, has been jealously guarded by the Commons, and I doubt very much if a money Bill could be introduced in this House on the recommendation of the Crown.

Another mooted question is whether or not we can reduce the amount. The House of Lords have tried it occasionally and have not fared any too well at it.

There is a misunderstanding, I believe, as to the true meaning of the word "originating." The word "originate" in the Act of 1867 must be interpreted in the light of history. A Bill is originated which makes an appropriation or imposes a tax of, say £5,000.000. We make the amount £10,000,000. The £5,000,000 added is to a certain extent an "origination" in the Bill: it is a new Bill. The word may not convey clearly what I mean. The action of the Senate in such a case would be that of originating a new Bill. Or a Bill is brought down, say for ten millions. We make it five millions. There is some originating process, in the reducing of the amount. That is a fine point, if you will, but this whole report is based on fine points. Let us not lose sight of that aspect of the question.

2. That this power was given as an essential part of the Confederation contract.

I would like to see it pointed out where and when it was given. If it was given, it is by implication, but not by the Imperial Act of Parliament, so far as I am aware.

3. That the practice of the Imperial Houses of Parliament in respect of Money Bills is no part of the Constitution of the Dominion of Canada. S = 38

Another very contestable proposition. Literally the honourable member from Middleton is right; literally this whole report is right; but I submit that according to history and the spirit of the constitution he is not. In the preamble of the Act of 1867 it is set forth that the provinces desire to be federally united into one Dominion "with a constitution similar in principle to that of the United Kingdom." This paragraph of the report clashes with that statement. I submit that the power of amending money Bills is not given to us as an essential part of the Confederation contract, but it is given to us to the extent to which it was enjoyed by the House of Lords, and more. Of course, other conclusions may be drawn by taking the Act literally, but my conclusion, I submit, is the right one.

4. That the Senate in the past has repeatedly amended so-called Money Bills, in some cases without protest from the Commons, while in other cases the Bills were allowed to pass, the Commons protesting or claiming that the Senate could not amend a Money Bill.

When those Bills were passed without protest it was at the end of the session and in matters that were pressing or unimportant; but the Commons have never divested themselves voluntarily of the exclusiv: right not only of initiating Money Bills, but also of amending them, and with the exception of a few that in the rush of the dying hours of the session were not protested, all the amendments that they accepted from us were accepted conditionally, under protest.

5. That Rule 78 of the House of Commons of Canada claiming for that body powers and privileges in connection with Money Bills identical with those of the Imperial House of Commons is unwarranted under the provisions of The British North America Act, 1867.

I have just referred to that. Again, on this score I cannot agree with the report.

6. That the Senate as shown by The British North America Act as well as by the discussion in the Canadian Legislature on the Quebec Resolutions in addition to its general powers and duties is specially empowered to safeguard the rights of the provincial organizations.

I fail to see where this applies. In fact, I also fail to see where my honourable friend finds that the Senate is specially empowered or directed to look after the provinces.

I did not mean to go into these details, but I will make a digression here. It is said that we are "specially empowered to safeguard the rights of the provincial organizations." How is that? The provinces have nothing to do with the

523

REVISED EDITION

SENATE

appointment of senators. We must not forget that we are an antiquated body, much more antiquated than the House of Lords, who have a root in history, whereas we have not. The provinces have, and have had, nothing at all to do with our appointment. In fact, honourable gentlemen, if the Government wished to appoint as senators for Quebec, or for New Brunswick, the province to which I am proud to belong, twenty-four men now residing in the far West, there is nothing to prevent them from doing so. The only requirement would be the property qualification. No government would do such a thing, but I am just giving an instance. Who would dare to say that these twenty-four senators represented the province of Quebec? The provincial legislatures or the people of the provinces have had nothing to do with our appointment.

Hon. Mr. BOSTOCK: Does the honourable gentleman not recollect that the senators from Quebec have to reside in the district from which they are appointed?

Hon. Mr. POIRIER: Of course, that condition would be imposed. But a man from the honourable gentleman's province (British Columbia) or the province of the honourable leader of the Government (Alberta) would simply have to take his household gods with him, buy some property in Quebec and live there. That is all that is necessary, and the requirement is not very strict at that. We know some of our colleagues who live for only one or two months of the year in the province they represent, and for the rest of the time live outside of that province. There is nothing in the constitution directly stating that senators have to safeguard the provinces they represent. Of course, all that is implied, but no more; and, I repeat, the difference between us and the various governments mentioned in this lengthy report is that we do not come at any time in touch with the people, and that money matters are essentially matters of the people. That is why it is that we should keep aloof as much as possible from those disturbing questions.

Now I come to paragraph 7 of he report:

7. That besides general legislation, there are questions such as provincial subsidies, public lands in the western provinces and the rights of the provinces in connection with pending railway legislation and the adjustment of the rights of the provinces thereunder likely to arise at any time, and it is important that the powers of the Senate relating thereto be thoroughly understood.

Hon. Mr. POIRIER.

This, as you see, is out of the question. It is desirable that it should be so, but we have no direct and special mandate. There is something wrong in our origin. This is not the first time I have expressed that view. We have no estate temporal, as the nobility in England have; we have no estate spiritual, though possibly some of my friends have; and we are not in touch with the people; we are simply appointees. Under these conditions, it is better for us to keep along the road that was given us to travel than to make excursions into other people's fields.

The report is summarized by the memorandum attached to it, from which these conclusions are derived, and it would be most interesting to go through this memorandum if my hearers would have patience with me. This, the memorandum of my honourable colleague from Middleton, begins by saying:

From recent legislation it is quite clear that the House of Commons supported by the Crown can impose any terms on the House of Lords. Till then that House had constitutionally coordinate powers with the House of Commons in "Money Bills" as in all Bills and had never formally abandoned them except as to originating Money Bills.

That is a mooted question that was never settled. The Lords propounded, the Commons denied; and you know what happened. The resolution of 1910 by Asquith settled the question by telling the Lords that their power expired at the threshold of the House of Commons, and does not in fact exist in those matters.

Lord Derby in 1861 clearly showed that the Lords had never formally abandoned its rights to amend "Money Bills."

But that does not prove that they had those rights. A right should be uncontested. What we are after is a clear right. The memorandum says:

In 1671 the Commons affirmed that "in all aids given to the King by the Commons the rate or tax ought not to be altered by the Lords."

That state of things existed a century, I may say, before it was put down in writing; but because it was not put down in writing before 1671 it would be premature to infer that it did not exist. We must not take, as accruing to us, that which is not specifically written as against us.

An incursion is made into the provinces, showing what happened in 1791, which has no direct bearing upon this question;

MAY 20, 1918

neither has what happened in 1840 at the time of the Union. What possibly has more bearing is found a little farther on, in this paragraph :

There are several Constitutions in the Southern Hemisphere of practically the same structure. The Colonial Office said that those Councils should follow the practice of the House of Lords and not amend Money Bills but might reject them. The Privy Council also decided against the Legislative Council of Queensland (which was a nominated Council with the "swamping" power) in its claim to amend Money Bills.

If this present question were to come to an issue in our case I am afraid the Privy Council would deliver judgment against us, in the light of history and according to this precedent.

Great importance is given to this "swamping" power; but the swamping power is only a whip to make legislatures move. There is no such swamping power existing against us. A swamping power gives no right; it says to the Lords, "Do or die!" Such a swamping power does not threaten us, it is true. But there is a swamping power greater than the House of Commons: it is the people; and if we should put ourselves between the people and their secular rights, or what they deem to be their rights, that swamping power would soon overreach us. So that I base no argument on the swamping power.

It is true that we enjoy inviolability that we cannot be removed; but that makes it all the more imperative that we do not abuse our immunity. If we are immune, if we are irresponsible members of the Crown, that does not justify us in doing anything that we should not do, or encroaching upon the people's rights. If we do, we will be visited with the utmost severity, that is all.

There is a colony, Tasmania. I believe, where the council exercises the right to amend money Bills; but there the council is elective and comes in touch with the people, has a mandate from the people, which makes the position absolutely different from ours; just as the Senate of the United States. It has no more power to originate a Bill than we have, but it has unlimited power to amend all Bills. It $S-38\frac{1}{2}$

will take a six million appropriation and make it a six pence appropriation, or vice versa. So large is its power in this respect that practically the Senate of the United States has the initiation of all Bills, under the principle I mentioned previously; for it can propose amendments and deal with money appropriations in any way it desires. There is this difference. In the United States senators are elected by the state legislatures. Practically the people now elect them through the primaries. No wonder that under those conditions the United States senators do so much in initiating or originating Bills when they amend them, because they represent the people of the realm just as much as the House of Representatives does.

I move the adjournment of the debate until to-morrow.

The motion for the adjournment of the debate was agreed to.

SPECIAL WAR REVENUES.

INQUIRY AND STATEMENT.

Hon. Mr. BOSTOCK inquired of the Government:

What amount of money has been received from the taxes imposed under Part I, Part II, and Part III, respectively, of the Special War Revenue Act, 1915?

Hon. Sir JAMES LOUGHEED:

Part I.—Taxes on Bank Note Circulation: Fiscal year ended March 31, 1916, \$1,028,-707.28; 1917, \$1,107,760.01; 1918, \$1,115,528.04. Taxes on Incomes Trust and Loan Companies: Fiscal year ended March 31, 1916, \$262,265.62; 1917, \$264,949.64; 1918, \$267,501.-74. Taxes on Insurance Company Premiums: Fiscal year ended March 31, 1916, \$381,917.50; 1917, \$408,888.47; 1918, \$473,634.-20.

Part II.—Taxes on Cable and Telegraphic Messages: Fiscal year ended March 31, 1916, \$49,562.61; 1917, \$79,126.42; 1918, \$74,135.83. Taxes on Railway and other tickets: Fiscal year ended March 31, 1916, \$712,637.72; 1917, \$1,000,494.81; 1918, \$999,378.41.

Part III.—Taxes on all items: Fiscal year ended March 31, 1916, \$6,559,237.02; 1917, \$7,318,033.38; 1918, \$7,833,051.23.

SENATE

Inland Revenue Department.

Statement showing amount of money received from the taxes imposed under Part II and Part III, respectively, of the Special War Revenue Act, 1915.

	1914-15	1915-16		1916-17		1917-18		Totals.	
	\$ cts.	\$	cts.	\$	cts.	\$	cts.	\$	cts.
Stamps duties on embossed che- ques (as postal stamps are large-		49,56 657,72		79,1 1,043,6	01 07 02 83		134 83 379 01		798 5 709 84
ly used on other cheques we have no other statistics here)		85,99	0 12	43,7	35 70	131,9	982 49	261,	608 31
Stamps duties on articles in bottles, packages, &c., &c	98,056 95	155,36	9 62	900,1	18 01	1.034,	152 64	2,787,	,697 22
General, from penalties imposed under the Act		1,93	3 00	5,8	83 81	13,7	72 60	21,	594 71
Totals	98,056 95	1,550,48	3 35	2,072,4	41 42	2,253,4	121 87	5,974,	408 59

APPOINTMENT OF E. G. BILL.

MOTION FOR RETURN.

Hon. GEORGE TAYLOR (for Hon. Mr. Murphy) moved:

That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will cause to be laid upon the table of the Senate a return of copies of all papers, letters, telegrams and communications or other documents in its possession in connection with the appointment or proposed appointment of one E. G. Bill, to a position in the Statistical Division of the Military Service Branch, Justice Department, under Colonel Machin, and any correspondence or statement of efforts made to ascertain if any returned soldiers of university training qualified to fill the aforesaid position if such officer be necessary.

The motion was agreed to.

The Senate adjourned until to-morrow at 11 a.m.

THE SENATE.

Tuesday, May 21, 1918.

First Sitting.

The Senate met at 11 a.m., the Speaker in the Chair.

Prayers and routine proceedings.

CANADIAN CHEMISTS IN FIRST ANNUAL CONVENTION.

On the Orders of the Day:

Hon. Mr. GIRROIR: I wish to call attention to the fact that the Canadian chemists are meeting here to-day in their Hon. Sir JAMES LOUGHEED.

first annual convention. I would not take the time of the House to mention this matter if it were not that I regard the work of the Canadian chemist as of the greatest national importance. In the development of our industries and resources the chemist is needed at every step, and if this country is to progress it is necessary that we recognize in the fullest manner the important work which these men have in hand. At this late stage in our deliberations I do not care to dwell upon the subject any longer, but I think the subject is of sufficient importance to warrant our recognizing the fact that these men are doing a splendid and necessary work for the development of this country.

SPECIAL WAR REVENUE BILL.

THIRD READING.

Bill 83, An Act to amend The Special War Revenue Act, 1915.—(Hon. Sir James Lougheed).

NAVIGABLE WATERS PROTECTION ACT AMENDMENT BILL.

CONSIDERED IN COMMITTEE—THIRD READING.

The Senate again went into Committee on Bill 41, An Act to amend the Navigable Waters Protection Act.—Hon. Sir James Lougheed. Hon. Mr. Blain in the Chair.

On section 1-definition of "work":

Hon. Sir JAMES LOUGHEED: Honourable gentlemen, when we were last in committee, section 1 was under discussion, and MAY 21, 1918

the opinion was advanced that delegating either to the Minister of Public Works or to the Governor in Council the question of determining what might interfere with navigation would practically exclude the intervention of the courts in the event of the opinion of the minister or of the Governor in Council being questioned on appeal. To remove any doubt of that kind I propose that the section as it appears in the printed Bill be amended in the following way: That the words "in the opinion of the Minister of Public Works," in lines 13 and 14, be stricken out, so that it would read:

Whether similar in character to the foregoing or not, which may interfere with navigation.

That amendment will leave the law as it stands at the present time as to the determination of what constitutes navigation, either by the Governor in Council or the court or whatever other authority may be called upon to decide. I therefore move that those words be stricken out and that the clause be adopted as amended.

Hon. Mr. BOSTOCK: I understand that by the amendment the law will be left very much as it is at present. The question will be for the Governor in Council to decide?

Hon. Sir JAMES LOUGHEED: No. The amendment does not include in the Bill the factor of the Governor in Council determining what may interfere with navigation. That is an open question.

Hon. Mr. BOSTOCK: How is that question to be decided, then? By application to the courts for a decision?

Hon. Sir JAMES LOUGHEED: No. If the Governor in Council should make a ruling that a certain work should not be constructed, the question will be open for the intervention of the courts if the courts are invoked; but the objection which was raised to the construction of the clause when it was under consideration some days ago was that the opinion of the Minister of Public Works or of the Governor in Council, as the case might be, determined what constituted navigation, and therefore the question was not appealable.

The amendment of Hon. Sir James Lougheed was agreed to, and section 1 as amended, was agreed to.

On section 2-new section 4, subsection 1-construction of work in navigable works subject to approval: Hon. Sir JAMES LOUGHEED: I propose that we strike out the words "upon the recommendation of the Minister of Public Works," in lines 21 and 22.

Hon. Mr. BOSTOCK: I see no objection to that, but I do not see that it makes very much alteration. I presume that the matter will come before the Minister of Public Works.

Hon. Sir JAMES LOUGHEED: Well, it should.

Hon. Mr. BOSTOCK: He would make a recommendation to council, and council would probably act on his recommendation anyhow.

Hon. Sir JAMES LOUGHEED: There is more or less conflict between the Department of Public Works and the Department of Marine and Fisheries; so the amendment overcomes that difficulty. Then, a recommendation may be received by the Governor in Council from either department. By striking out those words we leave it an open question which department shall intervene.

Hon. Mr. BOSTOCK: I drew my honourable friend's attention to the wording in the first line of new section 4, and I understood he would look into that matter. The wording as it appears now, in line 19, is: "No work shall be built or placed in." But in line 23 it reads: "Unless such work is built, placed and maintained," etc. The suggestion I made was that after the word "in," in line 19, the words " or maintained" should be inserted. Then it would read: "No work shall be built or placed in or maintained."

Hon. Sir JAMES LOUGHEED: The word "maintained" would not apply to the conditions recited in the first line, because this anticipates the securing of the approval of the Governor in Council for a work to be built. This section says:

No work shall be built or placed in, upon, over, under, through or across any navigable water unless the site thereof has been approved by the Governor in Council, nor unless such work is built, placed and maintained in accordance with plans and regulations approved or made by the Governor in Council.

Then later on provision is made for its continuance, or its maintenance.

Hon. Mr. BOSTOCK: But I understand that there are certain works throughout the country that are already built or placed in navigable waters.

Hon. Sir JAMES LOUGHEED: I have handed to the Chairman of the Committee

an amendment, which permits application being made to the Governor in Council to approve or sanction such works.

Hon. Mr. BOSTOCK: Supposing it 1° not desirable.

Hon. Sir JAMES LOUGHEED: Then it would be removed. The power in the present Act would be exercisable as well as that which is mentioned in this Act for removing such works. When my honourable friend observes the application of the amendment which I propose to section 5 I think he will see that it will meet the situation.

Subsection 1 of new section 4 was agreed to.

On subsection 2 of new section 4—small works excepted:

Hon. Mr. RICHARDSON: Do I understand that a man could not build a boathouse or anything else without the consent of the minister?

Hon. Sir JAMES LOUGHEED: All he has to do is to make application to the Minister of Public Works. It seems to me only proper that application should be made to the representative of the Government before a device or a construction is erected over a navigable water.

Hon. Mr. RICHARDSON: All water is more or less navigable. It may be for a raft or for sawlogs. That ought to be clearly defined.

Hon. Sir JAMES LOUGHEED: Under the Navigable Waters Protection Act that is a well-defined term.

Hon. Mr. RICHARDSON: Suppose a farmer wanted to build a boat-house on Lake Ontario, on his own property, would he have to make application to the Minister of Public Works?

Hon. Mr. GEORGE TAYLOR: No work under \$1,000.

Hon. Mr. RICHARDSON: The law is evaded.

Hon. Mr. CROSBY: He takes the risk.

Subsection 2 of new section 4 was agreed to.

On new section 5-removal of unauthorised work :

Hon. Sir JAMES LOUGHEED: My amendment comes in at the end of subsection 1, after the word "owner."

The Hon. the CHAIRMAN: Honourable Sir James Lougheed moves that at the end of subsection 1, there be added the words : Hon. Sir JAMES LOUGHEED. Provided, however, that the Governor in Council may approve of works constructed or in process of construction, on the first day of June, in the year of Our Lord one thousand nine hundred and eighteen, subject to the provisions of section 7 thereof, and such approval shall have the same effect as approval of works to be constructed.

Hon. Mr. BARNARD: Does that apply to works costing over \$1,000 ?

Hon. Sir JAMES LOUGHEED: Yes. Any work which has been erected without the approval of the Governor in Council may be sanctioned upon application being made.

New section 5 was agreed to.

The Bill was reported with amendments, read the third time and passed.

CIVIL SERVICE BILL.

CONSIDERED IN COMMITTEE.

On motion of Hon. Sir James Lougheed, the Senate went into Committee on Bill 53, an Act respecting the Civil Service of Canada. Hon. Mr. Crosby in the Chair.

Section 1 was agreed to.

On section 2-definitions:

Hon. Mr. BOSTOCK: I should like to ask the leader of the Government why the Superintendent of Insurance is included as a deputy head. Is the Insurance Department a separate department?

Hon Sir JAMES LOUGHEED: It is a separate branch of the Finance Department, with the Superintendent occupying the same position as a Deputy Minister.

Hon. Mr. BOSTOCK: What happens in a branch like the Mint? I suppose the Deputy Master of the Mint is in the same position. Should not he be put in here?

Hon. Sir JAMES LOUGHEED: No, because the Mint is really an Imperial institution.

Hon. Mr. BOSTOCK: Do not the clerks and officials of the Mint come under this Bill?

Hon. Sir JAMES LOUGHEED: No, I understand not.

I would ask the Committee to allow Mr. Jameson, one of the Commissioners, to take a seat at the Table.

Hon Mr. BOSTOCK: It is rather curious that both the Assistant to the Chairman and the Secretary to the Commission of Conservation are defined as deputy heads. What is the object of putting both of those gentlemen in that position?

Hon. Sir JAMES LOUGHEED: I am informed that the position is a dual one, and that the reference is to only one official.

Hon. Mr. BOSTOCK: I have not got before me, the Act establishing the Conservation Commission, but I presume there is nothing to prevent the appointment of a Secretary and an Assistant to the Chairman. If the same man acts in the two positions, would it not be sufficient to say "the Assistant to the Chairman?"

Hon. Sir JAMES LOUGHEED: My honourable friend will observe that the expression is conjunctive, not disjunctive --it refers to the one individual.

Hon. Mr. POWER: It just happens that the Secretary of the Conservation Commission is also entitled "Assistant to the Chairman." I presume that accounts for the wording.

Hon. Sir JAMES LOUGHEED: Yes, he occupies both offices.

Hon. Mr. POWER: He is Mr. James White, a very superior officer. He acts as deputy and is also secretary.

Under paragraph d, I notice that the officers in the department which Parliament has created this session are not mentioned, and it seems to me that they ought to be. There are three new departments, and these men are members of the Inside Service. The fact that an officer who was formerly employed under the Minister of the Interior has been transferred to the new Department of Immigration and Colonization, should not take him from the Inside Service and put him in the Outside Service.

Hon. Sir JAMES LOUGHEED: We have not enumerated in any of the clauses the different departments of the Government. If my honourable friend will look at paragraph d he will see that "Inside Service" means and includes those officers, clerks and employees who are in or under the several departments.

Hon. Mr. BOSTOCK: With regard to the definition of "Civil Service," when we come to section 47 I want to draw my honourable friend's.attention to it. In subsection 2 of that section, referring to the deputy head of the departmeent, it is said:

He shall give his full time to the civil service.

I think that definition of civil service does not apply to the way the words are used in that section. We can probably discuss it better when we come to that section.

Hon. Sir JAMES LOUGHEED: Paragraph f simply deals with persons who are included in the civil service; section 47 deals with the proportion of time that shall be given to the duties of office.

Hon. Mr. BOSTOCK: The words deal with something very much wider. When we make a definition like that it is a question whether we should not alter those words to show that section 47 deals with something very much wider.

Hon. Mr. POWER: I think the definition of Civil Service there is altogether too wide.

"Civil Service" means and includes all officers, clerks, or employees in the service of the Crown.

A labourer engaged in working on a Government road is an employee of the Crown, and is in the service of the Crown. The definition is too wide. You must either say something to indicate that a civil servant is in the permanent service of the Crown or use some other expression which will prevent men who are not intended to be covered by the expression "Civil Service" from being so included.

Hon. Sir JAMES LOUGHEED: It seems to me that the machinery of the Act will determine that. As we proceed with the Bill it will be observed who come within the term. We could not adopt any language that would meet every situation, because the Act will apply not only to permanent but to temporary employees. No language could be used that would fully describe what length of time would constitute public service or civil service.

Hon. Mr. POWER: The right place to define what civil service means is in the definition clause. The language is put in the right place here, but this definition would include numbers of persons who are not members of the Civil Service at all, as generally understood. I think the better way would be to let paragraph f stand, so that we may see if there is not sufficient ingenuity among the officers of the Crown to give us a better definition.

Hon. Sir JAMES LOUGHEED: After we go through with the Bill I am quite prepared to return to this paragraph and reconsider it. We will carry it in the meantime.

Section 2 was agreed to.

On section 3-Commission:

Hon. Mr. BOSTOCK: I understand that there is a commission already sitting, and that there are three commissioners.

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. BOSTOCK: This section begins with the words, "There shall be a commission." I presume the intention is that the three commissioners who are at present acting will be continued on that commission?

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. BOSTOCK: Therefore those commissioners will hold office for ten years from the time of the passing of this Act?

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. POWER: If I had any criticism to make on this section it would be that it puts a commissioner out of office when he attains the age of sixty-five years. We have a great many very active and energetic officers in this country who are between sixty-five and seventy, and my idea is that seventy would be a more appropriate age than sixty-five.

Hon. Sir JAMES LOUGHEED: That is the age already fixed, and I think we had better stay with it.

Hon. Mr. BOSTOCK: Is that the age fixed under the present Act?

Hon. Sir JAMES LOUGHEED: No. I am informed there is no age fixed under the present Act.

Hon. Mr. BOSTOCK: Under the present Act, then, the commissioner would retire only at the end of his term; is that the arrangement?

Hon. Sir JAMES LOUGHEED: Yes. Under section 9 of the present Act the commissioner holds his position during good behaviour.

Section 3 was agreed to.

On section 4-duties of Commission:

Hon. Mr. POWER: This is a very sweeping power given under paragraph d:

to obtain the assistance of competent persons to assist the commission in the performance of its duties.

That would enable the commission to appoint a swarm of clerks whom the Governor in Council might not consider necessary.

Hon. Sir JAMES LOUGHEED: They have to appoint a very numerous staff of examiners distributed all over Canada. It is the logical outcome of their office.

Hon. Mr. BOSTOCK: In regard to paragraph f:

(f) to arrange for the transfer of supernumeraries or other officers, clerks and employees from portions of the civil service where Hon. Sir JAMES LOUGHEED. they are no longer required to other portions of the civil service where they are required.

Is this done under the initiative of the Commission itself, or do they take the recommendation of the deputy heads of the departments?

Hon. Sir JAMES LOUGHEED: They would have to report to the Governor in Council; that is to say, this would permit of the commission making an examination into the organizaton of any of the departments, and determining whether any such department is over-staffed. If it is found necessary to make any transfer to some other department which requires assistance of that character, a report will be made and submitted to the Governor in Council, and the transfer will take place in that way. The commission do not make appointments or transfers; they make recommendations, and the Governor in Council will naturally carry out those recommendations.

Hon. Mr. BOSTOCK: On their own initiative they can go to a department and examine into its organization, and then make a report to the Governor in Council?

Hon. Sir JAMES LOUGHEED: Yes.

Section 4 was agreed to.

Section 5 was agreed to.

On section 6-fraudulent person to be reported:

Hon. Mr. POWER: What is the change here?

Hon. Sir JAMES LOUGHEED: The Act of 1906 was amended in 1908, and this is the existing law.

Sections 6 to 8, inclusive, were agreed to.

On section 9-organization, how effected:

Hon. Mr. BOSTOCK: This section reads as though the Governor in Council intended to carry out a reorganization of most of the departments. If such is the intention, I think probably it is a very good one. I would like to know from my honourable friend whether an inquiry of this kind will also refer to several of those commissions that we have at present, with the object of preventing a considerable amount of overlapping of work, which I understand occurs as between the clerks of several departments of the Civil Service and some of those commissions that have been appointed by the Government since the war began. This overlapping, I understand, causes a great deal of extra work and a

certain amount of friction between various officials, and probably a large expense to the Government. If the Government intends to act under this clause as it is drafted, I hope that serious consideration will be given to the fact to which I have referred, with the result of reducing the expense to the country.

Hon. Sir JAMES LOUGHEED: In reply to that point, to which my honourable friend referred yesterday, I may say that certain of those commissions will come within the authority of the Civil Servce Commisson: but it must not be overlooked that those are commissions that have been created owing to the exigencies of the moment, and growing out of the war. If the officials of the different departments could have performed the work that those commissions are doing, it is quite manifest that after the war, when that work is over, there would be no further use for these departmental officials; so if my honourable friend takes the ground that those departmental officials should perform that work, it seems to me that it is rather dangerous ground, and that he is preparing for some consideration being given to the question whether the continuance of those officials is necessary.

Hon. Mr. BOSTOCK: I do not think my honourable friend quite grasps the point I was trying to make—that some of the work which is being done by those commissions is work that could and should be done by the departments. Take the question of certain inquiries in the Department of Mines, a great deal of the work could be done by that department which has been done by one of those commissions. The object of a commission should be, I think, to supplement the work of a department, not to take work away from it.

Hon. Sir JAMES LOUGHEED: This section would permit of that being done.

Subsections 2, 3 and 4 of section 9 were agreed to.

On subsection 5 of section 9-status of present employees reserved:

Hon. Mr. POWER: I move that the word "salary" be substituted for the word "salaries" in line 23.

Hon. Sir JAMES LOUGHEED: Yes. That is a typographical error.

The amendment of Hon. Mr. Power was agreed to, and subsection 5 as amended was agreed to.

Section 9 was agreed to.

Section 10 was agreed to.

On section 11-addition to salary on appointment:

Hon. Mr. POWER: I do not object to this; still I think it is capable of abuse.

Hon. Mr. BOSTOCK: In what way is the Act of 1908 amended?

Hon. Sir JAMES LOUGHEED: In the Act of 1908 the additional sum was \$500; in this Bill the sum is \$200.

Section 11 was agreed to.

Section 12 was agreed to.

On section 13-appointments to be on probation:

Hon. Mr. POWER: Would the honourable leader of the House be good enough to tell us what is the amendment that has been made in the law of 1908?

Hon. Sir JAMES LOUGHEED: The present law reads as follows:

The head of the department, on the report in writing of the deputy head, may, at any time after two months from the date of assignment, and before the expiration of six months, reject any person assigned to his department.

Hon. Mr. POWER: Is subsection 2 in the existing law:

Where a person is rejected the Commission shall thereupon select another person to take the place of the one rejected.

Hon. Sir JAMES LOUGHEED: Yes. The old Act reads as follows:

The cause of the rejection shall be reported by the deputy head to the Commission, who shall thereupon select another person to take the place of the one rejected, and decide whether the latter shall be struck off the list or allowed a trial in another department.

Hon. Mr. SCHAFFNER: I do not know whether it is right to give the deputy head the power to reject members of the Civil Service or not. I have had considerable experience with so-called patronage-and that word has run mad in connection with this Bill; there is no doubt about that. I have frequently had complaints of deputy heads, because of prejudice, not giving fair play to members of the Civil Service in their department. Deputy head's are human just the same as the rest of us. Personally I have no reason for finding any particular fault, and I am certainly in no way prejudiced against the deputy heads of the different departments; but I have heard, and have heard it frequently since this Bill has been under discussion in the House of Commons, that if the deputy head has a prejudice against some civil servant he can make the situation, and has made it, very uncomfortable for

him. If the Civil Service Commission have the power to appoint civil servants, I do not see why they alone should not also have the power of rejecting them. It would, in my opinion, be far more satisfactory to the service. I believe that by this clause we are giving the deputy heads entirely too much power.

Hon. Mr. GIRROIR: I disagree with the remarks of the honourable gentleman who has just taken his seat. I think there are very strong reasons why that section should remain as it is. Now the head of the department applies to the Civil Service Commission to furnish him with clerks, and These clerks undergo an they do so. examination and are selected by the Civil Service Commission without any test being applied to them by the head of the department who employs them. I have always thought that was a wrong procedure-that the examinations and tests of candidates should be arranged for by the commission with the heads of the departments. Very often the head of a department will have work of a technical or special nature to be performed, and the Civil Service Commission will send to him a clerk who has passed an examination which has not been prepared by the head of the department. It may be that when this person is occupied in the work for a certain time the deputy head, following his work, finds that he is not the proper person for the workthat he has not the ability or the qualifications to fit him for the position. It seems to me it is only right, then, that the deputy head should have the power to reject him, or to give him a further period of probation and then reject him if he finally finds that he is not fitted for the position. I think that section should remain.

Hon. Mr. SCHAFFNER: I think that the deputy head should report to the commission if he finds that an officer who has been placed under him in his department is not efficient and able to carry on his work as it should be carried on. Then, the commission, and not the deputy head, should have complete control of the rejection.

Hon. Mr. POWER: I notice that subsection 2 says that "Where a person is rejected the commission shall thereupon select another person to take the place of the one rejected." There does not seem to be any restriction upon the right of the commission to select. I think that in the case of first appointments, at any rate,

Hon. Mr. SCHAFFNER.

the rule is that the commission take the candidates who have passed the best examination or are best qualified in other respects; but here, if a person is rejected, the commission may select the person who is least qualified. I think there should be some restriction on their power under this subsection.

Section 13 was agreed to.

Section 14 was agreed to.

On section 15-appointment to professional and technical positions:

Hon. Mr. POWER: What is the change?

Hon. Sir JAMES LOUGHEED: In future the commission is to decide whether the particular position is professional or technical. At the present time that question is decided by the Governor in Council, and the appointment is made by the Governor in Council, subject to the commission issuing a certificate. I may say that this clause as it is now framed is in accordance with the recent Order in Council; so it practically takes out of the hands of the Governor in Council those appointments.

Hon. Mr. BOSTOCK: That is the Order in Council which was passed in February last?

Hon. Sir JAMES LOUGHEED: Yes.

Section 15 was agreed to.

On section 16-promotion:

Hon. Mr. POWER: The clause that has just been read has at the bottom, "1906, e. 47, amended." What are the amendments? The Bill, a most important measure, comes up here when we are, I suppose, within 48 hours of prorogation. I think that the Senate has not been treated as it should be. I do not think this Bill ought to be railroaded through in the way it is apparently being put through.

Hon. Sir JAMES LOUGHEED: I am only too glad to give my honourable friend any explanation that he may desire; only he would not permit me to give it to him until he had given us castigation for introducing the Bill into the Senate at this late hour of the session. Promotions were made by the Governor in Council upon the recommendation of the head of the department, based on the report of the deputy head, with a certificate of qualification issued by the commission. This provides that promotion shall be made by the commission on the recommendation of the deputy head. There is also a

provision that the promotion may be confirmed after eix months. Subsection 2 is the same as before, with some verbal changes. The section simply carries out the principle of leaving these matters with the commission instead of with the Governor in Council.

Hon. Mr. BOSTOCK: According to the clauses of this Bill, it seems that the honourable gentlemen who hold positions at the head of the departments, the ministers of the Crown, are the ones who are being left out, very considerably, in this matter. Have they registered any objection to being overlooked?

Hon. Sir JAMES LOUGHEED: They are making a very heavy sacrifice in handing over to the commission the patronage that they formerly exercised. It may be in the public interest. That is to be determined.

Hon. Mr. POPE: I would like to ask the honourable leader of the Government if there is any limit to the time during which the deputy ministers remain in office?

Hon. Sir JAMES LOUGHEED: The deputy minister is appointed during pleasure, which practically means for life.

Hon. Mr. POPE: We all know that deputies remain in office until they become so autocratic that the Kaiser would have to take second place to them. They are more fussy than an old maid making up her feather bed—nobody else ever gets into it. A man under a deputy minister stands a mighty poor show.

Section 16 was agreed to.

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On section 17-transfers:

Hon. Sir JAMES LOUGHEED: This is an amendment. In the first place, the power making transfers is enlarged so as to cover all portions of the public service, but they are made subject to the approval of the deputy head and the commission instead of the Governor in Council. I move that subsection 2 of this section be struck out:

(2) Such transfers shall be made without increase of salary to any person transferred.

Hon. Mr. BOSTOCK: What is the object of striking that out?

Hon. Sir JAMES LOUGHEED: It leaves a greater discretion to the commission, so that if the circumstances warrant an increase of salary to a person transferred, it gives the commission the opportunity of so reporting to the Governor in Council. Hon. Mr. POPE: May I ask the honourable leader of the Government if the minister would have the privilege of representing to the commission that his deputy minister was unsatisfactory, and asking for his removal?

Hon. Sir JAMES LOUGHEED: There is nothing to prevent that. There is nothing to prevent a minister moving in council, if necessary, to remove a deputy minister.

Hon. Mr. POWER: I think subsection 2 should remain.

The amendment of Hon. Sir James Lougheed was agreed to.

Hon. Sir JAMES LOUGHEED: Subsection 3 will now become subsection 2.

Hon. Mr. BOSTOCK: What is the object of what will now be subsection 2? It may occur that it would be desirable to transfer to a certain position a man whó is over the age at which he might have been appointed to that particular position. I do not quite see why that subsection should be there at all.

Hon. Sir JAMES LOUGHEED: It might lead to abuses to allow men advanced in years to seek transfers of that kind.

Hon. Mr. BOSTOCK: But this subsection is under the control of the commission in the same way as the previous subsection, which we have struck out. We have to trust the experience and judgment of the commission as to whether it is advisable to approve of the transfer.

Hon. Sir JAMES LOUGHEÈD: It will prevent influence and pressure from being brought to bear upon the commission by persons perhaps advanced in age and seeking a transfer.

Hon. Mr. BOSTOCK: Would not the same consideration apply in the case of the subsection which we have struck out?

Hon. Sir JAMES LOUGHEED: No.

Hon. Mr. BOSTOCK: Persons transferred might say: "This is harder work than we have done before; therefore we are entitled to an increase in salary." I think there would be danger of the same kind of pressure being brought to bear on the commission in the one case as in the other.

Section 17, as amended, was agreed to.

Sections 18 and 19 were agreed to.

On section 20-commencement of annual increase:

Hon. Mr. POWER: What is the change in section 20?

Hon. Sir JAMES LOUGHEED: It provides that the annual increases shall commence at the beginning of a quarter, and in the case of post office inspectors at the beginning of the year. It is the same as the existing law, with the exception of the proviso which is added to enable an increase to be postponed or withheld. The proviso is self-explanatory.

Section 20 was agreed to.

On section 21—salary to be raised to new minimum; when maximum increase:

Hon. Sir JAMES LOUGHEED: That is the present law.

Section 21 was agreed to.

On section 22-additional payments forbidden:

Hon. Mr. POWER: What is the change in that?

Hon. Sir JAMES LOUGHEED: The well-known phrase, "notwithstanding anything in the Civil Service Act," is left out

Hon. Mr. BOSTOCK: There is a proviso:

Provided, however, that nothing in this section is intended to prohibit the payment to any officer, clerk or employee of a separate annual salary from each of two or more departments.

Hon. Sir JAMES LOUGHEED: That is the present law.

Section 22 was agreed to.

On section 23—employment of extra assistance:

Hon. Sir JAMES LOUGHEED: This is new. Temporary employees are to be supplied by the commission. Under the old law applicable to the Inside Service temporary employees could not be employed for more than six months. It is now proposed that the commission shall specify how long a temporary employee is to be employed; but no temporary employee is to be employed longer than six months at a time.

Hon. Mr. BOSTOCK: In the case of the Interior Department or the Mines Branch, a survey party may require a packer. Do they have to apply to the head of the department at Ottawa first of all, and then to the commission, before they can employ a man to do that work?

Hon. Mr. BOSTOCK.

Hon. Sir JAMES LOUGHEED: Mr. Jameson informs me that the officer in charge of such a party-would have the right to employ such workmen and report to the commission.

Hon. Mr. BOSTOCK: The work of the party would not be tied up?

Hon. Mr. GIRROIR: Is that provided for in the Act?

Hon. Sir JAMES LOUGHEED: There is no specific provision. That will be governed by regulation.

Section 23 was agreed to.

Sections 24 and 25 were agreed to.

On section 26-sick leave, etc.:

Hon. Sir JAMES LOUGHEED: It is proposed to make sick leave subject to regulations to be prepared by the commission with the approval of the Governor in Council. The details will have to be worked out so that on the one hand old and faithful employees will be treated fairly, and on the other hand malingering will be stopped.

Hon. Mr. POPE: If a man were sick would he have to wait until all these details were worked out before he could get leave or get better?

Hon. Sir JAMES LOUGHEED: Oh, no; he could make application at once.

Hon. Mr. POPE: You have a doctor on the commission?

Hon. Sir JAMES LOUGHEED: Yes.

Section 26 was agreed to.

Sections 27 and 28 were agreed to.

On section 29-suspension:

Hon. Sir JAMES LOUGHEED: At the present time, if a person is suspended, he cannot receive any pay, even though he may later be exonerated and reinstated, unless the House votes to make good any loss of salary. It is now proposed that the commission shall decide whether the salary shall be forfeited or not.

Hon. Mr. GIRROIR: These cases are reported to the commission? What power have they?

Hon. Sir JAMES LOUGHEED: They shall decide whether the salary is to be forfeited or not.

Section 29 was agreed to.

Sections 30 and 31 were agreed to.

On section 32-voting at elections permitted, but partisan work forbidden:

Hon. Sir JAMES LOUGHEED: The object of this section is to prevent employees contributing to or handling party funds.

Hon. Mr. POWER: Why should we undertake to legislate with respect to provincial elections? I think the words "or provincial," in line 32, should be stricken out.

Hon. Sir JAMES LOUGHEED: We have a right to legislate as to what an employes shall or shall not do. It is not desirable that employees of this Government should become engaged as partisans in provincial elections any more than in Dominion elections.

Hon. Mr. POWER: That is a matter for the provincial legislatures.

Hon. Sir JAMES LOUGHEED: No, tha provincial governments would have no authority over a Dominion employee.

Hon. Mr. POWER: Does the honourable gentleman mean to say that a man, because he happens to be a civil servant of the Dominion, is not subject to the provincial laws in matters which come within the exclusive jurisdiction of the provincial legislature? If the provincial legislature choose to do so, they have a right to decide that a man holding a Dominion Government office shall not vote.

Hon. Sir JAMES LOUGHEED: This does not deal with the question of voting. We are dealing with the question of their contributing to and handling party funds and becoming active workers in connection with provincial elections.

Hon. Mr. POWER: The honourable gentleman does not see the point. The section says:

No deputy head, officer, clerk or employee in the civil service shall be debarred from voting at any Dominion or provincial election.

I move that the words "or provincial" be stricken out.

Hon. Mr. BOSTOCK: Does my honourable friend think they ought to remain in?

Hon. Sir JAMES LOUGHEED: Yes. The objectionable feature is covered by the latter part of the section, and that is what my explanation applies to. Let us read the section in its entirety. It says:

No deputy head, officer, clerk or employee in the civil service shall be debarred from voting at any Dominion or provincial election if. under the laws governing the said election, he has the right to vote. We are not affecting the provincial law in any way. The latter part of the section says:

But no such deputy head, officer, clerk or employee shall engage in partisan work in connection with any such election, or contribute, receive or in any way deal with any money for any party funds.

Hon. Mr. POWER: I withdraw my objection.

Section 32 was agreed to.

Section 33 was agreed to.

On section 34-officers of Parliament, what part of Act to apply to:

Hon. Sir JAMES LOUGHEED: After the word "appointment" in line 5, I want the word "transfer" inserted. It will then read in this way:

So much of this Act as relates to appointment, transfer and promotion.

We have already dea't with the question of transfers.

Hon. Mr. BOSTOCK: We have had considerable discussion in this Chamber on the question of the members of the staff of the Senate under the Act of 1908. Does this clause make any difference in that regard?

Hon. Sir JAMES LOUGHEED: No, it is just the same.

Section 34 was agreed to.

Section 35 was agreed to.

On section 36-publication of Civil Service list:

Hon. Sir JAMES LOUGHEED: The commission; instead of the Secretary of State, will prepare the Civil Service list.

Section 36 was agreed to.

Section 37 was agreed to.

On section 38-appointments to be by competitive examination:

Hon. Mr. POWER: The proviso gives very wide powers.

Hon. Mr. GIRROIR: In my opinion the questions for examinations should be prepared by the commission, of course, but in conjunction with the heads of departments. I do not know just what the practice is at the present time. I think the commission refer the preparation of the questions for examinations to professors in colleges or institutions who are specially fitted to prepare them. But I think that as a practical proposition these tests and examinations SENATE

should be prepared by the commission conjointly with the heads of the departments. Because, when it comes down to work of a special character, who can know more about it than the head of a department, who is familiar with it from beginning to end, having perhaps been working along such lines for a number of years? I do not see how you can have a proper test unless you have the assistance of the head of the department in preparing the questions. I think there should be some change, making it clear that the papers are to be prepared by the commission, but that the assistance of the heads of departments should be given rather than the assistance of professors in colleges, who, although they may have a general and perhaps very wide knowledge of the subject, have not a practical knowledge of the work required of the clerks.

Hon. Mr. SCHAFFNER: I think this section is of very great importance. I quite agree with the honourable member from Antigonish (Hon. Mr. Girroir). The matter of competitive examinations can be more abused than almost anything in connection with the Civil Service. If you want to get an impractical examination, get a college professor to prepare the questions. I hope the Civil Service Commissioners will see to it that the proper men are selected for this work. You may have a very learned but very impractical man preparing the questions for these competitive examinations.

Hon. Mr. BOSTOCK: We are bringing in the whole of the Outside Service. Is every one employed in that service going to have to pass an examination when they come in, or where is the line drawn?

Hon. Sir JAMES LOUGHEED: That will be worked out by regulation in course of time. As I said yesterday, this is largely a work of evolution, and in due time we will arrive at the point of requiring practically all candidates for appointment, both in the Inside and the Outside Service, to submit to examinations of the same character. It would be utterly impracticable to submit a question of this kind to the deputy ministers, that is, to have them join with the Civil Service Commissioners. There are about twenty separate departments of Government, and after consultation with every deputy minister you could not possibly have any common agreement as to the basis of educational tests, for each deputy would have his own idea of what the educational standards should be. We have to assume that the commis-

Hon. Mr. GIRROIR.

sioners will exercise good sense and judgment in determining what the examinations shall be, and that the subjects will be such as to insure that the candidates are fit to take positions in the public service. It is contemplated that in the future the business experience of candidates will be taken into consideration, and a status given to them in accordance with their knowledge of and familiarity with business matters. This is something which has not been taken into consideration heretofore. Younger candidates leaving scholastic intitutions have had a peculiar advantage over older candidates on account of not being required to submit to such an examination.

Hon. M. WATSON: This will apply to postmasters?

Hon. Sir JAMES LOUGHEED: Not an examination of this kind. It does not necessarily follow that there will be an educational test.

Hon. Mr. WATSON: A good deal has been said in another place with regard to doing away with patronage. I think there is a good deal of camouflage about this. There is no person better qualified to recommend appointments in a rural district than the member of Parliament representing that district. You may take away the privilege of making appointments, so that it is not political patronage, but the gentleman who for the time being represents a district in the House of Commons should be consulted about all appointments made in his district, because no one is better qualified to judge and give information on that point. Of course, the abuse that has taken place in the past has been due to the fact that very often the minority candidate, the defeated candidate, had made the recommendations, and he cares little about the service which is given. If you consult a member of Parliament, he is bound to exercise his best judgment in making a suitable recommendation. think there is far too much said now about political patronage. If you take away from a sitting member of Parliament the power of nominating candidates for appointment, and do everything by Order in Council, you may as well dissolve Parliament and get rid of the member altogether. I hold very strong views on this matter, and trust the commission will take note of them. I think it is practically the unanimous opinion of the members representing rural districts that, so far as appointments in

their districts are concerned, they ought to be recommended by the member, and I think the best possible service can be given to the country by accepting their recommendations.

Hon. Mr. SCHAFFNER: In the few remarks I made a while ago I said that the word "patronage" in connection with this Bill had run mad.

Hon. Mr. WATSON: Run mad, that is right.

Hon. Mr. SCHAFFNER: There is no doubt about that, and I am very much in accord with the views expressed by my honourable friend from Portage la Prairie (Hon. Mr. Watson). We pretend in this country to be democrats, and not autocrats; and the very tendency which my honourable friend opposite has been opposing would lead to autocracy, in my humble opinion. I am very pleased to see patronage go in reference to large things such as the letting of contracts for large amounts; but I propose to confine my remarks to a point mentioned by my honourable friend opposite, and ask how we are going to get the most efficient man for a postmaster or a customs officer, say in an outlying district west of the great lakes, a very long way from Ottawa. The commissioners may be men who know something about Western Canada, or the far East, or they may not. We are supposed to be governed by the people, and our motto is "responsible government." In the constituency of Souris, which I had the honour to represent for a number of years, we never had any difficulty when a postmaster or a customs officer was wanted. The salary attached to such positions is not very great. Perhaps the largest salary paid in outside customs offices is \$900. Now, upon whose advice will the customs officer be nominated or appointed in Souris or any other constituency without application to the member representing it? All the people cannot come down here to Ottawa to legislate for the electors. Those electors have a representative here, and I believe in the great majority of cases he makes an earnest endeavour to represent the people. While he may have prejudices, and may make mistakes, my experience in the House of Commons, which I believe is the experience of nearly every other member of that House, shows that as a rule that system has worked out to the advantage of the people. When we run mad on the word patronage so far as to say we are not going to ask the representatives of the people as to the person who shall receive an appointment, I say that is something

that every member of this House should oppose. I quite agree with my honourable friend that, if any of those offices are to be filled efficiently and to the advantage of the country, you must ask the member of Parliament to name the man. It may be said he is a partisan. Well, my experience in councils, whether town or rural, has been extensive, and I do not know where you could find any body of men who are more partisan than the members of those councils. They are just as partisan as a member of Parliament. The leader of the Government in the other House was asked the question: who would name the candidates for appointment? He replied: "We will get the efficient man." But that is no answer at all. I claim strongly that the member of Parliament, the representative of the people in the House of Commons, is the man who should be asked, and the one whose advice is better and will work out more efficiently than that of any set of men in any constituency in this country.

Hon Mr. WATSON: I referred particularly to the initiative in nominating men for appointment. Of course, for any position that may call for technical knowledge, such as that of a customs officer, the appointment should be supervised by the commission; but the naming of a man in the constituency ought to come from the sitting member of Parliament; and I think there is a grand opportunity for introducing that evstem at the present time, because we are supposed to have a Union Government with the partisan spirit wiped out for the present. I would not consult members representing any particular party, or the defeated candidate of the party in power; but I would consult the member of Parliament for the district, no matter to which party he belonged. He should have the responsibility of seeing that Dominion Government officers in his district are proper and suitable men. He is the man who has to suffer if he makes a bad appointment. I have a good many years experience of political patronage, as it may be called, and I do not know any person who is more careful in selecting the proper man to represent the Dominion Government in any particular office in the district than the member of Parliament. If we are going to have democratic representation here, we ought to consult the people, and no appointment should be made in any constituency without the recommendation of the member of Parliament.

Hon. Mr. CHOQUETTE: I think the worst service that can be rendered to any member of Parliament is to leave the patronage in his hands. When I was a member of Parliament the worst thing against me was the distribution of patronage; it made me more enemies than anything else. No doubt the member is the best man to give information as to candidates for positions, but the duty really devolves on the Civil Service Commission, as shown in section 4, paragraph d, which says:

(d) to obtain the assistance of competent persons to assist the Commission in the performance of its duties.

No doubt the commission will require the help of the member of Parliament and will take his advice, but let it be remembered that the commission has the duty of appointing officials. I think it is best to get rid of the patronage of the member of Parliament, in his own interest

Hon. Sir JAMES LOUGHEED: We cannot blow hot and cold in dealing with the principle which permeates the whole of this legislation. If we are to leave patronage with the members of Parliament-and I am not for a moment criticizing the manner in which they exercise the right of patronage -we had better not consider this Bill any further. It is utterly impossible to draw lines of distinction and say that the member of Parliament shall be consulted. There is nothing to prevent the commission from consulting with the member of Parliament, but immediately we make it obligatory we fall back on the old sys-We cannot reprobate and approtem. bate at the same time. Let me point out that, so far as the appointment of postmasters is concerned, the fact must not be overlooked that the Government has ramifications from the Atlantic to the Pacific in the way of inspectors, superintendents, and that class of officers, who are thoroughly familiar with the local conditions of every section. Take the matter of a post office, for instance; who is more familiar with the requirements than the inspector of the particular district in which the vacancy has occurred?

Hon. Mr. SCHAFFNER: As to who should be the postmaster?

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. SOHAFFNER: He would not know a thing about it.

Hon. Mr. WATSON.

Hon. Sir JAMES LOUGHEED: Who would be better able to advise the commission, outside of a local resident?

Hon. Mr. GIRROIR: He would have to make a special inspection.

Hon. Sir JAMES LOUGHEED: Yes. It is the duty of the inspector of that particular district to acquaint himself with those who may be capable men, and I think the commission, the Government, and the country may rely upon those senior officers in the public service making such recommendations as would appeal to the good judgment of the public.

Hon. Mr. WATSON: There is one inspector of post offices for Manitoba; indeed, I think one for Manitoba and Saskatchewan.

Hon. Mr. LAIRD: No, there are several inspectors.

Hon. Mr. WATSON: There is not more than one in Manitoba.

Hon. Mr. LAIRD: There is one in each province.

Hon. Mr. WATSON: Those provinces extend for several hundred miles. Is an inspector going to make a trip to a little country district because there is a vacancy? Surely he should inquire from some person who ought to know, and I venture to say that the member of Parliament knows every post office in every district in the province, and knows persons who are capable of being postmasters. The leader of the House says we cannot blow hot and cold. I am not suggesting that we should; I suggest that we eliminate the political patronage when we take the recommendation of the member of Parliament.

Hon. Sir JAMES LOUGHEED: There is nothing to prevent the commission from communicating with the member.

Hon. Mr. WATSON: I suggest that, and I suggest that members of this House express themselves, because we are giving directions to the commission as to how they should act in this matter, and I suppose they will take some notice of what is said here. I think they should be guided to a great extent by the representatives of the people as to whom they should appoint, and I think it would not be going too far to say that before making their recommendation they should consult the member of Parliament and ask him what name he would suggest. Any position requiring technical knowledge I think the commission should pass upon even before the

recommendation of the member should be acted upon.

Hon. Mr. GIRROIR: If an inspector wished to decide upon the location of a post office, or as to who should occupy the position of postmaster, I think he would write to the leading men of the district, say the clergymen, justices of the peace, and so on, and get their opinion. That is the only way in which he could obtain information in regard to the locality; because, if it were necessary for him to go into each district and make a thorough examination of the whole situation, we would require a dozen inspectors instead of two or three. If the plan outlined were carried out, and I presume that is the procedure, I think we would get pretty good results, because the inspector would have information from leading citizens of the district, and from his own knowledge of the situation he could surely reach a reasonable conclusion. No doubt the member of Parliament would in some cases be consulted also. But if we are to get clear of patronage we had better keep the representative of the district as far away from this matter of appointments as possible. I think that the whole difficulty has been that the House of Commons as a body and the members of that House have utterly failed in discharging this duty as it should have been discharged. I think that if the whole business of patronage had been handed over to the Senate we would not have had these difficulties.

Hon. Mr. WATSON: I do not think there is any ground for making the statement that the whole system in the past has failed. I have heard little or no complaint about the appointment of such officers as postmasters in any part of Canada. I know that is true of the West. In all these matters the recommendations are made by members of Parliament, and very often as partisan appointments. Recommendations are often made by defeated candidates. I propose to remove that privilege from partisans and defeated candidates, and let it be exercised by the man representing the people in Parliament. We thus eliminate the partisan element altogether. The member for the time being, whether he is Liberal or Conservative, would have the recommendation, but he is always careful to recommend the best man possible, for upon the recommendation that he-makes and the officers that he names and appoints he stands to win or lose at the next election. He is responsible to the people, and has to give an account to the people for al!

those appointments, and I think he ought to be consulted.

Hon. Mr. POWER: I sympathize to a certain extent with the honourable gentleman from Portage la Prairie (Hon. Mr. Watson), but I direct his attention to this rather remarkable fact, that the member of Parliament is supposed to recommend the best man, and the honourable gentleman has claimed that in the past members of Parliament have done their duty. I do not know how things are done in the province of Manitoba; but I know that in the province of Nova Scotia, when a change in the Dominion Government takes place, a number of the best men, who had been appointed on the recommendation, say, of the Liberal member, are dismissed, and a number of other best men are appointed on the recommendation of the sitting Conservative member.

Hon. Mr. SCHAFFNER: We don't do that in the West.

Hon. Mr. POWER: Now, as the honourable minister has said, we cannot blow hot and cold. I think that, on the whole, the change which was made in this Bill in the House of Commons has given the members of Parliament every reasonable ground to make recommendations. As the Bill was introduced, there was a prohibition of any political influence being exercised; but the House of Commons amended the Bill so that now the member of Parliament can use his influence with the commission. I think that is going quite far enough in the way of political influence.

Hon. Mr. POPE: I had the honour of occupying a seat in the other House for eighteen years, and during that time, in the case of any vacancy occuring in a postmastership, I called upon the Government of the day through their officers, notifying them that there was a vacancy and that it was desirable that it should be filled; and at no time during those eighteen years did I recommend or specially endorse anybody who was not approved of by the inspector or assistant in Compton county. Among the appointments was one to which some of my political friends made strenuous opposition; it was that of a gentleman who had contested that county with my father previous to my representing it. I just mention this to prove conclusively that these matters can be handled by the proper officers of the Government if so desired. So far as I am concerned, and so far as I know the facts. I wish to resent

S-39

REVISED EDITION

SENATE

any insinuation that honourable members of the House of Commons as a whole have not done their duty faithfully in the past. as they saw their duty. I do not think it is for this Chamber, and I do not think it strengthens our position in public life, to say that men who have to fight the battles, to go through the ordeal of public opinion, and to do their best under many difficulties, and sometimes have to do things that they would prefer not to do in order to win the battle in which they are particularly concerned-to say that these men do not do their very best to have the various offices filled in keeping with the best traditions of their party and the constituency from which they come. I feel also, although I may be wrong in this, and hope I am, that while this great reform receives my approval, and while I thoroughly believe in the removal of patronage from the command of partisans, or from bothering those men with it, many a good reform has been forced upon the people too rapidly, and consequently has lost very much in its application. In this matter I feel that if this reform had been confined at the beginning to the Inside Service, so as to allow time to have had that so regulated that the reform would have recommended itself to the confidence of the people of Canada, it would then have been high time for us to have extended it to the Outside Service. In that respect I feel some hesitancy in assuring myself that this measure will have all the efficiency that I am sure the Government desires it should have.

Section 38 was agreed to.

Progress was reported.

INSPECTION AND SALE ACT AMEND-MENT BILL (FOOD CONTAINERS, FIREWOOD, AND CEMENT.

FIRST READING.

Bill 19, an Act to amend the Inspection and Sale Act (Food Containers, Firewood, and Cement).—Hon Sir James Lougheed.

CUSTOMS TARIFF AMENDMENT BILL.

FIRST READING.

Bill 81, an Act to amend the Customs Tariff, 1907.—Hon. Sir James Lougheed.

BUSINESS PROFITS WAR TAX BILL. FIRST READING.

Bill 84, an Act to amend the Business Profits War Tax Act, 1916.—Hon. Sir James Lougheed.

Hon. Mr. POPE.

INCOME WAR TAX BILL.

FIRST READING.

Bill 85, an Act to amend the Income War Tax Act, 1917.—Hon. Sir James Lougheed.

INSPECTION AND SALE ACT AMEND-MENT BILL, (FRUIT, FRUIT MARKS, AND POTATOES).

FIRST READING.

Bill 108, an Act to amend the Inspection and Sale Act (Fruit, Fruit Marks and Potatoes).—Hon. Sir James Lougheed.

The Senate adjourned until 3 p.m.

Second Sitting.

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

CRIMINAL CODE AMENDMENT BILL.

FIRST READING.

Hon. W. B. ROSS presented the report of the Special Committee on Bill 69, an Act to amend the Criminal Code, with certain amendments.

The amendments were concurred in.

Hon. W. B. ROSS moved the third reading of the Bill. He said: The only thing I wish to say with regard to the report of the committee is that in striking out sections 1, 2, 3, and part of 4, the committee felt that they would require to hear witnesses and get a great deal of information before they could form an opinion upon those sections. If those sections are introduced at another time, this House will no doubt be ready to give due consideration to the representations of anyone who wishes to be heard with respect to them.

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

THE PRINTING OF PARLIAMENT.

On the motion for concurrence in the third report of the Joint Committee on Printing:

Hon. Mr. DENNIS: There are two or three points about the report which I would like to mention. The report formally recommends the printing of a few returns, and then it gives a long statement of documents that are not to be printed. The chief point I would like to mention is that the committee is endeavouring to effect economies in the printing of bluebooks, as to the number of pages and the number of copies; also to effect a large economy amounting

to \$20,000 or \$30,000 in the cost of paper. As the paper is likely to be purchased at an early date I desire to have this report adopted this afternoon, if possible.

Hon. Mr. BOSTOCK: I would like to ask the honourable gentleman who brings in this report why it refers particularly to the Customs returns?

Hon. Mr. DENNIS: The report referred to is a monthly report issued by the Customs Department and is simply a duplication of the figures printed by the Department of Trade and Commerce. A resolution of the Joint Committee on Printing was adopted eight or ten years ago, providing that 3,500 copies of the statistics of the Customs Department should be printed every month, and, though these statistics are being duplicated by the Trade and Commerce Department, we must continue printing 3,500 copies of Customs statistics every month until that resolution is rescinded. This recommendation is to rescind that resolution compelling the printing of 3,500 unnecessary copies.

Hon. Mr. POWER: This report, I suppose, will receive the cordial approval of almost every member of this House. There is just one point as to which I do not feel quite clear. Under this report and under previous reports of the committee, there will be a very considerable saving in expenditure for printing and distribution. There is this point to be considered, though. I think that there is room for further economy, and I should like to learn from the Chairman of the Printing Committee whether the committee have made any proposal which will cover the case that I am about to mention. Honourable gentlemen will have noticed that slips are distributed to the members of the House, informing them that such-and-such a bluebook has been printed. If we did our duty carefully and conscientiously we should examine these slips and make the proper return to the distribution office, but, as a matter of fact, senators do not do that. I know I have not done it myself, and I have seen some of my honourable colleagues simply drop these slips into the wastehasket

Hon. Mr. DANDURAND: That is all that is necessary if a member does not want the bluebook.

Hon. Mr. POWER: In order to meet the wants of members of the House I think the department that is charged with this business should at some considerable time $S-39\frac{1}{2}$

before the opening of the session, cause to be printed a table showing all the reports that are to be published during the coming year, and that each member and everyone outside of Parliament who is entitled to receive copies of the bluebooks, should mark on this table the reports with which he wishes to be furnished. As a matter of fact, I think that the most of the members of this House would not wish to be furnished with the majority of the numbers. In that way the Department of Public Printing would know before the reports came out what reports were required and what number of each report, and we would . save not only the cost of distribution but the cost of printing and of paper, a very important item. I trust that the honourable the chairman of the committee will be able to inform us that that reform is also to be adopted.

Hon. Mr. WATSON: As I understand it, the reform suggested by the honourable gentleman from Halifax (Hon. Mr. Power) is being carried out at the present time. Some few years ago the plan was adopted of not distributing the blue books until they were asked for. We have to wait until all the reports are presented to Parliament. I suppose some are not down yet. Consequently the department notifies the members as soon as a report is presented and ready for printing. Then a card is sent out, and if a report is wanted the card is marked and sent back.

Hon. Mr. SMITH: Do I understand that this card is issued before the books are really printed?

Hon. Mr. WATSON: I understand so.

Hon. Mr. BOYER: No.

Hon. Mr. POWER: The scheme that I propose would save the cost of printing and paper. The plan which has been in operation saves the cost of distribution, but the cost of printing and paper is considerably more than the cost of distribution.

Hon. Mr. WATSON: I take it for granted that all reports are printed to a greater or less extent.

Hon. Mr. POWER: Not necessarily.

Hon. Mr. WATSON: I will refer to the Chairman of the Printing Committee.

Hon. Mr. DENNIS: All departmental reports are printed to a greater or less extent, and by members marking this card the Distribution Department gets notice of the number required.

Hon. Mr. BEIQUE: I think the point taken by the honourable senior member for Halifax is well advised. As it is, these slips are issued after a given number of reports have been printed.

Hon. Mr. WATSON: No.

Hon. Mr. BEIQUE: Yes. The card is an advice that you can apply and get suchand-such a report. I take it that the cards are issued as fast as the reports are printed and ready for distribution. What is suggested by the honourable senior member for Halifax is that a list should be issued and distributed before the printing is done, and that members of Parliament and other persons who are entitled to receive the Parliamentary blue books be requested to declare what their requirements are. As was properly stated, that will enable the Government to save considerable in the printing of these reports. If only one hundred copies of a certain report are applied for, what is the use of printing possibly a thousand or two thousand copies?

Hon. Mr. DANDURAND: I have one of the cards here. I do not know whether it is the same card that is distributed in every instance. This card says:

Parliamentary Distribution Office, House of Commons.

House of C Dear Sir:-

I beg to inform you that the following report has been received, and that copies are now available for distribution.

Yours respectfully, R. B. Davidson.

That is Trade and Commerce, part I. Before we are asked whether we need that report, it is already printed. If we fail to answer, the only saving is in the distribution, not in the printing. The printing is useless.

Hon. Mr. CHOQUETTE: We all agree that the cost of printing must be reduced, but there is a question of fact to be settled. I understand that as a matter of law the departments are obliged to have one copy of every report printed and brought up to the House within fifteen days after the opening. So, according to law, the reports must be printed. The question of fact is whether this notice is sent to every member after the report is on the press in order that as many copies may be printed, because if we follow the suggestion of the senior member for Halifax many weeks before the House is called we shall receive a list of the reports and shall be asked which we require; and, in order to be on the safe side we will ask for reports that

Hon., Mr. DENNIS.

we really do not require, and in that way more copies will be printed than are necessary. If this card is sent out only after the report is on the press ready to be printed, after it has been composed, is it not the better system, because we will just ask for those reports that we want?

Hon. Mr. WATSON: I have just inquired from the distribution office, and they have informed me that five hundred copies of reports are printed for the Senate and the House of Commons. There used to be eight or nine hundred, but by means of issuing these cards that number has been reduced.

Hon. Mr. DENNIS: And they may be able to cut it down a great deal more. I appreciate the excellent suggestion made by the senior member from Halifax (Hon. Mr. Power), and will take the earliest possible opportunity to submit it to the committee, so that we may be able still further to economise in the number of copies being printed.

Hon. Mr. OROSBY: The report which we have before us does not interfere with that in the slightest degree. All it asks is that a different class of paper should be used. It also does away with the printing of 3,500 copies of a report which was printed by the Customs Department and also by the Department of Trade and Commerce. By adopting this report, you effect a saving of \$30,000. If we follow the line indicated by the senior member for Halifax we go further, and will do more next year; but I think the report before us should be adopted, in order that we may show our approval of the work done by the chairman and the members of the committee, many of whom are engaged in the newspaper business. They are giving a great deal of time and attention to this matter, and no one can object to the result.

Hon. Mr. DANDURAND: Nobody objects.

Hon. Mr. CROSBY: Nobody objects, but at the same time, while we keep talking, we cannot get the report through.

Hon. Mr. CLORAN: The report does not go far enough. If I were the chairman of that committee, I would suggest that the cheapest paper possible should be used, with the exception of about half-a-dozen volumes which should be printed on "papier de luxe" for His Excellency the Governor General, the Prime Minister, and the leader of the Opposition. The rest of the people should be satisfied with the cheapest paper possible.

The proposition put forward by the senior member for Halifax puzzles me. Before the reports are printed he asks me to indicate what ones I want. That is an embarrassing and puzzling position to be in. How am I to ask for reports when I do not know what is in them? I do not know if they are going to be of any value or of any interest. How can members of this House or members of the House of Commons, or trades people throughout the country indicate the reports that they want when they do not know what is in them or what is going to be in them? They do not know whether they will be of any value or of any interest. I do not think his propositon will hold water. You cannot indicate your choice of a thing without knowing what it is. The proposition falls to the ground by itself. The card system as explained by the honourable member from Portage la Prairie (Hon. Mr. Watson) and the honourable gentleman from Quebec (Hon. Mr. Choquette) is all right. A card is sent out asking if you want a certain report. If you want that report-not only one copy, for you may want ten, or a dozen, or a hundred, if it is of interest to your constituents-you ask for it. What suits one person does not suit another. The card system is practically the best.

Hon. Mr. GIRROIR: It is pretty hard for any one to know in advance of the printing of a report whether he wants it or not. If, on the other hand, a person has to read all the reports over in order to know what he wants, he has a pretty big contract ahead of him. I think the honourable senior member for Halifax is perfectly right in his proposition, and for several reasons. First, because it gives the Committee on Printing, or those who are managing that end of the business, an opportunity to know some time in advance what number of reports are likely to be needed. That is as far as we can go. We cannot advise the exact number, but we can give some indication, and a few extra copies may have to be printed in order to satisfy the possible demand. We get these cards from time to time, and if we want the report in question we sign the card, send it in and get the report; if not, we throw the card in the waste basket. If the session is over, perhaps some question may come up, and we may want one of these reports. We know in the main what reports are printed, but there are a number printed on different subjects by different departments that we do not often know very much about. If

we had a list, as suggested by the senior member for Halifax, we could always have that at hand, and if any subject came up we could refer to the list and send for the report required. If there were any copies of the report left we could get it, if not, we would have to go to the parliamentary library. For the reasons I have given, I think that is the better proposition.

The report was concurred in.

CIVIL SERVICE BILL.

CONSIDERED IN COMMITTEE—THIRD READING.

The Senate again went into Committee on Bill 53, an Act respecting the Civil Service of Canada.—Hon. Sir James Lougheed. Hon. Mr. Crosby in the Chair.

On section 39—computation of number of probable vacancies:

Hon. Sir JAMES LOUGHEED: There is no exceptional change in clause 39 except in subsection 2. In paragraphs a and b provision will be found giving returned soldiers the precedence and excepting them from the ordinary age limit and the physical requirements. The other provisions are similar to those now in force.

Subsection 7 provides that when a successful competitor receives temporary employment, the time of the temporary employment is to be counted in respect of any annual increase. With these exceptions, this clause is practically the same as in the old Act.

Hon. Mr. BOSTOCK: The Bill which I have before me says at the end of subsection 2: "1906, section 29, amended." Section 29 of the Revised Statutes of 1906 reads as follows:

Immediately after each examination a list of persons who are found qualified shall be made out and published in the Canada Gazette.

There is a considerable difference between that section and subsection 2.

Hon. Mr. DANDURAND: As I was not here this morning, will the honourable gentleman tell me if the Civil Service Commission has any power as to the manning of the departments? This clause says that they will settle upon the number of competitors to be selected, having regard to the requirements of the several departments. Have they any control as to the requirements of the departments?

Hon. Sir JAMES LOUGHEED: It is anticipated that each department will not hesitate to make known what its requirements are. I think each department will know better than any other what its needs are or may be. That is to say, the initiative will not be taken by the commission.

Hon. Mr. DANDURAND: I put the question because there is an impression abroad throughout the land, and even here in Ottawa, that has been of long standing, that all the departments are over-manned. Has the commission any control over that question?

Hon. Sir JAMES LOUGHEED: Yes, As I pointed out this morning, we have already made provision in the Bill for the Commission at any time to investigate conditions in a department. Section 9, subsection 4, gives ample powers to the commission to carry out such changes as they suggest.

Hon. Mr. BOSTOCK: I notice that subsection 2 of section 39 provides that the commission shall make up "a list of successful competitors in the case of a competi-tive examination." Will the commission be tied down completely to accept the names from such lists; or can they go outside of them? The point is that students from Toronto, McGill, or other recognized universities throughout the country may not necessarily pass those competitive examinations, and yet the examinations they pass at the universities should qualify Would such them for appointments. students be available for appointment without passing the competitive examinations?

Hon. Sir JAMES LOUGHEED: No; otherwise you could not introduce a competitive system.

Hon. Mr. BEIQUE: I would like to ask whether under paragraph a of section 39 any qualification is required for persons to be admitted to the examinations?

Hon. Sir JAMES LOUGHEED: Returned soldiers will be subject to the same examinations as civilians, the only difference being that they will be given a preference.

Hon. Mr. BEIQUE: But they may not be British subjects.

Hon. Sir JAMES LOUGHEED: Oh, yes. Section 41, subsection 1, provides for that.

Hon. Mr. POWER: I am glad to see that preference is given in paragraph a of section 39 to persons who have been on active service, and I am glad to see that the House of Commons has inserted this qualification: "and who obtain sufficient marks to pass such examinations." One would almost Hon. Sir JAMES LOUGHEED. gather, from reading the Debates in another place, that there were a number of gentlemen who thought that no qualification whatever should be required from persons who had been on active service. I am glad to see that it means, that, if they have the necessary qualifications and pass the examinations, they should then have the preference. I think that is as far as we should go; other things being equal, they should get that preference.

Hon. Mr. BOSTOCK: In subsection 6 of section 39 I notice the phrase, "position in the service." Does that mean the civil service?

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. BOSTOCK: Would it not be better to call it "civil service"?

Hon. Sir JAMES LOUGHEED: We are only dealing with one service.

Section 39 was agreed to.

On section 40— notices and examinations to be in both languages:

Hon. Mr. DANIEL: I would like to ask if it is the policy of the commission to have regular dates and regular places named for examinations, so that intending competitors all over the Dominion will krow when and where to look for them? I understand that in Great Britain such examinations are held at certain stated times and places, and candidates have knowledge in advance when those examinations are to take place.

Hon, Sir JAMES LOUGHEED: Between forty and fifty points throughout the Dominion have been selected at which examinations up to the present time are being conducted. These examinations have been held in May and November of each year. Outside of the places on this list, information respecting which can be obtained at any time, if five persons at any other point indicate their desire to present themselves for examination, an examination will be held at that point. The commission also intends passing a regulation for the holding of examinations more frequently than in the past, probably every three months, in order to meet the requirements of the public service.

Hon. Mr. BOSTOCK: I notice that in section 40 there is a change from the Act of 1906 which required the commission to give a month's notice to the candidate before the examination was held. What is the reason for doing away with that month's

notice? What has the commission been in the habit of doing in regard to notice given to candidates for the holding of an examination?

Hon. Sir JAMES LOUGHEED: From six weeks to two month's notice now.

Section 40 was agreed to.

On section 41—appointees must be British subjects unless special exemption:

Hon. Mr. DANDURAND: I am in doubt as to the wisdom of specifying residence in Canada for only one year as entitling one to a preference in entering the civil service. We will have over 500,000 soldiers returning from the other side, and they will be entitled to precedence after passing examinations. We all admit that they will not be absorbed into the civil service; yet even if only one-fifth of the soldiers applied for positions, we would be opening the door to an invasion of British soldiers who in the second or third year may be competing with our own, though they were not in our forces or enlisted by us. . This simply means that we could well afford to raise the period of residence in Canada to three years for people who were not in the Canadian Expeditionary Force.

Hon. W. B. ROSS: The honourable gentleman will see that the section has a sort of door in it, in the words, "no person shall, without the authority of the Governor in Council," be admitted to examination. Any person coming from the other side could only take the civil service examination by order of the Governor in Council.

Hon. Mr. DANDURAND: But you may have 500,000 of our own soldiers returning, and within the following three or four years 100,000 British soldiers coming from the British Isles, some of them with a view to entering the civil service through the preference given to soldiers; and they would be in competition with our own Canadian soldiers. It seems to me that one year is not a sufficient preference to give to our own soldiers to enter the civil service before people from abroad come in and compete with them.

Hon. Mr. FOWLER: It seems to me the argument of the honourable senator from De Lorimier (Hon. Mr. Dandurand) is a very strong one. There should be at least three years residence required instead of one. I would be very glad to support that. As the honourable gentleman has pointed out, we will have a very large number of

returned soldiers of our own, grown in our own country, who ought to have the preference, and I think that a man should earn his living in this country for at least three years before he becomes a pensioner on the public, or receives recognition in that way.

Hon. M. DANDURAND: If my suggestion meets with response, I will move to replace the words "one year" by the words "three years." That will give our soldiers a chance to have their own cases dealt with before new comers are entitled to enter the service.

Hon. Sir JAMES LOUGHEED: We will accept that.

Hon. Mr. DANIEL: I would like to ask whether a woman is a "person" in this Act. Subsection 1 of section 41 says: "No person shall . . . unless he is a naturalborn or naturalized British subject."

Hon. W. B. ROSS: "He" means "she."

Hon. Mr. DANIEL: "He" is also "she"?

Hon. Sir JAMES LOUGHEED: Well, he may be. Under the Interpretation Act, "he" includes females.

On subsection 2 of section 41-age limits:

Hon. Mr. POWER: It strikes me that this clause is based on a wrong principle. For a great many years the age limits have been fixed by statute, and every one knows what they are. This subsection proposes to substitute for the Act of Parliament a regulation of the commission approved by the Governor in Council. I think that is a mistake. We should fix by statute the age limits, and leave the commission power to make appointments within those limits. I think this subsection opens the door for a good deal of abuse and irregular practice. If the commission changes the age limits, as they may, no one will know whether he is eligible or not. I think it better to fix the age limits by statute, as in the past.

Hon. Mr. BOSTOCK: Has my honourable friend any remarks to make in regard to the age limits?

Hon. Sir JAMES LOUGHEED: It is not desirable to have a provision of that kind arbitrarily fixed by statute. There may be conditions which would render it very desirable to fix the age limits by Order in Council. Furthermore, to bring this Bill, which deals particularly with the Outside Service, into harmony with the law relating to the Inside Service, it is not desirable to

re-enact the arbitrary clauses that at present exist in the Civil Service Act. I think this is a matter that can be safely left with the Governor in Council.

Section 41, as amended in subsection 1, was agreed to.

On section 42-classification, Inside Service:

Hon. Mr. FOWLER: I would like to ask the minister if he could give us a definition of the difference between the Inside Service and the Outside Service. What does the Inside Service really mean? I thought the Inside Service really mean I though the Inside Service meant the service here in Ottawa, but 1 understand from one of my colleagues that there are men in Montreal and other places who are in the Inside Service.

Hon. Mr. SCHAFFNER: And there are many in Ottawa who are in the Outside Service.

Hon. Sir JAMES LOUGHEED: If my honourable friend will look at section 2, paragraph d, he will find there probably as clear a definition as I could give by any expression of mine. That is the definition clause. Furthermore, the part we are now considering, part IV, deals exclusively with the Inside Service.

Section 42 was agreed to.

On section 43-salaries:

Hon. Mr. FOWLER: I understand that some of the present deputy heads are receiving \$6,000 a year. Does this mean that their salaries will be reduced to \$5,000?

Hon. Sir JAMES LOUGHEED: No; this does not affect them at all.

Hon. Mr. FOWLER: But it applies to future appointments?

Hon. Sir JAMES LOUGHEED: Yes; they will be appointed on that basis.

Hon. Mr. PRINGLE: I see that in subsection 2 of section 42 technical officers are graded in grades A and B, and by section 43 their salaries range from \$2,900 to \$3,400. Grade B, as described in section 42, includes the principal technical officers, whereas in subsection 2 of section 43 it is provided:

The salaries of technical officers of the highest class shall be such as Parliament may provide.

There seems to be a conflict there. In one section the salary is fixed by statute, and in another it is stated that they shall have such salary as Parliament may provide.

Hon. Sir JAMES LOUGHEFD

Hon. Sir JAMES LOUGHEED: Subsection 2 of section 43 deals with a different class of technical officers, those of the highest class.

Hon. Mr. PRINGLE: The highest class is higher than the principal class?

Hon. Sir JAMES LOUGHEED: Yes, and their salaries are left to be provided by Parliament.

Hon. Mr. WATSON: I would like to inquire if the grading under subsection 3 conforms with the present grading in the Civil Service?

Hon. Sir JAMES LOUGHEED: It is somewhat analogous to it.

Hon. Mr. BOSTOCK: There is a change. The subdivisions seem to be divided again. The salaries in the old subdivision A of the first division ranged from \$2,800 to \$4,000. But in this case the salaries in grade A run from \$3,500 to \$4,000, and in grade B they run from \$2,900 to \$3,400. The new Act apparently provides for a rearrangement of the grades.

Hon. Sir JAMES LOUGHEED: There are new grades. They are perhaps more slowly ascending than in the existing law.

Section 43 was agreed to.

On section 44-annual increases :

Hon. Sir JAMES LOUGHEED: I move the following amendment to that section :

Such increase shall be made unless the deputy head makes a report in writing, which is concurred in by the Commission, that such officer, clerk or employee is not deserving of such increase.

That is to say, the increase is automatic unless there is a report to the contrary by the deputy minister.

Hon. Mr. FOWLER: Would it not be better to reverse that, providing that the increase shall be given on the report of the deputy head and shall not take effect unless the report of the deputy head is favourable?

Hon. Sir JAMES LOUGHEED: That is open to the objection that it places every employee in the hands of the deputy minister.

Hon. Mr. FOWLER: You are doing that anyway.

Hon. Sir JAMES LOUGHEED: We are doing that to a certain extent, but is it wise to give the deputy that complete authority over the increases in salary ?

Hon. Mr. FOWLER: The honourable gentleman speaks of the power given to the deputy. You are giving him absolute power; you are striking at the principle of responsible government in this.

Hon. Sir JAMES LOUGHEED: But to work this out to its logical end we have to vest authority in some official, and logically it should be the deputy head of the department; but where it is unnecessary to vest authority in him we had better not do so. That is to say, if we can arrange that these salaries shall be increased automatically, by reason of length of service of an officer in a department, there is no good reason why we should not do so. There is the only distinction.

Hon. Mr. FOWLER: Personally I do not think that a man should receive an increase in salary merely on account of length of service. He should not receive an increase unless his work justifies it. I thought the intent of the new Bill was to reward merit and take away the automatic principle; but you are not doing that at all.

Hon. Mr. DANDURAND: I would ask my honourable friend (Hon. Sir James Lougheed) how he interprets section 44 and in whom the authority for its enforcement is vested:

There may be given to every officer, clerk, or other employee in the first division, an annual increase of one hundred dollars, and in the other divisions an annual increase of fifty dollars, until the maximum of the grade is reached.

There may be given; by whom-upon whose recommendation?

Hon. Sir JAMES LOUGHEED: By the Crown—by the Government. Then we make the provision more expressive by the amendment which I have just handed in.

Hon. Mr. DANDURAND: But by that you increase the confusion in my mind. The deputy minister may object, which shows that somebody other than himself has acted, though it is from him that the recommendation should emanate. He has the staff under his authority, yet action is apparently taken, not by him, according to the amendment—

Hon. Sir JAMES LOUGHEED: No; by the statute.

Hon. Mr. DANDURAND: Unless he objects to a certain name in the list, the list must be prepared with the recommendation to council, and the practice is for the

'minister himself to bring in the list of increases for the staff of his department. The increases are automatic.

Hon. Sir JAMES LOUGHEED: The increases are made automatically year after year, and there is only one source of payment, that is, the Crown.

Hon. Mr. DANDURAND: If the increases are automatic, I cannot understand this wording: "There may be given to every person."

Hon. Sir JAMES LOUGHEED: But "may," under the Interpretation Act, means "shall." Then, under the amendment it is made really imperative, because it reads: "Such increase shall be made unless the deputy head—"

Hon. Mr. WATSON: I would prefer to see adopted the system suggested by the honourable gentleman from Sussex (Hon. Mr. Fowler). I think it would be much better that the increases should be given on the recommendation of the deputy head.

Hon. Mr. CHOQUETTE: The amendment says so.

Hon. Mr. WATSON: The amendment provides the reverse; it says that the increase shall be given unless the deputy head reports that it should not be given.

Hon. Mr. CHOQUETTE: That amounts to the same thing.

Hon. Mr. WATSON: We have adopted in this House the system of granting the annual increases to our staff on the recommendation of the Clerk, who occupies the position of a deputy head. Now, it is much easier for the Clerk to drop off any person who is not entitled to the annual increase than it would be to specify him and have his increase withheld. I think it would certainly be in the best interests of the service to have the deputy head recommend the increases. A civil servant should not be entitled to an increase unless he is rendering good service for the money paid him, and the extra amount provided would be an incentive for him to work up to it. It would be much better to grant increases on the recommendation of the deputy head.

Hon. Mr. CHOQUETTE: I would suggest that instead of all that red tape, requiring the recommendation to go to the deputy minister and then to the Commission, it would be better to give the minister a chance. I would not at all object to providing that the minister may under special circumstances grant an increase to a deserving employee. If the minister is willing to grant such an increase to a deserving civil servant, why should it be necessary for the recommendation to go to the deputy minister, then from him to the commission, and from the commission back to the minister? Why not provide that the minister, if he thinks proper, may at once give the increase? I would be willing to vote for such a provision.

Hon. Mr. GIRROIR: I think that the complaint all along has been that the deputy ministers in the different departments pick and choose amongst the members of the staff; a man is advanced because the deputy minister likes him. The civil servant now has the protection of this clause, and he cannot be refused his regular increase unless the deputy minister certifies that he is not entitled to it. There is in addition the further protection that the deputy minister, in certifying that a particular clerk should not receive the increase. must have behind him the assent of the Civil Service Commission. So, in order to prevent a civil servant from obtaining his regular annual increase, it is necessary to have not only the assent of the deputy minister, but also the assent of the Civil Service Commission. I think that a man should get his increase regularly according to the plan of this Bill, unless there is some special reason to the contrary; and I even go so far as to say that when a man is deprived of his increase the reason for depriving him should be stated. Then, an employee who has a grievance and has a case would know why he has not been given his increase. You hear civil servants say to-day, and they have been saying for years past:, "So-andso has been promoted'; he has got his increase; I have not got mine; why have I not got it?" He cannot find out; nobody will tell him. That has been current talk among civil servants for years, at least since I have come to Ottawa. Such complaints will all be done away with, and every civil servant will get his regular increase unless there is some special reason to the contrary. I do not want to move an amendment or delay the Bill at this stage, but I will go as far as to say that I would be in favour of requiring that, when the deputy minister or the Civil Service Commission declares that a man is not entitled to the regular increase. the reason should be stated.

Hon. Mr. POWER: I think that a man should have the right to appeal in case it is said that he is not entitled to an increase, because it may be a matter of feel-

Hon Mr. CHOQUETTE.

ing on the part of the deputy minister. The civil servant ought certainly to have the right to be heard in an appeal either to the minister or to the commission.

Hon. Sir JAMES LOUGHEED: He has an appeal to the commission.

Hon. Mr. FOWLER: No; it is not an appeal that is provided for in the Bill, because the civil servant is not supposed to be heard before the commission. He ought to be heard before the commission; but the procedure will be automatic: the deputy minister will make his report against this man, and the commission will automatically take the matter up. This man has a right to be allowed to appeal to the commission or to the minister, and the matter would then become a case to be argued out, on the evidence heard.

Hon. Mr. GIRROIR: If you insert a clause providing that the civil servant shall have an appeal to the minister, you are going back to where you were before.

Hon. Mr. FOWLER: That would not be a bad thing, I think.

Hon. Mr. GIRROIR: Then a civil servant will come to a member and say: "I did not get my increase this year; I am entitled to it; I want you to interest yourself. in my position." And there would be members and others interested going to the ministers, and you would have all sorts of trouble; but, as the clause stands. I cannot conceive that a deputy would recommend that a man should not get his increase, and that at the same time he would be able to exercise sufficient influence to get the Civil Service Commission to back him up in that recommendation, unless there were good reasons why the civil servant concerned should not get his increase. There are two independent authorities, the deputy minister and the Civil Service Commission. They hold office during pleasurecannot be removed; and these two authorities are not going to combine against the poor civil servant. While one of them, perhaps the deputy minister, might have some grievance, I cannot conceive that the Civil Service [Commission, outside of the department altogether, and not in touch with the employees, would agree without good reason with the recommendation against an increase.

Hon. Mr. FOWLER: It would be very natural for the commission to take the word of the deputy minister.

Hon. Sir JAMES LOUGHEED: Perhaps this amendment would meet with the view of my honourable friend:

Such increase shall be made unless the deputy head makes a report in writing, which is concurred in by the Commission, that such officer, clerk, or employee is not deserving of such increase; and such officer, clerk or employee shall be entitled to be heard before the Commission concurs in such report.

Hon. Mr. FOWLER: That is satisfactory.

Hon. Mr. DANDURAND: I do not know to what extent you are weakening the . authority of the head of the department or the deputy minister. There must be some discipline and order in the department.

Hon. Mr. GIRROIR: I understand that the civil servant may appeal to the Civil Service Commission?

Hon. Sir JAMES LOUGHEED: Yes; that is to say, if he desires to be heard before the Commission, he shall have the opportunity of being heard.

Hon. Mr. WATSON: In view of the position we have given the deputy ministers in all our civil service legislation, I think we are making a mistake in allowing the employee to go past the deputy minister. If there is to be order, there must be a head of the department, and the head of the department is the deputy minister. If the deputy minister does not do his duty properly, the Government ought to see that he is removed. If persons employing labour placed themselves in such a position that when the foreman wanted to dismiss a man he could not do it, I would like to know what control he would have.

Hon. Mr. POPE: Men come here to enter the Civil Service for life, and surely you are not going to put them out without a hearing.

Hon. Mr. DANDURAND: It is not a question of dismissing a man. It is a question of increasing his pay. Who is the best judge as to the services rendered by an officer or an employee? Who is the best judge as to his behaviour during the twelve months preceding, if not the deputy head ? My idea is that the deputy head should make his list of increases when he feels that employees are entitled to them. In that way it will be far easier to get his judgment on the work of the whole staff than by limiting him to entering an objection to an increase which would go if he did not object. If he has to send to the commission a list of the employees and of the statutory increases, he is face to face with the duty of following the services of all of those employees and of giving his opinion as to the work that they have performed. It is my impression that you will

not have his full opinion upon the staff if you change that and force him to object to some particular person being given an increase.

Hon. Sir JAMES LOUGHEED: The commission will not overlook the position oc- · cupied by a deputy in such a case.

Hon. Mr. POWER: The point made by the honourable gentleman from De Lorimier (Hon. Mr. Dandurand) is that the allowing of an appeal from the deputy head to the commission has a tendency to diminish the authority of the deputy head, and to deprive him of that respect and deference that he should have from his subordinates. I do not think that the clause before us makes any serious change in the existing law; but I would call the attention of the honourable leader of the House to the provision in subsection 4 of section 37 of the Civil Service Act of 1908, which it is true applies only to certain special increases, but which I think ought to apply to all increases. It savs :

The said increase shall only be authorised by the Governor in Council upon the recommendation of the head of the department based on the report in writing of the deputy head and, in the case of officers, clerks, and other employees of the second and third divisions to whom a further increase is recommended, accompanied by a certificate of merit from the Commission.

I think these increases should be limited to persons who are recommended by the deputy head.

Hon. Mr. BEAUBIEN: I venture to say that it would be a great mistake to depart from the principle enunciated in the Bill. Some of my honourable friends opposite still favour the old system under which the minister decided what increases should be granted. Honourable gentlemen will remember what numbers of letters they had to write, and how impossible it was to refuse to many people who asked for recommendations for increases. What would be gained if recommendations of that kind, instead of being addressed to the minister, were addressed to the deputy minister? There would be exactly the same trouble, except that the matter, instead of being dealt with by the minister, would be dealt with by the deputy. Thousands of recommendations would be asked for and given every year, and the deputy minister would be the man who would administer the patronage. I take it that the spirit of this Bill is to get rid of patronage. You want now to establish a system under which a man who goes into the service of this country knows what is facing him.. He knows that every year there is a statutory increase, and that he has not got to take his hat off to anybody and ask for a recommendation, or has not got to put up with a great many injustices that are done under the patronage system. He knows that he will be treated on the square, according to the statute, while, if he does not do his duty, I understand that there is enough authority left with the head of the department to deal with his case.

Hon. Mr. BOSTOCK: This clause says: "until the maximum of the grade is reached." I do not see any provision for what is to happen when the maximum is reached. The next clause deals with promotions, but does not deal with the grade.

Hon. Sir JAMES LOUGHEED: Unless a man is promoted to another grade he remains at his maximum.

Hon. Mr. BOSTOCK: What provision is there for promotion from one grade to another?

Hon. Sir JAMES LOUGHEED: The next section deals with promotion.

Hon. Mr. BOSTOCK: That is only promotion from one division to another.

Hon. Sir JAMES LOUGHEED: He cannot get anything beyond the maximum of his class.

Hon. Mr. BOSTOCK: That means that there would be an examination for promotion from grade B to grade A?

Hon. Sir JAMES LOUGHEED: Whatever the Act will require to effect that promotion.

Section 44, as amended, was agreed to. On section 45—promotions:

Hon. Sir JAMES LOUGHEED: That is the present law.

Hon. Mr. BOSTOCK: But in the present law there are not the same grades. Section 44 deals with the question of grades.

Hon. Sir JAMES LOUGHEED: If you go back to section 16, you will find that provision is made for promotion.

Hon. Mr. BOSTOCK: Then, the promotion from one grade to another is to be made by the commission on the recommendation of the deputy head?

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. POPE: Do I understand that the examination for promotion from one grade to another would be dictated by the Hon. Mr. BEAUBIEN.

commission? Surely it would not be an educational examination if a man had been fifteen or twenty years out of school.

Hon. Mr. WATSON: Section 16 provides for that.

Section 45 was agreed to.

Section 46 was agreed to.

On section 47—deputy head to direct department subject to head; full time to be given:

Hon. Mr. BOSTOCK: On subsection 2 I would like to ask whether my honourable friend has considered whether it would not be better to widen the term "Civil Service" to cover all the duties of a deputy head. As defined, it means and includes all officers, clerks, and employees in the service of the Crown. Now, we say here that the deputy head shall give his whole time to the Civil Service. I take that to mean that he shall give his whole time to the work.

Hon. Sir JAMES LOUGHEED: That is from the old Act.

Hon. Mr. BOSTOCK: In the old Act we had no definition of "Civil Service."

Hon. Mr. GIRROIR: Subsection 2 of section 46 says:

No officer shall hereafter be raised to the rank of deputy head except in the case of a vacancy occurring or when a new department is created by Act of Parliament.

I cannot see how an officer could be raised to the rank of deputy head except in one of those two cases.

Hon. Sir JAMES LOUGHEED: You might have two deputy heads in the same department.

Hon. Mr. GIRROIR: It is a question of rank.

Section 47 was agreed to.

Section 48 was agreed to.

On section 49—private secretaries, appointment and salaries:

Some Hon. SENATORS: Explain.

Hon. Sir JAMES LOUGHEED: The explanation is that at the present time the minister may choose anyone for his private secretary, who in this way, without examination and irrespective of age, may be appointed clerk in either subdivision B of the first division at \$2,100 to \$2,800, or in subdivision A or B of the second division at \$1,600 to \$2,100, or \$1,000 to \$1,600, as the case may be, and may be appointed at the

maximum salary; and these persons, after one year's service, are deemed to be permanently appointed in the Inside Service. The effect of this has been that a number of persons have been brought into the service at high salaries over the heads of the regular staff. When the ministers leave, the ex-secretaries remain, and work has to be found for them, and a succession of ministers may result in very much over-manning the highest-paid positions; and in some cases it has been impossible to provide suitable work. Besides the waste of public money, this has had a bad effect on those who have long and faithfully served in the departments, and who may be receiving much less salary. It is now proposed that a minister may bring in any person as his secretary at such salary as Parliament may provide, and when the minister leaves the secretary will be no longer employed. If the minister selects a member of the Civil Service, such person will be entitled to additional salary not exceeding \$600.

Hon. Mr. BOSTOCK: The secretary does not pass any examination?

Hon. Sir JAMES LOUGHEED: No; so he goes out of office with his minister.

Hon. Mr. POWER: I think this is a step in the right direction. I remember that I opposed the measure to which the honourable gentleman has referred, which allowed the Governor in Council to give a private secretary a very high salary and to place him in a high grade. As the honourable gentleman has told the House, there are several, I think, of these ex-secretaries now drawing pay largely in excess of the salaries drawn by civil servants who were in the service long before these ex-secretaries came there. I am glad that the Government are retracing their steps.

Hon. Mr. WATSON: What is the maximum paid to a minister's secretary at the present time?

Hon. Sir JAMES LOUGHEED: \$2,800.

Hon. Mr. WATSON: There was a discussion in another place the other night, and I understood that it was \$2,800 and \$600, making \$3,400.

Hon. Sir JAMES LOUGHEED: That may be done if a minister should select for his secretary an officer employed in the Civil Service receiving \$2,800. He can add \$600 to his salary.

Hon. Mr. WATSON: This was a new man.

Hon. Sir JAMES LOUGHEED: Unless sanctioned by Parliament, I am unaware of the amount exceeding \$2,800.

Hon. Mr. FOWLER: I do not see how you are going to keep from overmanning the service. Even if you have no more than enough when a man is selected as private secretary, you must fill his place. Whether to appoint the secretary from the outside or take a man from the service, you have another man anyway. Are you going to get rid of adding to the service by reason of appointing a private secretary from among the civil servants? If you do, you must be overmanned already.

Hon. Sir JAMES LOUGHEED: That admittedly is the case.

Hon. Mr. FOWLER: In that case, of course, if you get them to appoint their private secretaries from the service, you are doing the proper thing.

Hon. Sir JAMES LOUGHEED: It is proposed to start the weeding-out process before very long.

Section 49 was agreed to.

Section 50 was agreed to.

On section 51—census and election audit employees:

Hon. Mr. FOWLER: Does that mean that all temporary men must pass a competitive examination?

Hon. Sir JAMES LOUGHEED: Yes, that is to say, they may become permanent afterwards.

Hon. Mr. FOWLER: They cannot be employed temporarily unless they pass an examination?

Hon. Sir JAMES LOUGHEED: There is a special examination for that class.

Hon. Mr. FOWLER: All temporary employees must undergo an examination?

Hon. Sir JAMES LOUGHEED: For the purposes set out in clause 51.

Hon. Mr. FOWLER: It is still possible under this perfected Act to employ temporary persons, as they do in post offices about Christmas time, without competitive examination.

Hon. Sir JAMES LOUGHEED: I am informed that there are special tests for them; but workmen, for instance, or helpers on surveys, may be employed by their superior officers.

Hon. Mr. FOWLER: And labourers?

Hon. Sir JAMES LOUGHEED: And labourers. A report is made to the commission.

Hon. Mr. FOWLER: They do not have to pass an educational test?

Hon. Sir JAMES LOUGHEED: No. We do that out of consideration for the labourers.

Section 51 was agreed to.

On section 52-organization, classification and salaries:

Hon. Mr. BEIQUE: By section 42 the Inside Service is classified as mentioned in the Act. Would it not be advisable to give power to the commission; if they deemed it advisable, to adopt a classification also for the Outside Service? I would suggest that the following words be added as subsection 3:

The Commission may, if deemed advisable, prepare and adopt a classification for the Outside Service.

Hon. Sir JAMES LOUGHEED: That is, a classification of salaries?

Hon. Mr. BEIQUE: If it is advisable to adopt a classification for the Inside Service, it seems to me it may become advisable to adopt a classification for some part of the Outside Service, if not the whole of it. Therefore I suggest that we give the commission the necessary power to do so if deemed advisable.

Hon. Sir JAMES LOUGHEED: I am informed that under section 52 that power can be exercised by the commission if they choose.

Hon. Mr. BEIQUE: I do not see that.

Section 52 was agreed to.

On section 53-repeal:

Hon. Sir JAMES LOUGHEED: I would like to amend section 53 for the purpose of saving certain classes of officers and employees in the repeal which will follow the passage of this section. The section will remain as it is until we reach line 35, where we strike out the words, "of the head of any department," and after the word "statute" in line 36 we add these words:

of any board or Commission situate at Ottawa, either with or without the approval of the Governor in Council,

Then the section goes on from line 36:

to appoint or promote any officer, clerk or employee, and the power of the Governor in Council to appoint

Hon. Mr. FOWLER.

And then we add these words:

a reporter and assistant reporter and clerks and servants under the provisions of sections 20 and 21 of the Supreme Court Act, and to appoint the officers and employees mentioned in chapter 16 of the statutes of 1912 and to appoint—

Then follow the words of the section, "a Superintendent of Printing," and so on to the end; the object being to include the employees of the Supreme Court, the Railway Board, and those other boards referred to in the statutes, and to repeal all those statutes by which the Governor in Council had made those appointments, and bring them under the Civil Service Act.

Hon. Mr. FOWLER: This is a clause which makes this great reformation by which the power to appoint, and the presentation of recommendations by members of Parliament, are to be shut out?

Hon. Sir JAMES LOUGHEED: Yes, practically.

Hon. Mr. FOWLER: The reform that has been heralded so far and wide in the newspapers, from which so much is expected. I only trust that the best hopes of the reformers will be realized in this regard. But if we are to take the experience of the past, which is a wise thing to do when we are making a forecast of the future, even the most enthusiastic believers in this reform will still entertain some doubt whether the millenium will be reached by reason of this Bill having been passed; whether the civil service for the future will contain none but men thoroughly devoted to the public welfare, men perfectly efficient and fit, and qualified for the duties which they have to perform; whether at length the evils of patronage, those terrible evils, which have cursed this country for so long, will have been wiped out.

Hon. Mr. BRADBURY: Imaginary evils.

Hon. Mr. FOWLER: My honourable friend interjects "imaginary." Evidently he has some doubts as to the future. No longer, then shall there be appointed to the public service men who lack every qualification, not only educational but along other lines—because it must not be forgotten that the educational test is not the only test of fitness for any business in life. There are men who could pass every educational test, making 100 per cent, if such percentage were required, to whom you would not pay \$2 a day as an employee in your private business. So the educational test is not the only test of a man's fitness for a position in the public service. However, if this is going to have the desired effect of doing away with the evils of patronage-

Hon. Mr. BRADBURY: Just transferring it, that is all.

Hon. Mr. FOWLER:-If this is going to do away with the evils of patronage, I will be perfectly satisfied, as I know every gentleman in this Chamber will; for, whatever we did when we were in the Commons, as some of us were, whatever patronage we exercised, that is now no longer in our power. We are deprived, by reason of sitting in this Canadian House of Lords, of exercising the privilege of patronage. The appointments now will be made, as I understand, by the deputy heads of the various departments.

I am going to give you a concrete case to show how beautifully this system will work out. The Auditor General of this country is one of those deputy heads. Am I correct in that?

Hon. Sir JAMES LOUGHEED: Yes.

Hon, Mr. FOWLER: The Auditor General has done his duty by his country, as every man should do who lives in a new country like Canada, that requires population. As a result he has been blessed with many olive branches; and, just as a man of substance who is a farmer and has a large farm and a large number of sons likes to have those sons follow the same occupation as himself and become farmers, and settle in the same community as himself, so the Auditor General, following this example, has very cleverly settled all those olive branches of his in the public service of this country. Some time back, in the year 1913-before the war, if you will remember -I asked a few questions in the House of Commons, as follows :

1. What is the salary of the Auditor General? 2. Are Harold John Fraser and Ethel Maud Fraser employed in any department of the public service? If so, in what department, when were they respectively first employed, and what are their salaries?

are their salaries? 3. Are William A. Fraser and Robert J. Fraser employed in the Government_service? If so, in what department or departments, and what are their salaries respectively?

4. Are the said Harold John Fraser, Ethel Maud Fraser, William A. Fraser and Robert J. Fraser related to the Auditor General? If so, what is the relationship?

The answer was that those persons were employed in the public service; and answer number 4 'states: "Yes, sons and daughter respectively." That is, that those who were males were sons of the Auditor General, and the other, the female, was the daughter of the Auditor General. Since

that time a number of the others have reached an age when they might be appointed to the public service.

Hon. Mr. POWER: I rise to a question of order. This speech which the honourable gentleman is delivering has no relevance whatever to the section which is before the Committee.

The Hon. the CHAIRMAN: I understood the leader of the House to say to the leader of the Opposition that if he would allow this Bill to go into Committee of the Whole the principle of the Bill could be discussed. Am I' right in that?

Hon. Mr. POWER: This has nothing to do with the principle of the Bill.

Hon. Mr. FOWLER: Nothing to do with the principle of the Bill? It has everything to do with the principle of the Bill.

Hon. Mr. POWER: I forgot to mention that this matter has been discussed in the other Chamber, which is the proper place to discuss a question of this sort.

Hon. Mr. FOWLER: Suppose it has been discussed in the other Chamber, what has that to do with this Chamber? We are not depending on the discussion's in the other Chamber. But the Chairman has ruled, and that is sufficient. During the present session, in the other Chamber the question was asked, whether those persons and some others were sons, or in what relation they were. I do not know why a different answer should have been given, under these circumstances, from what was given when I was told that they were "sons and daughter respectively"; but the answer in the recent case was: "No information in the records of the office." That was the answer which the Auditor General gave when he was asked by a member of Parliament if those persons were his sons or daughter. It would apparently look as though between 1913 and 1918 some doubts had occurred to his mind; otherwise why should he not answer? It has been said that maternity is an absolute fact, while paternity is something that may admit of doubt. Perhaps the Auditor General had this in mind. However, we have seen that every son and daughter of the Auditor General who was old enough for the public service has been appointed to the public service. Not only that, but his son-in-law, after he became such, was appointed to the public service, and is to-day receiving \$8 per day. Every individual connected with the family of the Auditor General, by marriage or by

procreation, is feeding at the public crib. Never in the worst days of patronage as practised heretofore by members of Parliament, has there been seen or could there be such a case as that of the head of one of those departments, responsible to whom? Apparently to nobody. The member of Parliament, when he exercises patronage, has a direct responsibility to the people who made him a member of Parliament; and when you take the responsibility of appointments, and of recommendations of appointments, from the men who have been elected by the people, you are striking a blow at responsible government, and you are establishing in this country the very thing you are fighting against to-day in Germany-government by a bureaucracy which, without any responsibility to the people, will control the appointments to the public service of this country.

So far as I am personally concerned, in common with the rest of my colleagues in this House. I have no personal interest in this matter; our day has passed with regard to this, in the case of those of us who have had a day; but I am looking to the interests of this country. One would think, on reading the newspapers, that as soon as a man becomes a member of this Senate he becomes allied, by the very terms of his appointment, with all the vested interests of the country-with the robber barons of the country. I say that the men in this House are quite as competent to judge what will be in the interest of the public service as are the men who write newspapers, or the men who sit in the other House; and I believe that the members of this House are permeated with the desire to do what is best in the interest of this country.

I simply make my protest in regard to this matter. I protest against the Bill, first, on account of the principle of the Bill, which strikes a blow at responsible government in this country. I say also that I do not believe the millennium will come; I do not believe that there will be any improvement in the public service of this country by reason of the recommendations for appointment being taken away from the public men of this country and placed in the hands of officials. You are penalizing a man because he takes an interest in the politics of his country. Because a man is a ward worker he must be penalized; he must not be recommended to any public office; but some man will be recommended and may be appointed who does not take the trouble to vote, who has never taken enough interest in his country to be

Hon. Mr. FOWLER.

interested in elections. I say that the day we get everybody in this country to take an interest in elections, the day that every man in the Dominion who is entitled to a vote will go and cast it, we shall have made a great advance in the interest of pure and good government. I regret that this Bill is likely to be passed and become law. I do not think that it will have the effect that its promoters expect.

Hon. Mr. BOYER: Withdraw.

Hon. Mr. BELCOURT: May I ask my honourable friend, (Hon. Sir James Lougheed) why reference is made, not in the statute, but in the amendment he proposed, to the employment of reporters, clerks, and stenographers in the Supreme Court, but nothing is said about the Exchequer Court?

Hon. Sir JAMES LOUGHEED: Those in the Exchequer Court are under the Civil Service Act; those in the Supreme Court are not.

Hon. Mr. BELCOURT: May I ask if the Acts which are repealed are all the past legislation with regard to the civil service?

Hon. Sir JAMES LOUGHEED: I understand so. I understand that these recitals will cover all the Acts which should be repealed.

Section 53 was agreed to.

Schedules A, B and C were agreed to.

Hon. Mr. POWER: Mr. Chairman, before you report the Bill, I wish to call the attention of the honourable leader of the House to a suggestion which I made in the early stage of the discussion. Paragraph f of the definition clause says:

(f) "Civil Service" means and includes all officers, clerks or employees in the service of the Crown.

Under that definition any ordinary labourer working on a highway or on any other public work is a member of the Civil Service, and I think that the ordinary man, in speaking of the Civil Service, does not mean to include temporary employees of that sort. I suggested that I thought there should be sufficient ingenuity amongst the employees of the Government to make a better definition of "Civil Service" than that.

Hon. Sir JAMES LOUGHEED: It is intended to cover all employées.

Hon. Mr. POWER: I hope that the honourable leader of the House, if he has

not already done so, will get a better definition.

Hon. Sir JAMES LOUGHEED: I regret that I am not sufficiently ingenious to improve upon it.

Hon. Mr. DANDURAND: Is that definition as wide or wider than that covering the Civil Service of Great Britain, or that of the United States?

Hon. Sir JAMES LOUGHEED: I could not say as to that, but it is intended to cover all persons who may be employed, whether temporarily or permanently.

Hon. Mr. DANDURAND: But I have often heard of the admirable service of England, and the point raised by my honourable friend (Hon. Mr. Power) causes me to wonder whether the term "Civil Service" there comprises all the employees of the British Government?

Hon. Sir JAMES LOUGHEED: I am told that in the United States the term "Civil Service" includes all employees. They have a similar clause. But I could not say as to Great Britain.

Hon. Mr. BEIQUE: It is intended to cover the temporary employees?

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. DANIEL: I understand that this Act takes in the whole Outside Service as well as the Inside Service?

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. DANIEL: And that every employee of either the Inside or the Outside Service, whether that employee is at the top or the bottom of the list, must be appointed by the Civil Service Commission. That is correct, I believe?

Hon. Sir JAMES LOUGHEED: Well, practically with the sanction of the Civil Service Commission. There are such cases as were mentioned the other day, where it may be desirable to appoint employees without any delay, and the head of the particular branch concerned will employ them and in due course report the matter to the Civil Service Commission. Theremay not be an examination.

Hon. Mr. FOWLER: If a vacancy occurs in a country post office, what about that? Must the person to be appointed pass an examination?

Hon. Sir JAMES LOUGHEED: Not necessarily.

Hon. Mr. FOWLER: But he is appointed by the Civil Service Commission?

S-40

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. FOWLER: How are they going to ascertain anything about the applicant for the position? It would not do to ask the member for the county—that would be exercising patronage.

Hon. Sir JAMES LOUGHEED: There are inspectors and superintendents of post offices who may be familiar with the particular district; and there is nothing to prevent the commission from asking the member to recommend someone.

Hon. Mr. FOWLER: Would not that be introducing the old evil?

Hon. Sir JAMES LOUGHEED: Well, it might. They may have to coquet with it yet.

Hon. Mr. BELCOURT: Under section 52 it is provided that the commission shall, after consultation with the deputy heads, prepare a list of the positions and the duties and salaries attached thereto, for the Outside Service. Will that list comprise, for instance, the labourers and mechanics whe are employed by the Public Works Department?

Hon. Sir JAMES LOUGHEED: Every one.

Hon. Mr. BELCOURT: On the dredges and in the different services of the Public Works Department?

Hon. Sir JAMES LOUGHEED: Yes. The list would show all employees.

Hon. Mr. BELCOURT: And their salaries also?

Hon. Sir JAMES LOUGHEED: The wages paid them, or the salaries—whatever their compensation may be.

Hon. Mr. BELCOURT: That is to be a list of those who are in the service at present? It does not propose fixing the salaries of those who are to come in later?

Hon. Sir JAMES LOUGHEED: That list would be prepared for the purpose of classifying the different employees in the different grades of employment and of determining the rates of pay.

Hon. Mr. BELCOURT: Is that for the purpose of the annual report, or is it for the purpose of fixing rates of wages which shall prevail throughout the country for labourers and mechanics?

Hon. Sir JAMES LOUGHEED: It is for the purpose of having the information, so

REVISED EDITION

that it may be applied to any situation that may arise.

Hon. Mr. BELCOURT: In other words, it will be a list of employees now in the service, stating their positions and their salaries?

Hon. Sir JAMES LOUGHEED: It will be a dist of positions rather than of employees, and will be prepared for the purpose of classifying the various grades of offices or employment which must be maintained for the public service, whether they are those of workmen, of clerks, or of higher officials.

Hon. Mr. POWER: The Civil Service List will be so much extended by the cecision of the Government with respect to those who are to be included in the Civil Service that I am afraid the saving which my honourable colleague from Halifax (Hon. Mr. Dennis) expected to make in the cost of reports will be very largely diminished. The list of civil servants will contain probably something like 150,000 or 200,000 names.

The title was agreed to.

The Bill, as amended, was reported, the amendments were concurred in, and the Bill was read the third time and passed.

CANADIAN NORTHERN RAILWAY BILL. SECOND READING.

Hon. Sir JAMES LOUGHEED moved the second reading of Bill 87, an Act supplementary to Chapter Twenty-four of the Statutes of 1917, respecting the Canadian Northern Railway System.

He said: Honourable gentlemen, the purpose of this Bill is to give authority to the Government, in connection with the Canadian Northern Railway system, to guarantee the renewal or postponement of such payments as are falling due at a comparatively early date. There are certain short-term loans outstanding, the total of which represents \$67,360,607. In view of the fact that the Government of Canada is acquiring the stock of this company, it logically follows that such loans as are maturing from time to time, particularly those maturing at an early date, must be cared for by the new company which will take over the stock, and which in turn will be guaranteed by the Government of Canada. It is, I presume, unnecessary for me to give all the details of the loans which are maturing at an early date.

Hon, Mr. BOSTOCK: Perhaps my honourable friend would not mind telling us what those loans are.

Hon. Sir JAMES LOUGHEED: Here is the list of them :

No.	Maturity.	Loan made by or through.	Amount.
			\$
1	Domand	Dominion Government, Canada	10,000,000
2		Can. Bank of Commerce, Canada	5,889,066
3		· · · ·	10,074,408
		" Canada	. 1,250,000
4			115,000
5		Nat. Trust Company, Ltd., Canada	150,000
6	11	Dom. Sec. Corporation, Ltd., Canada	929,533
7		British Empire Trust Co., London	1,472,167
8		Lazard Bros, London	2,919,026
9	11 1ò, 1918	H H	
10	15, 1918	Lloyd's Bank, "	5,201,407
11		Nat. Bank, Scotland, London	486,667
12		Wm. A. Read & Company, New York	2,700,000
13	10, 1918	II II	3,000,000
14	Sept. 1, 1918.	и и и	10,000,000
15	Jan. 10, 1919	11 II II	1,250,000
			55,437,274
N	oteThe above	does not include the following 5 year 5% secured Notes issued in	
	England		
16	August 12, 1918.	London. £2,000,000	9,733,333
	\$2,433,333.34	C.N.R. 4% Deb. Stock (Guart. Sask.)	
	2,190,000.00	C.N.R. 4% Deb. Stock (Guart. Alta)	
	1.460.000.00	C.N.R. 4% Deb. Stock (Guart, Man.)	
	2,676,666.66	C.N.P.R. 4% Deb. Stock (Guart. B.C.)	
	3,649,999,95	C. N. R. 4% Deb. Stock.	
17	June 12, 1919.	London. £450,000	2,190,000
	\$1.911.329.80	C.N.P.R. 4% Deb. Stock (Guart. B.C.)	
	862,670.18	C.N.R. 4% Deb. Stock	
	Totala		67,360,6

All these loans are falling due at an early day; therefore it is necessary to have the authority provided for in the Bill.

Hon. Mr. DANDURAND: Are all those loans guaranteed?

Hon. Sir JAMES LOUGHEED: They are secured by collateral. Of course, if the Government of Canada should have to pay off those loans, the collateral will revert to the Government.

Hon. Mr. BOSTOCK: Honourable gentlemen, we have discussed this question of the liabilities assumed by the Government on the Canadian Northern transaction on several other occasions. This Bill is apparently a Bill to supplement the legislation that we enacted last session at the request of the Government. Since that time the Government has appointed a board of arbitrators for the purpose of arriving at a decision as to whether or not there is any value in the stock of this company. It seems a rather curious position for the Government to have assumed, to be arbitrating the question whether there is any value in the stock of a company and at the same time asking that provision be made to meet the indebtedness of the company. Honourable gentlemen will remember that in the session of 1914, when it was necessary for the company to come to Parliament and ask for assistance in order to carry them over the difficulties in which they were placed, some of the stock was transferred to the Government, and one of the conditions of the transfer was that the company should be allowed to issue several millions-I forget the exact amountmore of stock, for which there was no payment made. It was simply a transaction in writing to enable the company to increase their capital from, I think, \$77,000,000 to \$100,000,000. The arbitration that has been proceeding in Toronto for several months past is for the purpose of deciding whether there is any value in that stock or not, part of it being, as I have said, simply a matter of arrangement, and having certainly no value. The purpose of this Bill is to enable the Government to arrange for the financial liabilities of the company. I think any honourable gentleman will see that there can be no value in the stock of a company that has got into the position of being absolutely dependent on the Government to come to their rescue and provide the money necessary to take up the securities as they fall due, whether they were actually guaranteed by the Government at the start or not. I do not want S-401

to take up the time of the House in discussing this question at any length, because it has been discussed several times before, and anything that I might say at the present time would no doubt have no effect whatever on the proposed legislation.

Hon. Mr. BELCOURT: Will my honourable friend (Hon. Sir James Lougheed) lay on the Table a list of the securities which are affected by this legislation, giving the amount in each case, and also the nature of the present guarantee, so that we may have some idea whether we are giving the best guarantee that this country can give, that is, its own guarantee, for a guarantee may be of little or no value whatever. What I mean is this. If creditors of the company have guarantees that are of no value and are going to get in exchange guarantees that are of value, we ought to know what they are. Before this Bill is considered in Committee, I think that information ought to be laid upon the Table by the leader of the Government.

With regard to the Bill itself. I want to add my words of condemnation to those uttered by my honourable leader. I entertain the strongest possible view against this whole transaction. To my mind nothing but the fact that the country is absorbed in the great question of the war and the preoccupation and the daily worries of the war could have made it possible for any party in this country to submit and secure the passage of such legislation as was passed last year, and which we are now implementing. My vocabulary is totally inadequate to supply me with words to express my feelings in regard to this legislation. I wish again to enter in the strongest way possible my protest against it.

Hon. Mr. DANDURAND: I asked the leader of the Government if these short notes which are to be taken up or renewed or replaced by Government securities are secured notes. My honourable friend said that there might be collaterals given against those notes. I want to repeat the point that I made last session, that people who have advanced money without security to the Canadian Northern at 75 per cent of the face value of the notes should be very happy indeed to receive the money advanced plus interest, and I think the Government should pause before handing over its own security in exchange for which the railway only received from 60 to 80 per cent of the face value.

Hon. Mr. BELCOURT: My honourable friend has not stated whether he would lay the information I asked for on the Table. SENATE

Hon. Sir JAMES LOUGHEED: If I can get a list of the securities I shall be very glad to place it on the Table. I understand that collateral securities have been placed in the hands of those who negotiated the loans, or who hold the loans against the company. Furthermore, entirely apart from that consideration, if the Government of Canada is taking over the road it necessarily follows that it will have to meet the obligations. There is a further consideration. The guarantees that have been given by this Government, extending back for the last ten or twelve years, have to be met by the Government of Canada, and no other alternative has presented itself to the Government than to take over the road. If the road defaulted, as it undoubtedly has done, and would do in the future, the Government of Canada from time to time would have to make good those guarantees which were sanctioned by Parliament and given by the Government. It therefore seems to me that the matter is resolved into Hobson's choice. The Government has no other alternative than to wipe out the original obligation which it assumed by way of guarantee. Of course, no good purpose will be served by weeping over the acts of the late Government and the Government that preceded it in connection with this road. We have to face conditions as they are. The question is, would it have been wise for the Government of Canada to have allowed this road to pass into a state practically of wreckage, and to have met the various guarantees which not only this Government but different provincial governments gave to the road.

Hon. Mr. DANDURAND: Of course, my remarks apply to the unsecured debts of the company.

Hon. Mr. RICHARDSON: As I understand this Bill, it is to provide machinery for paying these short-date obligations before the next meeting of Parliament. The parties who loaned this money evidently gave 100 cents on the dollar. The Government thinks the stock of the company is worth anywhere from one to ten million dollars. If that is the case, there are assets to cover every dollar of those debts, and would we be honest if we repudiated them? As honest men I do not see that we can do that kind of thing. I do not know that I can argue on the question of government control of railroads; but I know that the Canadian Northern railway, if it is run in the same way as the Canadian Pacific rail-Hon. Mr. BELCOURT.

way has been run for the last few years, will be a very valuable asset to this country.

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

INSPECTION AND SALE ACT AMEND-MENT BILL (FRUIT, FRUIT MARKS AND POTATOES).

SECOND READING.

Hon. Sir JAMES LOUGHEED moved the second reading of Bill 108, an Act to amend the Inspection and Sale Act (fruit, fruit marks, and potatoes).

He said: The purpose of this Bill is to legislate touching the Inspection and Sale Act with regard to fruit, potatoes, etc. For a number of years the fruit-growers and dealers of Canada have been urging that the Inspection and Sale Act, part IX, be amended in order that the grading fruits may be more clearly defined, of that the packages used for the shipment of such fruit may be standardized, and also that the inspection of fruit may be of greater value to all concerned. Last February it was decided to ask the various provincial fruit-growers associations to come to Ottawa for the purpose of discussing this question with the officers of the Fruit Branch. A two-day's convention was held, and the delegates unanimously approved of all the amendments which we are now asking this Chamber to adopt. These amendments have the backing of the fruit interests of the country, and the legislation is practically of their own preparation, they having adopted resolutions approving it. I have no doubt the House will be only too glad to give effect to the recommendations of these associations.

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

INSPECTION AND SALE ACT AMEND-MENT BILL (FOOD CONTAINERS, FIREWOOD AND CEMENT).

SECOND READING.

Hon. Sir JAMES LOUGHEED moved the second reading of Bill 19, An Act to amend the Inspection and Sale Act (food containers, firewood, and cement).

He said: This is a Bill dealing largely with details which can be very much better discussed in Committee. It is proposed to amend the Inspection and Sale Act touching containers of food, firewood, Portland cement, and other articles which are set out in the Bill. Representations have been

made from time to time to the Department of Trade and Commerce as to the desirability of amending the present law and adopting this legislation.

Hon. Mr. BOSTOCK: I have not had much time to study this Bill, but I understand that it is one which was very much discussed in another place, and I was very much surprised when I found that it had made its way as far as this Chamber. The impression I had-it may have been a wrong one-was that it was not going to be proceeded with this session. I think to some extent the public generally who have been interested in some of the clauses of this Bil! have been rather misled, being under the impression that the Bill was not going any further, and suddenly finding it being pushed through in the dying days of the session. My honourable friend has not given us very much of an explanation of the Bill; but I presume that when we go into Committee he will be able to tell us why the Gouvernment has considered it advisable to go on with it after practically dropping it for a time.

Hon. Sir JAMES LOUGHEED: It was not dropped.

Hon. Mr. BOSTOCK: It was suspended.

Hon. Sir JAMES LOUGHEED: It was delayed.

Hon. Mr. BOSTOCK: Put it that way if you will. It was such a delay that I think I am right in saying that the public generally thought that it was not going any further this session.

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

THE SENATE AND MONEY BILLS. DISCUSSION CONTINUED.

The Senate resumed from May 20 the adjourned debate on the motion for the consideration of the second report of the Special Committee appointed to consider the question of determining what are the rights of the Senate in matters of financial legislation, and whether, under the provisions of the British North America Act, 1867, it is permissible, and to what extent, or forbidden, for the Senate to amend a Bill embodying financial clauses.

Hon. PASCAL POIRIER: Honourable gentlemen, it has been suggested that I might put in a couple more hours in the discussion of this question. I will spare the House that, and, will simply ask the forbearance of my honourable colleagues for a few minutes.

The report of my honourable friend from Middleton (Hon. W. B. Ross), after dealing directly with the question, drifts into the opinions expressed by the makers of Confederation. I will pass over most of them, but will refer to that of Sir John A. Macdonald, who said: "We resolved that the constitution of the Upper House should be in accordance with the British system as nearly as circumstances would allow," which puts us as nearly as possible on an equal footing with the House of Lords in matters of appropriation and money Bills. Sir John Macdonald made no reference to the Senate being entrusted particularly or directly with the safeguarding of the interests of the provinces; he simply assumed that this House would be as far as possible on a par with the House of Lords. Mr. Brown also expressed an opinion as to the duties and the status of the Senate of Canada, and here is what he said:

The desire was to render the Upper House a thoroughly independent body—one that would be in the best position to canvass dispassionately the measures of this House, and stand up for the public interests in opposition to hasty or partisan legislation.

These views have been adopted. We are here from our several provinces for the purpose, among other of opposing hasty and partisan legislation; and the Almighty knows if we have not ourselves been as partisan as members of the other House.

Now, this disposes pretty well of the contention of this report, that having been appointed specially to protect the provinces, we are entrusted with the right to interfere with appropriations and money Bills referring to the provinces. Neither the constitution nor the opinion of the Fathers of Confederation confirms this. We certainly have authority over those questions, but in no more special manner than we have over other general legislation.

Appended to the report of my honourable friend from Middleton is the expression of two leading lawyers of Montreal, Mr. Lafleur and Mr. Aimé Geoffrion. These are clever statements of clever men, and are to me also a brief or plea. But we do not want to be convinced of our authority; what we want to know is how we stand as against the pretentions of the other House; and, instead of having a plea all in our favour, I would have preferred some criticism of the position we apparently intend to take. I will pass that over also. Next comes the expression of Mr. John S. Ewart, K.C., of Ottawa, which in my opinion is the best of all. It expresses a prudent view of the matter; and one not hostile to the Senate. In one of the paragraphs of his letter he says:

In considering all subjects of the class to which the present belongs, regard has always, and very rightly, been paid to history and precedents,—

That is my contention. He adds:

—and the relations between our Senate and House of Commons are, as I think, so firmly established that no change could be introduced save by constitutional amendment. I do not mean, necessarily, by amendment of the British North America Act. Amendment of constitutional practice, agreed upon by both Houses, would suffice.

According to my view, that is the only practical way of dealing with this question. We may pass any number of resolutions, but if they are not according to the views of the other House, or if we do not agree with the other House on some workable views, all these are but vain efforts towards a goal we cannot reach.

This resolution is in its possibilities tantamount to throwing down the gauntlet to the other House. I see no necessity for that, neither do I see any good from it. The House of Lords tried it in answer to a resolution passed by the House of Commons in 1678 in order to set the House of Lords back. That resolution was as follows:

That all aids and supplies and aids to His Majesty in Parliament are the sole gift of the Commons, and that all Bills for the granting of any such aids and supplies ought to begin with the Commons, and that it is the undoubted and sole right of the Commons to direct, limit and appoint in such Bills the ends, purposes considerations, conditions, limitations and qualifications of such grants, which ought not to be changed or altered by the House of Lords.

To this the House of Lords answered fifteen years later, in 1693, by the following resolution:

That the making of amendments and abatements of rates, of bills, of supplies, is not from the House of Commons, but is a fundamental, inherent, and undoubted right of the House of Peers, from which their Lordships can never depart.

But they had to depart from it; and now they have departed from it so much that most radical changes have been made, and some more radical ones are proposed, affecting the very existence of the House of Lords. Do you believe that we, the Senators of the Dominion, are more powerful than the House of Lords have proven to be or are to-day? That is not my opinion. My humble opinion is that, while thanking the committee and the honourable

Hon. Mr. POIRIER.

gentleman from Middleton for the very valuable information they have put before us, and the elaborate report they have made, we should let this matter !: a dormant, and not come to any conclusion. Otherwise it will be a gauntlet thrown down to the other House. If we adopt this report, as we were on the eve of doing, the Speaker of this House would be in duty bound to stand by this resolution in matters of appropriation and money Bills, which would bring us into trouble. Troubles come of their own volition; let us not go and invite trouble for our House. Let us keep to the mission, always an honourable one, which consists more especially, if I may repeat the opinion given by Sir John A. Macdonald and George Brown, of thwarting hasty, indiscreet legislation in matters where minorities might be molested; in equipoising matters; but, in so far as money questions are concerned, let us always remember that it is the people who pay the taxes and pass money Bills, and that our people, who are the heirs of the English peasants of two centuries ago, are as solicitous and as jealous of their rights as their and our ancestors were.

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

At 6 o'clock, the Senate took recess.

The Senate resumed at 8 o'clock.

PUBLICATION OF THE DEBATES OF THE SENATE.

MOTION.

Hon. Mr. DENNIS moved :

That, in view of the imperative call for economy in all branches of the public service, it is the opinion of this House that the reporting and printing of the official report of the Debates of the Senate should be discontinued.

He said: Honourable gentlemen, in view of the statement submitted to this House on Friday, I need now only briefly summarize the points made on that occasion. The main point is: that in this time of national stress and necessity, when economy and retrenchment are of vital importance, every dollar that can be saved in the public expenditure should be saved.

This Senate last year spent \$33,000, in round figures, on the publication of verbatim reports of every trivial, petty, and unnecessary word uttered on the floor of this House. The debates are published in both the English and French languages. Over \$20,000 of the \$33,000 was for pub-

lishing the unrevised English edition, of which 2,000 copies are distributed daily. I venture to say that, outside of the 96 members of this House and the officials, a very limited number of people read the balance of the 2,000 copies. Then, six months after the close of Parliament, 400 copies of the Revised Edition are bound in volumes for the convenience of honourable members, and sent to libraries and other institutions. I doubt if, as a matter of fact, half-a-dozen of those 400 copies are read; and they are not referred to, except in rare instances. The other \$10,000 is spent in translating the English reports of speeches of honourable members, no matter how unimportant they may be, into the French language. Forty-five or fifty copies of the unrevised French edition are printed and circulated among a portion of the honourable members of this House four or five weeks after the debate has taken place, and, of course, after the full report has been printed in English and after the subject-matter of the debate has been finally dealt with by this House. Thus it will be seen that this dual-language verbatim official report cannot be of any practical value to even the few gentlemen supposed to be interested in it, and certainly it is of no value at all to the country.

Hon. Mr. CLORAN: Is that so?

Hon. Mr. DENNIS: I venture to affirm that neither this House nor the country receives any value or convenience commensurate with the cost of Hansard; and in my judgment the expenditure of \$33,000 a year for its publication is an unnecessary and unjustifiable expenditure at any time; and still worse at this crisis in our history, when we are staggering under such a crushing burden of taxes and debt, which will be felt more next year and in succeeding years than it is now.

Hon. Mr. CLORAN: I thought the honourable leader of the Government would be able to answer that question.

Hon. Sir JAMES LOUGHEED: It is for the House.

Hon. Mr. CLORAN: The Government of the day should give their views. Of course, if the honourable leader of the Government does not reply, a member of the Opposition will have to take his place.

The principle of this motion by the honourable member from Halifax does not appeal to the common sense of the country, nor to its enlightenment. The press have been during the past twelve months pretty

well muzzled. I suppose the honourable member from Halifax understands what I mean. Now the honourable member from Halifax, who did not have to be muzzled through his newspapers, comes to Parliament at this late hour of the session and asks the Senate to muzzle itself. The proposition to my mind is infantile. Infantile paralysis permeates the whole proposition. The proposition is made on the ground that the country will be saved some \$20,000 or \$30,000. Honourable gentlemen, what is that in a budget of one billion dollars? The honourable gentleman's motive is a correct one-very correct; it is to decrease expenditure. Why does he not turn his eyes to other publications and ask the Government to save not merely \$20,000 or \$30,000, but millions of the public money which is yearly voted by Parliament to the different newspapers of Canada and in foreign lands? Why does he not turn his attention to the advertising in the public press during the past twelve months, especially on one side, that is, the Union side? How many papers will get, or have already got, cheques for \$25,000, \$50,000, \$75,000, \$100,000 or \$150,000. For what? For advertising purposes which are absolutely useless so far as the general public is concerned. The honourable senator from Halifax who has proposed this motion should be an authority on that question. How much have his publications in the city of Halifax received from this Government in the past six years? If he would state that to this honourable House, the House would soon see that the \$20,000 or \$30,000 a year for the publication of Hansard would be a mere fleabite in the bill.

Hon. Mr. DENNIS: Will the honourable gentleman allow me? I am unable to give the figures that he asks for in that connection, but I will say this, that for every dollar received one hundred cents' worth of value has been given.

Hon. Mr. CLORAN: That is a very good proposition; and for every cent that has been spent in the publication of Hansard and, comparatively, for the one hundred per cent of value given by the honourable gentleman's publications, three hundred per cent, if not more, has been given in Hansard. I will tell you why. What appears in the newspapers and the honourable gentleman is one of the leading newspaper proprietors in this country—is published in the morning and forgotten in the afternoon, while Hansard is a record of the nation's thought, whether it be trivial or serious. Hansard is there, con-

taining for future generations what the honourable gentleman has said during his term of office in the Senate, as well as what has been said by all other members of this House.

I fail to see why the honourable the junior member for Halifax brought this proposition before the House. Is he not aware that, in contradistinction to the public press, Hansard is a record, while the public press is ephemeral.

Hon. Mr. DENNIS: What happened before Hansard was established?

Hon. Mr. CLORAN: Its establishment was an incident of the growth of the country. It is to be remembered that Hansard renders more service to the country than any individual organ of public opinion in the country, because an organ of public opinion states one thing to-day and the day or the week after it states the opposite. There is no controlling the vibration in the newspaper offices; and I speak from experience, for I have been an old newspaper man and know how the public opinion of. this country can be camouflaged or deceived by spurting out a certain opinion to-day and contradicting it a week later. The public press have a great mission to perform, and they can perform it only by publishing the facts and then allowing the public to judge of the facts. I do not believe that a writer in the public press should be heeded more than the first individual you meet on the street. Who is he that writes the editorials? Who was I when I wrote editorials? An unknown. Up to the present day editorial opinion has been paramount, but let me venture the prediction that the day is fast coming when dditorial opinion will avail nothing and will amount to nothing. What is editorial opinion? It is the production of a brain which is trained, which may be educated, which may be intellectual, but it is also the production of a brain that is none of the three, and the public swallows the product of that brain as gospel truth. That is the value of editorial writing to-day. It has the upper hand, but the day is coming when every reader of a paper shall be his own editor. All I ask in any country, and especially in this country of ours, is that the newspapers state facts plainly and clearly, without prejudice, without perversion, without untruth. I want no description of a meeting by a reporter. He goes to a public meeting, scientific, political, religious or otherwise, and what I want from his pen is not his impressions of what Give me fresh outbursts of opinion and I Hon. Mr .CLORAN.

occurred in that meeting, but the ipse dicta of the speakers; then I will be in a position to make my own description and to put a value on what has been said. Up to to-day the contrary system has prevailed. A reporter goes to a meeting, and what do you find the next morning or the next afternoon? A description of his own ideas, his own views, and probably of his own wants. That is a false principle to follow in regard to the enlightening of a people; and I firmly hope and believe that the day will come when reporters will simply give the facts and let the readers of the facts come to their own conclusions and exercise their own judgment. That is the difference between the public press and Hansard. Hansard consigns to print that which remains immortal-the views, the statements and the opinions of the men who are charged with discussing a public, national or social question. The reader of Hansard is his own editor. In Hansard there is no description of anything-only what the speaker has said; that is one benefit of Hansard.

The next benefit is that it prevents a public man from making statements to-day which he could reverse and deny the following year-a privilege given to the public press. It is a privilege given to editors of papers to declare one policy to-day, to deny it to-morrow, and to proclaim another the following day. With Hansard it is impossible for a public man to do that. I make a statement to-night on a public question. It goes into Hansard in black and white. It confronts me forever afterwards in life, and a year later I dare not make a statement contrary to what I have already said. It makes a speaker in the other House or in the Senate careful of the truth, which the newspaper press does not do. If I make statements here to-night -and I am making some-and happen next year or two years from now to deny that I made them or ever held such views, all any honourable gentleman has to do is to send for the volume of Hansard and confront me with the statements which I denied that I had made. That is the value of Hansard-what I would call the philosophical value of Hansard.

The other night I heard the honourable gentleman say that Hansard consigns to its pages trivial statements, heated arguments, personalities. Why not? Why not give to posterity a true picture of the situation? A triviality sometimes contains more force and more truth than a so-called serious statement concocted under the candle-light.

will see the true heart of the man. Give me a written document prepared, cogitated over for days and months, and I will say that when the tongue speaks it is to hide the thoughts within. So when the honourable gentleman from Halifax stated that it was a shame to have these trivialities, these heated arguments, these interruptions recorded, I say it adds lustre to the tableau. There is no tableau worth looking at that is without its little bit of cloud. It shows in its true nature the actual condition of things that exists in a parliamentary debating society. That is the second reason for which I oppose the proposition of the honourable gentleman to abolish Hansard. He appeals to us to save a few pages of print and a few dollars of money when this very House is voting public money by the hundreds of millions, and sometimes for purposes that are not national and not calculated to advance the best interests of this country.

These are small matters to have to deal with, but a great foundation can be ruined by small things. A small leak appears to be nothing to-day, but give it two or three years running, especially in a cold climate, and you will have the foundation moulder and fall. I consider that the attempt of the honourable senator from Halifax, although well mooted, is not in accordance with the situation which should obtain in this House, in the House of Commons, or in any Parliament of a free people. Very limited considerations of dollars and cents cannot weigh in the balance against the usefulness of records for posterity. If we were squandering millions as we do for other purposes in the shape of public contracts, public advertising and public works. I would have something to say.

Under all these circumstances I am not in favour of the proposition placed before this honourable House by the honourable gentleman from Halifax, and I do not think the people, when they come to digest the question, will approve of it either. It iseasy to flabbergast and bamboozle the public by saying that the Senate is going to save twenty or thirty thousand dollars by not having Hansard published. Why, many of them will throw up their hands at the suggestion; but if they staved for one single hour and examined into the situation, not from a small pecuniary point of view, but from the point of view of national usefulness, they would reverse their opinion and not agree with the honourable gentleman from Halifax in demanding that this House abolish its Hansard.

Hon. Sir JAMES LOUGHEED: Honourable gentlemen, I had not expected to make any observations upon the subject before the House, because I was under the impression that the honourable gentleman who moved this motion would in all probability withdraw it, for many reasons.

Hon. Mr. WATSON: He will now.

Hon. Sir JAMES LOUGHEED: Not because there is not merit in the suggestions which he has made. The views which he has presented have undoubtedly been interesting. They are of sufficient interest to command the very best attention of the Senate, and probably to suggest that more vigorous action be taken towards bringing about the end which he desires. But it seems to me at this late hour of the session, with prorogation in view, and with a large percentage of members of this Chamber. probably two-thirds, gone home, it would be very unwise to take action upon this matter without giving every consideration to what we are about to do. It seems to me that we can scarcely take a step in this direction without taking the matter up conjointly with the House of Commons. It would be an anomaly to abolish Hansard in the Senate and yet have it in the House of Commons.

Hon. Mr. DENNIS: The Senate Hansard was established five years before that of the House of Commons.

Hon. Sir JAMES LOUGHEED: The suggestion to abolish Hansard has received considerable attention, not only in both Chambers, but in the public press and in the public mind. Notwithstanding this, I am unaware of any serious step having been taken by either Chamber since I have been in the Senate, to give mature consideration to the question of abolishing it. My idea would be that my honourable friend at the next session of Parliament should take up this subject, and that this Chamber should appoint a committee.

Hon. Mr. POWER: We have already done that.

Hon. Sir JAMES LOUGHEED: That committee should approach the House of Commons and suggest that there should be joint action on the part of both chambers with a view to considering whether Hansard should be abolished or not.

Another point to be considered is whether both Chambers might not wisely dispense SENATE

with the reporting of the committee stage in Parliament. There seems to be no good reason why the proceedings on a Bill in Committee of the Whole should be reported any more than the proceedings of a standing committee. One is as important as the other. Hence it seems to me that, upon a presentation of this consideration to both Chambers of Parliament, we might arrive at a very much more economic administration of the reporting of Parliament than we have at the present time. If the committee stage were not reported, it seems to me that it would shorten the sittings of Parliament very considerably. There is no question but that many members, particularly in the House of Commons, deliver themselves of general views upon all questions because of the greater latitude allowed in committee than in the House, and thus the sessions are prolonged from day to day, from week to week, and even from month to month. The reporting in committee, in my judgment, resulted in the development of the obstruction of Parliament in the transaction of public business. These are features which might be very advantageously considered by a joint committee of both Houses. Therefore it seems to me that it would be premature at once to take action by a vote on this resolution to-night, owing to our not having digested the question as fully as we should, and I hope that my honourable friend, in view of the importance of the subject and the desirability of giving every consideration to it, will not press his motion to a conclusion this evening.

Hon. Mr. DANDURAND: I intended, if my honourable friend from Halifax had pressed his motion, to move an amendment that the reporting of the committee stage be discontinued, because it seems to me that we could well dispense with that part of the reporting, and thus perhaps give an example to the House of Commons of what could be done in the way of reducing expenses and shortening the length of our sessions. I am disposed, however, to view the matter in the same light as my honourable friend the leader of the Government, and join with him in suggesting that next year a joint committee of both Houses be appointed to discuss this question.

Hon. Mr. DENNIS: In view of the discussion that has taken place, I shall have very much pleasure in acceding to the suggestion of the honourable leader of the House, and withdraw my motion. At the same time I want it distinctly understood

Hon. Sir JAMES LOUGHEED.

that I regard this question in a much more serious light than the honourable member for Victoria (Hon. Mr. Cloran) appears to do, and I hope that early next session it will be taken up in earnest, and, if Hansard is not altogether abolished, there will be, at any rate, very drastic reforms made in the present system, and great economies carried out.

Hon. (Mr. CLORAN: No objection to that.

Hon. Mr. DENNIS: In this connection I would like to say that I have been favoured by His Honour the Speaker with what appears to me, from a casual perusal of it, to be a valuable report by Mr. Fréchette, for many years an official of Parliament. In 1909, on the eve of his retirement, he was appointed a commissioner to visit some European countries where dual languages are recognized as official, and he made a brief but valuable report to Parliament which would throw considerable light on our own situation. Unfortunately, the printed copies of this report were destroyed in the fire when the Parliament buildings were burned three years ago, and only one or two copies are now in existence, and these are in the French language. The following is a translation of a portion of the report dealing with the reporting of the debates in Belgium and Switzerland:

In order to avoid overloading the present report, I shall omit reference to the third national language in Switzerland, the Italian, which is spoken by only a very small minority and for which there exists, by general consent, only a very limited translation service.

In Belgium the total of population is not appreciably different from ours. In Switzerland it is only about half. As to the number of persons in either country speaking one or other of the official languages (Italian excepted), the language of the majority bears about the same relation to the language of the minority as does the English to the French language in Canada.

In Belgium and Switzerland, as in Canada. the Debates are delivered in one or other of the official languages of the country. In Belgium, where the House of Representatives is composed of 152 members and the sittings are from 2 until 5 o'clock in the afternoon, an analytic report or résumé of the debates is published the same evening. On the third day after the sitting, at 8 a.m., a stenographic report is published in extenso under the title of "Parliamentary Annals." These "Annals" contain the speeches at length, but only in the language in which they are delivered. If a member has not revised the stenographic report of his speech within 48 hours, his speech is reported only in résumé, instead of being reproduced verbatim in the Parliamentary Annals, and mention is made of that fact.

The House of Representatives in Belgium have, for their debates: 1st, a staff of stenog-

raphers, as in Canada; 2nd, a staff of editors, who prepare forthwith a résumé of the speeches delivered, and forward their copy to the printer as soon as it is ready; 3rd, a staff of translators, who only translate the résumé prepared by the editors.

These translators, four in all, have an office at the official Printing Bureau, and make their translation from the first proof, which is supplied to them in galleys of 40 lines. I visited the translation office during a sitting of the House, and found that an important part of the report of the sitting was already translated and delivered to the printer to be published, with the balance of the analytic report, on the same evening. In that way the morning papers of either language have at their disposal the official résumé of the speeches delivered the previous afternoon.

In Switzerland, only the debates on the federal laws and resolutions are reported; and they are published, as delivered, in a stenographic Bulletin which extends to scarcely 600 pages. As for the other debates, a translator summarises the conclusions of each speech as delivered viva voce to the Chamber (in French if it has been delivered in German, in German if it has been delivered in French). It seems to me needless to make a more detailed study of the Swiss system, as the methods employed and the object in view are so different from ours.

I can only add that the Belgian system, which is much more expeditious than ours, should also be much less expensive, as the speeches are published in extenso only in the language in which they have been delivered, and are translated only in résumé for the needs of the moment.

The motion was withdrawn.

INSPECTION AND SALE ACT AMEND-MENT BILL (FRUIT, FRUIT MARKS AND POTATOES).

CONSIDERED IN COMMITTEE.

On motion of Hon. Sir James Lougheed, the Senate went into Committee on Bill 108, an Act to amend the Inspection and Sale Act (Fruit, Fruit Marks and Potatoes). Hon. Mr. Girroir in the Chair.

On section 1-repeal:

Hon. Sir JAMES LOUGHEED: As I explained this afternoon, this Bill represents the joint action and united opinion of the provincial and Dominion fruit growers' associations which met in Ottawa some time ago. Section 1 simply deals with the repeal of the different statutes referred to therein.

Section 1 was agreed to.

On new section 319-definitions:

Hon. Mr. BOSTOCK: Can my honourable friend give us the basis upon which the definitions in paragraphs c and d have been arrived at?

Hon. Sir JAMES LOUGHEED: As to paragraph c, it has been found that the definition of "culls" was of little or no value, inasmuch as it stated, practically, that a cull was any fruit that was unmerchantable. This definition proved unworkable, inasmuch as any fruit, no matter how worm eaten, diseased, or deformed, might be sold under certain conditions, and so long as it was possible to find sale for it, it could be called merchantable. The old definition of "culls" weakened all grades of fruit, inasmuch as they all provide that no culls shall be included. It is to meet that situation that this definition has been introduced into the Bill. The object in defining "immature fruit" as dealt with in paragraph d, is to establish the standard required in new section 320, which prohibits the sale of ammature fruit unless it is specifically stamped as such. It was found that growers, in order to gain the early markets, were packing grapes which had taken on a certain degree of colour, but which were not in a proper condition for use, with the result that a great industry was affected. The same thing was practiced to some extent in plums, prunes, peaches and pears. In the case of plums, lombards were often packed and sold as gleengages, obtaining by this deceptive method a better price than if they had been allowed to reach a state of maturity. This definition has been introduced to meet that condition.

Hon. Mr. BOYER: In the province of Quebec, where we produce no peaches nor pears, and where very few grapes are grown, we generally get these fruits from Western Ontario or the Niagara peninsula. They are generally shipped to us when not quite ripe, because if they were shipped in a ripe condition they would be unsalable and could not be eaten by the time they reached either Montreal or Quebec. Now, what decree are you going to place on unripe fruit?

Hon. Sir JAMES LOUGHEED: This definition might be construed to meet the situation pointed out by my honourable friend:

"Immature fruit" means fruit not ripe enough for dessert purposes and which will not attain such condition after being picked from the tree, bush, plant or vine.

If the fruit will ripen after being picked, so as to reach a stage sufficiently good for dessert purposes, it will not come within this definition.

Hon. Mr. BOYER: The same thing applies to bananas, which are never picked ripe.

Hon. Sir JAMES LOUGHEED: But they afterwards ripen sufficiently for dessert purposes.

Hon. Mr. BOYER: If that definition is applied, I do not see how we are going to get them.

Hon. Sir JAMES LOUGHEED: This only refers to fruit that will not ripen sufficiently for dessert purposes after being picked.

New section 319 was agreed to.

On new section 320-marks required:

Hon. Mr. POWER: I have always felt, in dealing with a manufacturer or producer of any article, that the best guarantee of its quality was the fact of the producer putting his name and address on the outside of the package in legible letters. I am very glad to see that it is proposed that that should be the case hereafter in the matter of fruit. In the case of apples, often the purchaser cannot tell who packed them, or of what grade the fruit is, and it is very desirable in the interest of the consumer that the name and address of the packer, and the quality and the grade of the fruit, should be distinctly marked on the package. I am glad to see that that is to be done.

Hon. E. D. SMITH: That has been the law for the last twelve years; no barrel of apples could be packed without the name.

Hon. Mr. BOSTOCK: If the statement of my honourable friend is correct, apparently the law has not been carried out, and therefore there is something wrong in the matter of inspection. Some years ago my wife bought a box of fruit in Ottawa, and on noticing that it was not properly marked I drew the attention of the Department of Agriculture to the fact; but, much to my surprise, the next time we wanted a box of apples we were told that we could not buy them by the box, but had to buy them at so much a pound. Would my honourable friend tell us if any further restrictions are being made in regard to inspection?

Hon. Mr. SMITH: There have been inspectors, and it has been their business to see that the law was carried out. I have never seen a barrel or a box of apples that was not properly marked, though there may have been some somewhere.

Hon. Mr. DANIEL: Is it usual for the growers of fruit to state what the grade is, or is there any inspector who has that power? Suppose any gentleman here has a fruit farm, and he packs his fruit, according to this section it has to be marked Hon. Mr. BOYER. No. 1, No. 2, or No. 3, whatever the grade may be. Is he authorized to make the grade himself?

Hon. Mr. SMITH: If he packs a barrel of apples in a closed package, so that the consumer cannot see them, he must mark the grade on the outside of the barrel.

Hon. Mr. DANIEL: He makes the grade himself?

Hon. Sir JAMES LOUGHEED: He makes the grade, but there are specifications provided by the Act which enable him to pack them correctly.

Hon. Mr. BRADBURY: I believe it would be an improvement to have the date of packing as well as the name of the packer. As to packing apples, I would like to say to my honourable friend (Hon. Mr. Smith) that while the spirit of the Act may be carried out, I am sure honourable gentlemen in this House know the manner in which a large portion of the apples come from Ontario, good apples are placed on the top and the bottom of the barrel, while the apples between are very inferior.

Hon. Sir JAMES LOUGHEED: That is human nature. You will have to change human nature first before you can remedy that.

Hon. Mr. BRADBURY: We want to make this Act punish such packets.

Hon. Mr. SMITH: That has been done; the punishment was provided; those who packed apples in that way were liable to fine or imprisonment.

Hon. Mr. WATSON: The present Act provides that every closed package of fruit must be marked with the full name and address of the packer, and I have not seen any fruit sold in the West without the packer's name on the package. Sometimes the grade was not put on specifically, but the name was there, or, if not, the inspectors had not done their duty.

Hon. Mr. BRADBURY: That is it.

Hon. Mr. SMITH: It only remained for any one to complain and call in the inspector, and then of course he would act.

Hon. Mr. WATSON: There is not much object in amending the law if the Government is not going to have inspectors who will carry it out.

Hon. Mr. BRADBURY: Let the inspectors do their duty.

Hon. Mr. BOYER: Last year we discussed a Bill for the inspection and stamp-

636

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MAY 21, 1918

ing of lobsters, and one objection raised was that the stamping would add greatly to the cost of the lobsters. Will this requirement of marking packages not have the same effect on fruit? I know that at one season of the year in the Montreal market we are inundated with baskets of white grapes. They are delicious. Will those have to be stamped also? I have known them to be sold in Montreal as low as 20 cents a basket. They all come in a bunch; they seem to ripen together. Are you going to add the cost of inspection to a basket containing probably a gallon and a half of grapes, or are you going to stamp those as inspected?

Hon. Sir JAMES LOUGHEED: If a producer is sufficiently enterprising to put grapes on the market, even as indicated, .he will not hesitate to comply with the obligation of stamping the package. He could buy a rubber stamp for a very small sum; the cost is infinitesimal, and some system must be adopted for the purpose of protecting the public. It is difficult to draw a distinction between packages such as my honourable friend has referred to, and closed packages such as apples in barrels, boxes, etc.

Hon. Mr. BOSTOCK: Is subsection 2 of section 320, with regard to repacking, a new provision?

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. BOSTOCK: And subsection 3?

Hon. Sir JAMES LOUGHEED: Subsection 3 is new.

Hon. Mr. BOSTOCK: And subsection 4?

Hon. Sir JAMES LOUGHEED: And 4, 5 and 6.

Hon. Mr. BOSTOCK: I see that subsection 5, which reads—

Every person who, by himself or through the agency of another person packs immature peaches, plums, pears, prunes or grapes-

-does not deal with apples at all. I suppose it was not considered necessary.

Hon. Sir JAMES LOUGHEED: The explanation as to immature fruit would apply to that.

Hon. Mr. BOSTOCK: Yes, but why specify "peaches, plums, pears, prunes or grapes?" The offence might be just as bad in the case of apples. Is there any reason for leaving apples out of this subsection?

Hon. Sir JAMES LOUGHEED: It would not apply to apples to the same extent as to these other fruits.

Hon. Mr. POWER: Immature apples become mature.

Hon. Sir JAMES LOUGHEED: And of course green apples can be used for cooking purposes.

Hon. Mr. BOSTOCK: So can pears. Green pears can be used for cooking purposes in the same way.

Hon. Sir JAMES LOUGHEED: I doubt it- not to the same extent at all.

Hon. Mr. BOYER: What about green apples?

Hon. Sir JAMES LOUGHEED: They can be used for cooking purposes very acceptably.

Hon. Mr. POWER: Green apples are bad things to eat.

Hon. Mr. WATSON: I think pears are imported in a very green state, and sometimes they have to be kept in the shop for two or three weeks before they are fit to eat.

Hon. W. B. ROSS: Some have to be kept three months.

Hon. Sir JAMES LOUGHEED: My honourable friend must keep in view that this provision does not preclude immature fruit from being handled; the only provision is that the immature fruit must not be placed on the market when it is quite apparent that it could not be used advantageously; that is to say, it must not be picked or used before the person is warranted in concluding that it will reach a stage at which it can be used for dessert purposes.

Hon. Mr. BOSTOCK: On its arrival.

Hon. Sir JAMES LOUGHEED: No, not on its arrival.

Hon. Mr. BELCOURT: It does not say that.

Hon. Sir JAMES LOUGHEED: So long as the fruit is retained until you are assured that it will reach a state in which it can be used for eating or for cooking purposes, it is not immature fruit.

Hon. Mr. BELCOURT: It is fruit that has not yet ripened.

Hon. Mr. BOSTOCK: I take it that in the case of pears and some of the other fruits mentioned here, which have to be picked on the green side in order that they may arrive at their destination in proper condition, they would not be included in this definition, "immature fruit."

Hon. Sir JAMES LOUGHEED: Oh, no; they are not immature fruit.

New section 320 was agreed to.

New section 320A was agreed to.

On subsection 1 of new section 321-closed package marks:

Hon. Sir JAMES LOUGHEED: The new words in this subsection are, "or in an open package and intended for sale." This is the old law, with that exception.

Hon. Mr. BOSTOCK: Is the rest of this clause the same as the old law?

Hon. Sir JAMES LOUGHEED: Subsection 1 is, with that exception.

Subsection 1 of new section 321 was agreed to.

On subsection 2 of new section 321-No. 1 fruit:

Hon. Sir JAMES LOUGHEED: Subsection 2 of the old law is struck out and a new subsection substituted.

Subsection 2 of new section 321 was agreed to.

On subsections 3 to 9, inclusive, of new section 321-grades and packing:

Hon. Mr. BOSTOCK: Are there any other changes in section 321 besides those which my honourable friend has mentioned?

Hon. Sir JAMES LOUGHEED: In subsection 3 the words "No. 2" are new, the words "and some colour" are new, the word "sound" has been introduced after the word "variety"; "eighty-five per cent" is new; "scab" is new; the words "bruises and other defects" are new.

Hon. Mr. BOSTOCK: Can my honourable friend tell me if there is any other Act dealing with the inspection and marking of fruit besides this one with which we are now dealing?

Hon. Sir JAMES LOUGHEED: No.

Hon. Mr. BOSTOCK: I was under the impression that we passed one a few years ago. We are amending the Act as contained in the revised statutes.

Hon. Sir JAMES LOUGHEED: This may possibly have been the Act to which my honourable friend refers.

Hon. Mr. SMITH: This Act has been amended several times since it was first passed.

Hon. Mr. BOSTOCK.

Hon. Sir JAMES LOUGHEED: It is a kind of hardy annual.

Hon. Mr. BELCOURT: And it seems to ripen.

Hon. Sir JAMES LOUGHEED: This is a ripening process through which it is . passing.

Subsections 3 to 9, inclusive, of new section 321, were agreed to.

New section 322 was agreed to.

On new section 325 — dimensions of packages:

Hon. Mr. WATSON: Does that change the old dimensions?

Hon. Sir JAMES LOUGHEED: Yes; it adopts a uniform size throughout the whole Dominion.

Hon. Mr. WATSON: How does it compare with the old barrel?

Hon. Mr. SMITH: This is the old Nova Scotia barrel. This is a barrel that has been a legal barrel for many years, but previous to this it was the minimum barrel and any one could use a barrel larger than this. Now this size is made the only legal barrel.

Hon. Mr. WATSON: It is considerably smaller than the Ontario barrel?

Hon. Mr. SMITH: Yes.

Hon. Mr. WATSON: How much smaller?

Hon. M. SMITH: About a peck.

Hon. Sir JAMES LOUGHEED: That is the reason Ontario agreed to it, I suppose.

Hon. Mr. BOSTOCK: With regard to the size of apple boxes, this clause changes the size as described in the Revised Statutes of 1906, but I think the size of apple-boxes was changed about three years ago. Are we going back to what it was previously?

Hon. M. WATSON: Is it smaller or larger?

Hon. Sir JAMES LOUGHEED: This is the first time we have had a domestic box.

Hon. Mr. BOSTOCK: These are the dimensions for the domestic box?

[•]Hon. Sir JAMES LOUGHEED: Yes: "all apples packed in Canada for sale in Canada by the box, shall be packed," etc.

Hon. Mr. BOSTOCK: But there has been a regulation regarding apple-boxes for years.

Hon Mr BELCOURT.

Hon. Sir JAMES LOUGHEED: That is, for export.

Hon. Mr. BOSTOCK: But the apple-box has been used for the domestic trade just as much as for the export trade. There has been no distinction made.

Hon. Sir JAMES LOUGHEED: Possibly not in the trade, but it was not so provided in the statute.

Hon. Mr. BOSTOCK: Will this change the size of the box that is being used?

Hon. Sir JAMES LOUGHEED: It is practically the same, I am informed.

Hon. Mr. DANIEL: There is nothing in this clause to say whether the dimensions of boxes are inside or outside dimensions.

Hon. Sir JAMES LOUGHEED: Yes, it says "the inside dimensions."

New section 325 was agreed to.

On subsection 1 of new section 326-contents of berry-boxes.

Hon. Mr. BOYER: Does that change the sizes?

Hon. Sir JAMES LOUGHEED: No, they are practically the same as before.

Hon. Mr. BOYER: There are immense quantities of boxes that have been made during the winter, and if you change the sizes now they would be practically useless.

Hon. Mr. SMITH: These are the same sizes.

Hon. Sir JAMES LOUGHEED: They are practically the same sizes, and in any event manufacturers are given a year to dispose of old stock.

Hon. Mr. BRADBURY: While this makes provision for the size of the box, it does not seem to me to make provision for what shall be in the box; that is, the box of berries offered for sale may be only twothirds filled.

Hon. Sir JAMES LOUGHEED: We shall arrive at that point shortly.

Subsection 1 of new section 326 was agreed to.

Subsections 2 and 3 of new section 326 were agreed to.

On new section 328—penalty for violating sections 320 and 321:

Hon. Mr. BELCOURT: In section 328 there is a penalty provided for any violation of the provisions contained in sections 320 and 321, but so far as I can see there is no

penalty anywhere in the Act for violations of the provisions of sections 322, 325 and 326. Section 322 deals with branding, 325 deals with the dimensions of barrels, boxes, packages, etc., and 326 deals with the contents of berry-boxes, etc. I notice that those sections have no sanction whatever in the Act.

Hon. W. B. ROSS: Section 322 does not need a sanction.

Hon. Mr. BELCOURT: No; my honourable friend is quite right: section 322 does not need a sanction. But sections 325 and 326 have no sanction at all. I do not see what is the good of our passing legislation to say that boxes shall be of certain sizes and the contents shall be certain quantities, if there is no sanction to it. Anybody may violate sections 325 and 326, for instance by selling a box only half filled, and yet be subject to no penalty.

Hon. Sir JAMES LOUGHEED: In the meantime, until we look into the question, I am willing that we should amend this section by inserting the words "sections 325 and 326."

Hon. Mr. BOSTOCK: In the Revised Statutes, section 328, which we are repealing, says:

Every person who by himself or through the agency of any other person, in contravention of any of the provisions of this part, sells, offers, exposes or has in possession for sale any fruit packed—

So we are repealing a clause that deals with the penalties for the whole of that part of the Act, and the new clause as it is now drafted applies apparently to only two particular sections of that part.

Hon. Sir JAMES LOUGHEED: We will insert "sections 325 and 326," and if we find before the third reading that those words are unnecessary, they can be taken out.

Hon. Mr. BELCOURT: I feel pretty sure there is no provision made for violations of sections 325 and 326. I have looked somewhat carefully.

Hon. Mr. BOSTOCK: I would like to draw the minister's attention to the Act. chapter 85 of the Revised Statutes, because, as I read it just now, the old penalty clause 328 applies to all the sections in that part of the Act. If the honourable gentleman had the statutes before him he would see that there is a section, 324, which deals with the qualities of apples, and the amendment which is now proposed leaves out that section 324. I think the penalty clause ought to be made to apply to all the sections of that part of the Act.

New section 328 stands.

New section 329 was agreed to.

On section 331-penalty for destroying or pilfering fruit:

Hon. Mr. DANIEL: That provision includes porters on railways, I suppose.

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. BOSTOCK: There will be a conflict, because there is a clause 331 in the Act.

Hon. W. B. ROSS: Yes, that should be 331A.

Hon Sir JAMES LOUGHEED: It will be observed that in section 1 we do not repeal section 331 of the old Act. The section in the Bill should be 331A.

New section 331A was agreed to.

On new section 332-penalty for obstructing officer, etc:

Hon. Mr. BELCOURT: What is the meaning of the words, "are sooner paid"?

Hon. Mr. DANDURAND: Sooner than going to gaol.

Hon. W. B. ROSS: There will be a penalty for infractions of sections 325 and 326. Section 330 of the old Act reads in this way:

Every person who neglects to comply with or who packs for exportation, apples, pears or quinces, by the barrel or box otherwise than in accordance with foregoing provisions of this part, shall be liable, on summary conviction, to a penalty of twenty-five cents for each barrel or box of apples, pears or quinces so offered or exposed for sale or packed.

That covers the whole thing.

Hon. Mr. BELCOURT: That does not cover section 326.

Hon. W. B. ROSS: Section 331 of the old Act says:

Every person who neglects to comply with any of the provisions of this Part relating to boxes of berries or currants, or berry boxes or baskets of fruit, or who sells or offers for sale any fruit or berry boxes in contravention of any of the said provisions shall be liable, on summary conviction, to a fine of not less than twenty-five cents for each basket or box so sold or offered for sale.

Hon. Mr. BELCOURT: Can my honourable friend- answer the question which I asked him as to the meaning of the words, "are sooner paid?"

Hon. Mr. BOSTOCK.

Hon. Sir JAMES LOUGHEED: The liability to imprisonment does not arise if the costs are sooner paid.

Hon. Mr. BELCOURT: I have never seen that wording before. To my mind it is very inapt.

Hon. Sir JAMES LOUGHEED: How would you put it?

Hon. Mr. BELCOURT: "Are forthwith paid," or paid within, say, one week. That is the usual way.

Hon. W. B. ROSS: Suppose a man is sent to jail for six months, at the end of thirty days he could pay the fine and get off. He will stay in jail for six months unless the fine and costs are sooner paid.

New section 332 was agreed to.

On section 337A-potato grades:

Hon. Mr. BEIQUE: Why are seed potatoes excluded under subsection 2? I could understand excluding them as to size, but the quality ought to be the same. There is more reason for seed potatoes being free from scabs and disease than there is for potatoes sold for consumption.

Hon. Sir JAMES LOUGHEED: I am informed that this is the same as the provision in force in the United States. It is introduced into our Act more for the purpose of uniformity than anything else.

Hon. Mr. BEIQUE: It is bad legislation.

Hon. Mr. BOSTOCK: If it is not good legislation, why should we do it just because the United States does it? Seed potatoes should be just as sound and good as other potatoes.

Hon. Sir JAMES LOUGHEED: They can be sold as ungraded potatoes for seed purposes.

Hon. Mr. BEIQUE: Under this provision diseased potatoes can be sold without the vendor being liable to a penalty.

Section 337A was agreed to.

On new section 328—Penalty for violating sections 320 and 321 (re-considered):

Hon. Sir JAMES LOUGHEED: The proposed amendment will be stricken out.

New section 328 was agreed to.

The Bill was reported with amendments, read the third time and passed.

CUSTOMS TARIFF AMENDMENT BILL. SECOND READING.

Hon. Sir JAMES LOUGHEED moved the second reading of Bill 81, an Act to amend the Customs Tariff, 1907.

He said: This is a revenue Bill in which provision is made for an increase of duties upon the articles set forth in the schedule. It is practically complementary to the Bill which we passed the other day, which made provision for an increase of excise duties upon tea and other articles. When we go into committee on the various items I shall be very glad to explain them to the House.

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

BUSINESS PROFITS WAR TAX BILL.

SECOND READING.

Hon. Sir JAMES LOUGHEED moved the second reading of Bill 84, an Act to amend the Business Profits War Tax Act, 1916.

He said: This Bill, among other things, will bring within the scope of the taxation levied under the Business Profits War Tax, businesses with capital of from \$25,000 to \$50,000. The former legislation did not apply to businesses with capital of less than \$50,000. There are also provisions in the Bill improving the machinery of the old Act and making more feasible the collection of the tax which is imposed. The Business Profits War Tax Act expired at the end of December last, and this Bill makes provision for the extension of the Act to the end of December, 1918. I shall be very glad to give the details when we are in committee.

Hon. Mr. BOSTOCK: This Bill brings in a number of businesses which were not touched by the former Act, but I see nothing in it dealing with the farmers. who were left out of the former legislation. As I understand it, this Bill does not apply to any farming business at all.

Hon. Sir JAMES LOUGHEED: I understand not.

Hon. Mr. BOSTOCK: I think the point was raised in another place that in certain parts of the country businesses having quite a large capital and a large turnover are carried on in connection with farming, but are still absolutely free of taxation. I do not know whether the question of taxing these businesses has been considered by the Government, but I do not know why they should be left out.

Hon. Sir JAMES LOUGHEED: Possibly when we go into committee my honourable S-41

friend will be able to suggest some way by which we can reach a very large number of industries of this kind. We may be able to work out some further taxation. That is what we are looking for.

Hon. Mr. DANDURAND: And the Commons would not be scandalized at our meddling?

Hon. Sir JAMES LOUGHEED: I think they would be delighted.

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

INCOME WAR TAX BILL. SECOND READING.

Hon. Sir JAMES LOUGHEED moved the second reading of Bill 85, an Act to amend the Income War Tax Act, 1917.

He said: This Bill increases the tax on incomes, particularly the larger incomes. The provisions of section 3 define the scope of the additional taxation. I may say in general terms that our income tax now exceeds that of the United States. We have reached practically the maximum of what may be expected. It is to be hoped that in due course of time we may see our way clear to reduce that.

Hon. Mr. BELCOURT: I suppose the farmers are included in this?

Hon. Sir JAMES LOUGHEED: I am not aware of their being exempted.

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

The Senate adjourned until to-morrow at 11 a.m.

THE SENATE.

Wednesday, May 22, 1918.

First Sitting.

The Senate met at 11 a.m., the Speaker in the Chair.

Prayers and routine proceedings.

CANADIAN NORTHERN RAILWAY BILL.

CONSIDERED IN COMMITTEE AND RE-PORTED.

On motion of Hon. Sir James Lougheed, the Senate went into Committee on Bill 87, an Act supplementary to chapter twentyfour of the Statutes of 1917, respecting the Canadian Northern Railway system. Hon. Brigadier-General Mason in the Chair.

Hon. Sir JAMES LOUGHEED: Yesterday the honourable member from Ottawa

REVISED EDITION

(Hon. Mr. Belcourt) asked me if I would lay upon the Table a statement of the securities held by the different parties to whom the loans referred to are owing. I have great pleasure in placing this upon the Table. It shows securities of a par value of \$69,449,192, securing the indebtedness -of \$67,360,607, which I mentioned yesterday. Those securities would of course revert to the Government in the event of the Government being called upon under their guarantee or contract to pay any of those loans which they seek authority to renew or guarantee.

On section 1-guarantee or renewal or postponement of payment:

Hon. Sir JAMES LOUGHEED: Section 1 makes provision for the Governor in Council to have power to renew or guarantee or pay the obligations referred to.

Section 1 was agreed to.

Sections 2 and 3 were agreed to ..

The Bill was reported without amendment.

INSPECTION AND SALE ACT AMEND-MENT BILL.

CONSIDERED IN COMMITTEE.

On motion of Hon. Sir James Lougheed, the Senate went into committee on Bill 19, an Act to amend the Inspection and Sale Act (food containers, firewood and cement). Hon. Mr. Daniel in the Chair.

Hon. Sir JAMES LOUGHEED: I ask the committee to permit me to call within the Bar Mr. Byrnes, who is an officer of the department, for the purpose of explaining this Bill.

On section 1, new section 358A—packages of food and containers to be marked:

Hon. Sir JAMES LOUGHEED: This clause enumerates the various packages and receptacles referred to in the Bill as "containers," and defines how they shall be marked, which is a matter of increasing importance to the consumer. Representations are made to the department from time to time as to the desirability of legislating along these lines, so that the public may be assured of getting what they pay for.

Hon. Mr. BOSTOCK: These clauses are entirely new and in addition to the present Act, as I understand it. Although my honourable friend has not given us very much information, I presume there has been a demand made on the Government or the department for this legislation. It

Hon. Sir JAMES LOUGHEED.

seems to me that this clause is very wide. It says:

Every can, carton, bottle, box, barrel, wrapper, package or closed receptacle of whatever description, hereinafter called "the containers," containing human food or any other commodity.

The words "any other commodity" seem to be very wide. I have not very much information about the matter, but I should think this provision would cause a good deal of hardship. An article like a little packet of tacks might be looked upon as a commodity; and to say that a man has to put his Christian name and his surname in full on every packet of tacks is carrying things to a rather extreme point. I cannot find any definition of the word "commodity" in the Act, and I think it would bear the construction which I have put upon it.

Hon. Mr. FOSTER: Before we proceed further with the discussion of this clause, I desire to renew the suggestion made by the leader of the Opposition yesterday, and urge upon the leader of the Government the desirability of suspending for this year the consideration of this Bill. I quite understand the motive that was in the mind of the framer of this Bill, and, so far as the Bill itself is concerned, it might, if amended, serve a useful purpose under certain circumstances. But during the last hours of this session, to bring before the House a Bill which had been generally accepted in the country as not likely to be pressed at this session, appears to me to be an injustice to the people particularly interested in this measure. I do not urze opposition to the Bill on behalf of the manufacturers, who, perhaps, under certain circumstances, would be able to conform to the regulations laid down as essential, but. on behalf of the farmers, whom I especially represent, I say the legislation proposed would work a grievous hardship on them.

In order that the leader of the Government may thoroughly appreciate the position which I take, I would call his attention to section 358A, which is as follows:

358a. Every can, carton, bottle, box, barrel, wrapper, package or closed receptacle of whatever description, hereinafter called "the container," containing human food or any other commodity manufactured, produced, sold or offered for sale in Canada, when such container is in its original unopened or unbroken form as it is usually delivered to consumers when sold or offered for sale in Canada, shall be plainly marked, stamped, branded, or otherwise indicated on the outside or top or on a label or tag attached thereto,—

(a) with the initials of the Christian names and the surnames at full length, of the filler or person for whom such container is filled.

Manifestly a farmer cannot put on every package the name of the man for whom it is put up; he will put on the package his own name and address. Paragraph a concludes:

Also with the address of the place of business of such person, co-partnership or company.

· Paragraph b reads:

(b) the name of the articles of food or other commodities in such container, and the net weight in Dominion standard avoirdupois weight, or the measure in Dominion standard capacity measure, or the numerical count of such food or other commodity.

That must be marked on the package. Section 358B says:

358b. (1) Every person who sells, offers for sale, or has in his possession for sale, any container not marked, stamped or branded according to the requirements of this Act, shall be liable, on summary conviction, to a penalty of one dollar for each container not properly marked, and, in addition, to a penalty of twenty-five dollars for a first offence and one hundred dollars for each subsequent offence; and,

(2) Every person who marks, brands or stamps any container with any untrue statement, shall, on summary conviction, in addition to the penalties prescribed in subsection one hereof, be imprisoned for a period not exceeding six months.

Now, I submit to this honourable House that, having in mind the situation in which the farmers of this country are placed, and the necessity for them to devote every possible hour of their time, all the energy they possess, and every dollar of their money, to increasing the output of agricultural products, we should realize that it is a mistake at this stage to impose upon them such a burden, one which I do not believe will bring about the results which were aimed at by the man who framed the Bill. It may be at some future time desirable that this House, having had an opportunity to communicate with the persons who are interested in this measure, should ascertain whether there is any such wrong as surely somebody must have imagined to exist at the time this Bill was framed. For myself, I have never heard of any demand for this Bill. I have never heard of any general complaint of wrong being done in the matters dealt with by the clauses to which I have referred and others to which I shall call attention. I think that an absolute injustice will be done if the House passes this Bill in its present form. Section 358C says:

The provisions of this Act shall not apply to, (a) any article manufactured or packed for export.

That is to say, we require to protect the consumers of this country and the reputa-S-41

tion of the farmers of this country against fraud and mistakes with respect to goods that are to be sold at home, but as to goods to be' sent abroad we do not care whether the packages are properly filled or not, whether they are properly stamped or not, or whether the articles are good or bad. It seems to me that if there is any necessity for having the goods branded and the name of the maker placed on the package, it applies quite as much, or more, to goods that are sent out of this country upon which the good name and the credit of the farmers and people of Canada depends a great deal more than upon the goods that are made for home consumption. I mention this point only to show that apparently this Bill has not been given that consideration which its importance requires.

Section 359, referring to firewood, provides:

359. Wood when sold or offered for sale in Canada as fuel, other than mill scrap, kindlings or other mill refuse, shall be sold by the cord or fraction thereof, and every cord shall contain one hundred and twenty-eight cubic feet, closely and fairly piled, which measurements shall form the basis of all transactions for the sale of wood for fuel, and all sales made shall be for a full cord or a fraction thereof.

In other words, it would seem as though this Government had made up its mind that the farmers of Canada must become experts as wood-pilers, and if they fail to do so or if they make a mistake of a stick or two in a cord they will get into trouble.

But there is another clause which shows that the drafter of this Bill does not mean what he says, for section 359B provides that "notwithstanding anything in this Act, wood may be sold otherwise than by the cord." The first section dealing with firewood says that every cord of wood sold or offered for sale must contain so many cubic feet, while, according to the last section, you may buy firewood by the load, by the wheel-barrow load, or in any way you like; it does not make any difference whether you buy it by the cord or not. In these two classes there is evidence that the drafting of the Bill has not had the consideration it deserves.

Section 360 refers to Portland cement. I am not in the cement business; I have no interest in cement, not one share of stock, but I have an opinion on the question from the standpoint of the farmers. Section 360 says:

360. All Portland cement shall be sold by weight and ninety-four pounds shall constitute a bag and four such bags shall constitute a barrel.

As every honourable gentleman knows, cement is sold in Canada at 871 pounds to the bag, and the American weight, from which I presume this clause is copied, is 94 pounds. Now, if the farmers, by this legislation, were going to get 94 pounds of cement instead of 871 I should vote for this Bill and tell them to be careful about their cordwood and the other requirements of this Bill which would, in my opinion, impose hardship upon them; but I have not faith enough in the cement manufacturers or dealers to believe that they will give 94 pounds of cement instead of 871, just because Parliament declares that 94 pounds shall be put into a bag. The bags now in use in this country, and in the hands of all the dealers from one end of Canada to the other, contain 871 pounds. These bags were made up, and the wholesale dealers and the cement manufacturers have paid for because them they were of the size prescribed by the law of the country. And now, forsooth, Parlia-ment would declare, "You must put 94 pounds of cement into every bag." though the bag will hold only 871 pounds. I understand that at one time there was a clause in this Bill which has been struck out of this Bill but which prohibited the hens of this country from laying small eggs; that there was criticism of the small size of some eggs, and the farmers and the hens were going to be compelled to produce an article of superior character. I fail to see that there is more consistency in the clause which was left in than in the old clause which was struck out in the lower House.

Hon. Mr. WATSON: The National Policy increased the size of eggs.

Hon. Mr. FOSTER: The weight of 871 pounds of cement has been used in this country as the basis in manufacturing cement bags. It is well known that in mixing cement for roads, sidewalks, barns, etc., the proportions are one part of cement, three parts of sand and five parts of stone. That is to say, 871 pounds of loose cement is as nearly a cubic foot as any weight can possibly be. The farmers of this country have used cement so long, and are so accustomed to the quantities that have been stipulated to them in connection with the mixing of cement, that it seems to me it is a mistake for us to require them to readjust their figures, when, as they know perfectly well, they will have to pay for the increased size of bag an additional price. Moreover, every honourable gentlemen in

Hon. Mr. FOSTER.

this House who has used cement knows that when the cement is being delivered by the manufacturer, a certain amount of cement sifts through the bag when it is loaded on the wagon. It is landed in a warehouse, and in being re-handled more cement sifts through the bag. It goes to the retailer in the country, and from him to the farmer. The farmer throws it on the ground, and more cement gets through the bag. Somebody, without having any just cause of complaint, may find that through careless handling there is a bag or bags short of the amount called for by this Bill, and some one would get into trouble.

These arguments which I have put before this honourable House will, I am quite sure, satisfy honourable senators that, while at some future time such a Bill may be considered in the public interest, we are not to-day in a position-we have not the necessary information-to enable us to apply to this Bill that intelligent opinion which we should have after conferences with the people whom we represent, and after giving it careful consideration ourselves. I suggest to my honourable friend (Hon. Sir James Lougheed) that he ought not to insist upon the enactment of this measure, in view of the position which I have described as that which the farmers of this country will take. The Bill would, among other things, compel every farmer in this country, in order to comply with its conditions, to provide himself with a scale, if he has none at present. There are hundreds and thousands of farmers in this country who have not a scale on their premises. Honourable gentlemen may say they should have one, and I presume they should: but this is no time to put additional burdens on them in this respect. It is true also that there are many thousands of farmers whose scales are not perhaps adjusted with that degree of accuracy with which they should be, or in ordinary times would be: but, in addition to the other arguments. I respectfully submit to the honourable leader of the House that no serious harm can result from following the suggestion offered yesterday by the honourable leader of the Opposition, in which I concur.

'Hon. Mr. TANNER: Do I understand that the honourable member reads this Bil! as meaning that every farmer who brings to the market, meats, vegetables, eggs and other produce, must bring them in a closed container or receptacle, and is not at liberty to bring them in and sell them on the market without putting them in a container?

Hon. Mr. FOSTER: It would still be permissible for farmers to sell their goods in open containers, but in my district milk is sold in closed cans-quarts, pints, onegallon containers, five-gallon, and others; and they would all require to have a stamp upon them. In my village, cream is sold in bottles, at the homes of the people, in closed receptacles, and every one of them would have to be stamped. If one of the stamps should be rubbed off, the vendor would get into trouble over it. He may send his boy distributing cream and milk around the village, and the labels on the glass bottles may become rubbed off. Should that man be made to suffer in the serious way laid down in this Bill?

Hon. Mr. TANNER: Is that the only article?

Hon. Mr. FOSTER: It is not. I could mention many other articles sold by the farmer, and convince the honourable gentleman. What about maple sugar?. Our farmers are to-day putting up maple sugar in one-pound, two-pound and five-pound paper wrappers for home consumption; they are putting up syrup in pints, quarts, gallons, five gallons; and every one of the containers would have to bear a label. Every articlecream, milk, sugar, butter-would have to be labelled. We are selling butter in the country from house to house, and it is well known to every honourable senator that the same is being done all over this country. If this Bill were put through in its present form and carried out literally, all farm products would require to have a label on them, and the farmer would need a book-keeper in order to conduct his business; otherwise he would be likely to be put into jail.

Hon. Mr. CHOQUETTE: I agree with what has been said by the honourable senator who has just taken his seat. I think this Bill is quite impracticable from the farmer's point of view, but I will say more. Looking at the last section of the Bill, I observe that there is no hurry for its enactment, because it would come into force only one year from the date upon which it receives the Royal Assent. The remarks which have been made by my honourable friend will be published, and the farmers will have an opportunity to consider this proposed measure. I do not want to repeat what has been so eloquently said by my

honourable friend; but if prorogation is to take place on Saturday next, or to-morrow, I see no good reason why the farmers and the public generally should not be given time to study this question. If it is desired that the Bill shall only come into force a year from now, there will be time for another session before the year expires. and by next session the farmers will have had an opportunity of becoming familiar with the Bill. The remarks which have been made by my honourable friend are absolutely true, and I might cite another instance of what would be the effect of this Bill. There is in Quebec county a farmers' dairy, which distributes about 1,000 bottles, small or large, of milk every morning.

Hon. Mr. BRADBURY: Are the bottles not all already marked "pint" or "quart"?

Some Hon. SENATORS: No.

Hon. Mr. CHOQUETTE: Clause 358A requires that every bottle, box, barrel, etc., shall be marked. A mark would have to be placed on every one of those thousand bottles which the Farmers' Dairy at St. Foy loads every morning on about ten wagons, which start off at 4 o'clock a. m. and distribute the thousand bottles from door to door. How can that company put a label on every bottle giving the name and address and other particulars? It is impossible. So, on behalf of the farmers, I think we ought to prevent the enactment of that provision, or at least we ought to give the farmers a chance of being heard with respect to it. I understand that the farmers have no show here now. In the past they used to have some influence; they were listened to, and received promises; but now they have no show, and when they came in thousands to the Parliament buildings the other day they were not heard.

Hon. Mr. FOSTER: Don't talk politics.

Hon. Mr. CHOQUETTE: This question is of interest not only to the farmers but to all the people. The Bill is impracticable, and I can see no reason for hurrying it through now unless it is the attitude adopted recently by the farmers. It should be allowed to stand, as has been done with the Railway Bill and other measures.

Hon. H. W. RICHARDSON: It seems that the aim of legislation to-day is entirely to benefit the consumer, and that the producer and manufacturer are entirely forgotten. There is in this Bill a saving clause providing that it shall not come into force for one year. Is one year ample? I can tell you that it is not. Owing to dif646

ficulties in obtaining supplies manufacturers have to get their supplies of containers of all kinds far in advance. Those which they have on hand at present will be used during the coming summer for the packing of their goods. They will be delivered to the wholesaler during the winter and the spring and summer of next year, and will not reach the consumer until after that time. If this Bill were to take effect one year from the present time, all the bags, cans, labels, etc., in the possession of the manufacturers or packers would be useless, and in many cases it would be necessary to get new packages and new labels. There would be a tremendous loss. It will be more than a year-it will be eighteen or twenty months yet-before the present stocks are disposed of. We want to be careful. We do not want to injure any one set of people. What we want is legislation in the interest of the entire country, not in the interest of any particular class; and I contend that there is too much legislation enacted to-day for the consumer, and not enough protection for the manufacturer. It is popular to talk about placing a tax or a restriction on the manufacturer, but the public do not realize that they must ultimately pay for it every time. and pay heavily, because the manufacturer's trade is crippled and he cannot do good business. Such laws do not have the effect intended, but just the reverse.

Hon. E. D. SMITH: The principle of this Bill, if there can be said to be any principle in it, consists of two parts. In With one part it provides standards. that I throughly agree. I believe that the time is coming-in fact, it is long pastwhen we should have standards fixed for foodstuffs especially, and for many other commodities. I think that the system of specifying by Act of Parliament or by regulation the standard sizes of packages, standard contents for those packages, and standard qualities for the goods in the packages, is the proper system. Part of this Bill provides for such standards in certain articles. Last night we put through a Bill respecting fruit packages. The whole of that Bill pertained to standardizing; therefore, in my judgment, it was an excellent Bill, and no opposition was shown to it in this House. Why should there be any opposition to it? It provided for standards of sizes-only a few sizes. There are only two sizes of baskets for general use; so no person can fail to know what he is buying. Therefore there would be no possibility of

the consumer being cheated, which I presume is the object of this Bill; a highly desirable object, and one with which everyone would agree. But this Bill, in my judgment goes about the matter in the wrong way. Though in general the Bill is all right, it has many features, even as it now stands with which I cannot agree. When the Bill was brought into the House of Commons, it was totally different from this one; but the House of Commons riddled it to pieces, so that it can hardly be recognized as the same Bill, which shows that it had not been well considered, in many respects, when it was introduced. The question is, what is the best way to protect the consumer? This Bill provides, first of all, that the packer shall put his name and address on the packages. I agree thoroughly with that; no one should put out a closed package unless he becomes responsible in some way for its contents, and when the packer's name and address are on the package it can be traced to its source.

The only clause to which I seriously object is the one requiring the net weight to be printed. That is the catch. It seems all right, but it does not amount to anything. The printing of the net weight on the packages does not protect the consumer, or does so only to an extremely limited degree. I will admit that it is better than nothing, and I would hold up both hands for printing the net weight on the package if there is no other way of protecting the consumer. But there is a way ten times better than that, absolutely protecting the consumer and at the same time enabling the manufacturer to produce his goods cheaper, while this Bill would cause them to be dearer. Every manufacturer who is compelled to mark the net weight on every package would have to print such weight on all present labels, or else put two ... labels on, which most manufacturers would have to do, because many of their labels would be spoiled if anything else were printed on them, as they are small, neat, lithographed labels with a pretty design. Any expense involved in either method would be saddled eventually on the consumer. It may be said that new labels could be printed; but the present stocks of labels would not be used up for ten years. manufacturers having many because main lines of products get supplies enough for that length of time, and only in certain cases are labels made every year; hence manufacturers would have to supply this printing of the net weight before

Hon. Mr. RICHARDSON.

the regular supply of labels would be used up.

But, even supposing the label is one that can be printed, what would be the consequence of printing that label in the case of canned goods? At present the manufacturer has a great number of varieties that he packs. For instance, take Heinz's pickles: he advertises fifty-seven varieties. That means that he has to make fifty-seven different labels, and keep them at fiftyseven different places or bins, which would be enough for anybody to look after. But perhaps Heinz has twenty different sizes, so he must get twenty times fifty-seven different kinds of labels, or a total of eleven hundred kinds, and that means eleven hundred boxes in which to keep those labels. A girl would waste as much time in getting those labels as she would occupy in putting them on the packages. Those are all extra costs, which will certainly come back on the consumer.

It is said that the cost of putting on an extra label is not much; people say: "Oh, that does not amount to anything; put on a sticker." Let us see what it will cost. There are consumed annually in this country not less than 120,000,000 tins of canned goods alone; I do not know how many packages of pickles and other products are sold, but I should say probably as many more; making a total of 240,000,000 tins of goods sold in this country; which, according to this Bill, will have to be marked, in most cases requiring an extra label. A girl at \$1.50 a day can put on, at the outside, labels for 100 cases, or 2,400 tins. It would take at least \$150,000 in wages alone of the girls putting on the extra label for the packages of food that are sold in this country.

As I said at the outset, I would prefer that method if there were no other way, to protect the consumer. But there is a better way. How will this Bill protect the consumer? Imagine a woman going into a store to buy a tin of jam. The storekeeper shows one at seventy-five cents. She wants to know whether that is a good purchase or not, so she looks at the label and finds that it contains 3 pounds 13 ounces, and she asks, "How much is that a pound?" And she does a sum in arithmetic if she can-and there would not be more than one in ten who could do it. Even then she is not sure; she wants to know how that tin compares with another that contains 4 lbs. 3 ounces, which is offered at 85 cents; so she goes through another arithmetical calculation, in which she consumes time

and makes mistakes, and which only one woman in ten would try to make, and she is not sure even after she has made that mental effort. That mental effort applied to the 240,000,000 tins that are sold in Canada in a year, could all be saved by adopting a different system.

Hon. Mr. WATSON: Could not a packer put up his tins in one or two or threepound weights?

Hon. Mr. SMITH: That is exactly it; that is what I was coming to. Standardize the packages; cut out all those numerous sizes; consult with the manufacturers as to what the public really needs. In jams at the present time there are from ten to twenty different sizes of packages. These are not necessary, but they exist because some dishonest manufacturer wants to get his size of package a little bit under the other fellow, and he makes one holding two or three ounces less. I am engaged in the jam business, and I know that several years ago, a 7-lb. tin of jam was called the standard, but someone thought that was too much, and he got it down to 5 lb.; then another put up a package containing 43 lb. instead of 5; the next year another went one better, and put it at 41 lb.; then it became ridiculous, and another put up a 4-lb. tin; later it was reduced to 32 lb., and now it is 31 lb. which the public is getting. The object of this Bill is to cure. that evil, but there would not be much benefit from marking the net weight on the package. Instead of that, suppose the Government said: "There shall be only two sizes of tins of jam-2-lb and 4-lb., and there shall always be 2 lb. of jam in one and 4 lb. in the other." Then the public could not possibly be cheated. I would ask any honourable gentleman who objects to that method how the public could be deceived or cheated if that were done. There is no possible way; and all that mental effort I described would be unnecessary. All a woman would have to do would be to buy a tin of jam, and she would know she was getting the exact quantity, and she would get the same quantity in every store, whether she went to a dozen or a hundred.

Hon. Mr. WEBSTER: Could you make that apply all through the Bill?

Hon. Mr. SMITH: I do not know that it could be done in this Bill, but the Department of Agriculture have prepared a system of standards, a most particular and elaborate system, not only for standard tins, but for the quality of the goods. SENATE

so that a person buying a tin of peas will not get half water. What protection would the printing of the net weight be on a tin of peas, when the tin that has the most water in it weighs the most? Take any tin of fruit: the department standard will provide that every tin of packed strawberries shall contain 12 ounces of strawberries, and in case a tin is found that does not contain the quantity, the packer is liable to severe punishment. Any tin of peas bought would have to contain so much weight in peas, not in water. That is the kind of thing that would protect the customer. That system is being prepared now, and is being adopted by the Canada Food Board.

You will notice a great number of exceptions in the Bill, which prove that it is not applicable in all cases. There are some things that I think are ridiculous in this Bill. For instance, it provides for a fine of \$1 a tin. A manufacturer whose total capital is \$25,000 puts up 2,000,000 tins, and is liable to a fine of a dollar a tin if he makes a mistake in putting this label on. However, that is only a minor matter.

I agree with the main features of this Bill, but I think it requires a great deal more consideration, and I believe in another year the Department of Agriculture will have standards fixed.

I may say this much for the present Bill, that it has brought the manufacturers to the idea that it is time to adopt standards. Many manufacturers have advocated standards for years, but others did not want them, because they were going a little under the other fellow, and were not willing to change. Now they are all united, because when they come to consider what a costly affair the marking of weights on packages would be, causing the manufactured goods to be dearer, they think that the adoption of standards would enable them to pack more cheaply. A man who has to operate twenty or thirty different sizes of goods in his factory must have a place to put twenty or thirty different sizes of cases, twenty or thirty different kinds of labels, bottles, tins, etc., so that a great number of varieties requires about twice the area in a building to accommodate them that would be required if the number of varieties were small.

I suggest that if this Bill were laid over for a year it would allow time for the Department of Agriculture to have adopted a large number of standards, and thus effect the object aimed at in marking the Hon. Mr. SMITH. weights on packages, but would do that in a really efficacious way, which would protect the consumer and enable the manufacturer to comply with the law without increasing his expense, but on the contrary reducing it.

Hon. Mr. WATSON: Would you suggest a standard on all lines in Canada, and would you insist on goods now imported into Canada being brought to the standard that may be adopted ?

Hon. Mr. SMITH: I think they should be included.

Hon. Mr. WATSON: If you insist that the goods in Canada should be 2-lb. or 4-lb. packages, the goods from other countries would be prohibited.

Hon. Mr. SMITH: In the United States, the standard sizes are those in common use there.

Hon. Mr. DANDURAND: The honourable gentleman has spoken of standard weights. That implies a change in very many lines. What time should be allowed to manufacturers to make the change 'from their present methods ?

Hon. Mr. SMITH: My suggestion in that respect is that those who are not prepared to adopt the standards fixed should mark the weight on the package. as described in this Bill until such time as they adopt the standard, but that the time within which they must conform to the standards be limited to say one year or two years. Some may think this is going pretty far, but I do not think so. Take as an illustration the basket bill that we had up yesterday. These standards were fixed twenty years ago, when I had the honour of bringing that Bill into the House of Commons. At that time it was thought, just as some people think now, that it would be too drastic to say that no goods should be packed except in a certain size of basket; we therefore provided that persons should pack in any size of basket, provided they marked on the side of the basket the word "short," and also defined the contents. That drove everybody into using the standard size, and in a short time the fruit-growers, who had suggested the bill, demanded that two or three certain sizes be fixed by law, and that nobody be allowed to put fruit in any other size of basket. If that course were followed in this case, people would interest themselves, as they would in any other line; the simplicity and economy of

it would appeal to them, and if the standard were made uniform there would be no difficulty in working it out.

Hon. Mr. WEBSTER: I quite agree with the remarks of the honourable gentleman from Alma (Hon. Mr. Foster), speaking from the farmer's standpoint. I think this is not the time to introduce this new legislation, when we are so very short of farm help, and need greater production in the country. Coming from the agricultural district which I have had the honour of representing in the House of Commons, I know it would cause very great injustice in the country to-day if this legislation were passed. Let us think for a moment of the situation in the egg market. To-day in Canada eggs are worth somewhere in the neighbourhood of 40 cents per dozen. What about the man who has a large poultry yard of Hamburgs or bantams, and who is supplying eggs to some particular trade, such as hospitals? I have a friend in Canada who is supplying eggs to a hospital in New York, and he gets more money for them than we would pay in Canada, but he takes great care in feeding the poultry and in putting up the eggs. If I were paying for a dozen eggs, I would sooner have them weighing 11 lb. than 11 lb. if they were thus produced. This legislation would tie the hands of men such as my friend, if it required that these eggs must weigh 11 lb.

Hon. Mr. DANDURAND: That is not in the Bill; that was amended in the Commons.

Hon. Mr. WEBSTER: The copy I have says a dozen eggs must be 11 lb. My honourable friend also mentioned the selling of cream. To-day cream is put up at the international boundary for the New York market, in wine measure, which is smaller than Imperial measure. Are you going to put those people out of business by making them put up their cream in Imperial measure? If you are, you will tie the hands of the Canadian farmer and make it impossible for him to compete with the American farmer. My honourable friend also referred to the question of wood. What are you going to do with a fellow who meets with an accident coming into town, and has to throw off part of his load? Is he going to sell that wood by the load or by the cord? If it is to be sold by the cord, you will tie his hands also if this legislation should be put through. How is a farmer to treat his potatoes when a bag of potatoes in Quebec weighs 80 pounds, while in Ontario it weighs 90 pounds? Be-

fore passing any such drastic legislation as is proposed in this Bill, I think we had better have provincial legislation in all the different provinces requiring that potatoes be put up in 90-lb. bags. I suggest that this Bill stand over.

Hon. Mr. CLORAN: Coming from the same province. I heartily endorse the attitude assumed by the worthy representative of the Eastern Townships (Hon. Mr. Foster). I think he has struck a keynote that is not only popular, but just and fair. He voices here the needs of the farmers, and he has put forth a defence which I think this honourable House ought to listen to and accept. He speaks with personal knowledge. He is one of our leading agriculturists, although a lawyer in that province, and he knows full well whereof he speaks. The objections he made are not against the Bill as a whole. He has objected to certain provisions, and there are certain provisions in this Bill that are simply foolish, if not worse. For instance, he talked about the service of milk in small municipalities and villages; and let me assure him that milk sold in the large towns and cities like Ottawa, Toronto and Montreal, where there are many dairies, is put up in quart bottles, pint bottles, and halfpint bottles, the last-named being usually used for cream. These bottles cannot be stamped, cannot be branded.

Hon. Mr. BOYER: Why not?

Hon. Mr. CLORAN: I will tell you why. There is a reciprocity among all farmers and dairymen in regard to bottles. I buy a bottle of milk to-day from the Ottawa Dairy Company; to-morrow I buy from the Fairfield Dairy; when I buy my second one, I hand over the bottle of the Ottawa Dairy Company, and the other man has to take it. There is an interchange. You cannot compel the people to buy from the same person all the time. The contention of the honourable gentleman in that regard is well founded. There are other products of farm labour and other items of produce which cannot be stamped, such as maple sugar and maple syrup, as has already been mentioned. But the most serious objection that I have to this Bill is to the provision which encourages dishonesty on the part of the producer and the manufacturer. Where does the dishonesty lie in this Bill? It is in section 358, which compels honesty on the part of the manufacturer and producer when the goods manufactured and produced are consumed in Canada, but which takes the check-rein off when these goods are to be

SENATE

sold in the United States or other foreign countries. If that is not an incitement to dishonesty, I do not know what it is. Why make a distinction for the benefit of the home consumer, and not for the benefit of the foreign consumer? Do you imagine for one moment that this country depends upon home consumption to increase its revenue and wealth? No. We have scarcely 7,000,000 of a population in Canada, and there are sufficient goods produced from the soil, the forests, the mines and the sea not only for a population of 7,000,000, but for a population of 27,000,000. What are we doing today? We are feeding the millions on the other side of the sea during this cruel war. The Government has been badly advised in accepting this clause, which says that you must be honest in dealing with home consumers, but you may do as you please with the foreign consumer. I hope the House will seize the point, weigh it, and ask if it is to the honour and credit of Canada that such legislation should be passed. How can a foreign consumer take our goods when he knows that by statutory law passed in this Parliament frauds can be perpetrated upon him, while the home consumer is protected? Are we going to increase our export trade by legislation of that kind? I hold that we are not, that this clause is discreditable, and that this honourable House ought not to be a party to passing it.

These are a few of the objections to this Bill. As the honourable senator from Wentworth (Hon. Mr. Smith), who spoke so well, said, there are many good points to this Bill, but there are many wrong ones, and the Bill ought not to pass to-day. It should be held over, and some one who has common sense and common fair play in his nature should draft a Bill.

Hon. Mr. CHOQUETTE: You should do it yourself.

Hon. Mr. CLORAN: I would be a pretty good hand at it. You would get fair play and honesty.

Like many of my honourable friends on the other side, I think the leader of the Government would be doing well if he withdrew the Bill. It would be no defeat of the Government; it would show wisdom in acknowledging that advice well directed should be heeded. Unfortunately, as I have already pointed out in this honourable House, once a Bill has received the brand and stamp of ministerial sanction it must not be touched, it must not be amended, otherwise you will be voting against the

Hon. Mr. CLORAN.

Government. That is not a proper attitude for intelligent legislators to assume. The Government brings down this measure and should leave it absolutely in the hands of the representatives of the people to give their views, and should accept them when they are proper. That is true not only of this measure, but of all measures. That is my idea of government. There must be some one to direct; but the directors, as well as the team that he is driving, should heed the crack of the whip.

Under the circumstances I am pleased to endorse the action of the honourable member from Alma (Hon. Mr. Foster), in requesting the Government to hold up this Bill and give us a clearer and more adequate measure.

Hon. Mr. FOSTER: Honourable gentlemen, I am encouraged by the interest which has been taken in this discussion to move that the committee rise. I do this not only because I think that justice will be done to the people immediately interested, but for the additional reason that it may convince the honourable gentleman from Victoria (Hon. Mr. Cloran) that the Senate of Canada is not governed by the powers which he suggests.

Hon. Mr. BOYER: We have lately been hearing a great deal of the United States. Whenever a statesman in the United States brings a Bill before Congress, he gives it his name—for instance, the McKinley Bill, the Dingley Bill, etc. Instead of this Bill being stamped No. 19, why should it not be called "the Foster Bill," after the gentleman who has hatched it? But before you put it in the statute book, label it "premature."

Hon. Mr. CLORAN: "Still-born."

Hon. Mr. BRADBURY: After listening to the speeches that have been made. I do not know whether there is any room to say anything on behalf of the consumer. I have listened to the arguments of honourable gentlemen regarding the difficulty of stamping goods. One of the articles dwelt upon is milk-the importance of regulating the sale of milk without entailing great hardship upon the farmer or the dairyman. Every one who handles these bottles knows that they can be very easily marked on the stopper; in fact, many of the dairymen mark them in that way to-day-a pint, a half-pint, or a quart; so there is no hardship in stamping a bottle of milk, and I contend that there is no hardship in stamping a great many other articles.

I think that this Bill is a step in the right direction in the interest of the consumers of this country. I do not say that it is perfect. But something should be done for the protection of the consumer to compel manufacturers and others to stamp the goods that they are selling.

Something has been said with regard to maple syrup and maple sugar. Why should they not be marked with the name of the producer and the quantity contained in the package.

Hon. Mr. WEBSTER: As any man buying maple syrup knows, the standard today is 134 pounds to the gallon.

Hon. Mr. BRADBURY: Then what objection can there be to marking it on the container?

The question of wood is supposed to be a very trivial one, but I want to say that it is a very important one to the city of Ottawa. As an instance I will mention something that took place this year. There are hundreds of poor people in this city who are dependent on wood for fuel. What takes place? There is no standard measure.

Some Hon. SENATORS: Yes, there is.

Hon. Mr. BRADBURY: I beg your pardon.

Hon. Mr. EDWARDS: The law to-day, and for many years past, has been that a cord shall consist of 128 cubic feet.

Hon. Mr. BRADBURY: There has been an effort recently to induce the city council of Ottawa to pass a by-law providing that no wood shall be sold in the city except by the cord. The city council, through its controllers, pointed out that they had no power to do so, and they appealed to the Ontario legislature to have an Act passed. In Ottawa wood is sold for two, four, or five dollars a load, but there is no guarantee of the quantity contained in the load. During the winter time I saw a load of wood measured. A man brought in a load of hardwood cut in about 16-inch lengths. He sold it by the load. A neighbour of the purchaser saw the load and thought that it looked to be a splendid one. He said: "I will order some of that; how much wood is contained in that load?" The man selling the wood said: "I do not know; about 115 cubic feet, I think.' The man brought the wood and it was put into his cellar. I happened to be on the premises at the time. I went and looked at the wood, and I said: "You have not got half a cord of wood there; go out and measure the rig." He measured the box of · the wagon and figured it up, and if

the wood had been piled as an honest man would pile wood there would not have been more than 80 cubic feet in it. The man who bought the wood paid at the rate of nearly \$24 a cord for it.

Hon. Mr. CLORAN: It is a question of honesty again. Did the seller guarantee to the purchaser that there were 115 feet?

Hon. Mr. BRADBURY: No.

Hon. Mr. CLORAN: How did he sell itby the cord?

Hon. Mr. BRADBURY: 'No.

Hon. Mr. CLORAN: He sold it by the load, and any man who buys by the load deserves to pay what he paid.

Hon. Mr. BRADBURY: Some honourable gentlemen do not seem to want to do anything for the consuming public. They could easily say that no wood should be sold except by the cord.

Hon. GEORGE TAYLOR: This Bill does not say that.

Hon. Mr. SMITH: Look at section 350D.

Hon. Mr. BRADBURY: I do not say the Bill is perfect. I am pointing out the objections which honourable gentlemen have made to the Bill, ridiculing the idea of controlling the sale of wood. I contend that there should be a Dominion law which would compel men selling wood to sell it by the cord of 128 cubic feet.

Hon. Mr. RICHARDSON: What about the quality of the wood?

Hon. Mr. BRADBURY: I do not know anything about the quality. Honourable gentlemen who have been speaking in the interest of the manufacturers and the farmers have overlooked the great consuming public. The man who prepared this Bill has evidently tried to take care of the consuming public. As I have said, this Bill may not be perfect, but I think there should be some intelligent effort made to protect the consumer. The suggestion for standardizing cans and containers is a good one, but the same objection which has been raised to changing the labels—the great expense—would apply to that also.

Hon. Mr. EDWARDS: I think it is perfectly right that the consumer should be protected in every way possible; but, after all, the best consumers of this country are the farmers, and I think they are the parties who under this Bill will have most inflicted upon them. Many parts of this Bill and the objections to it have been so well explained by honourable gentlemen on both sides that I am not going to refer much to the general features of it. I think the honourable member from Wentworth (Hon. Mr. Smith) showed very clearly that, so far as the packers are concerned, this Bill is not properly constructed; and with such evidence as has been given here to-day I think the leader of the Government would be well advised to withdraw the Bill and let it stand until another session, rather than test the House upon it.

May I refer to one or two points? I know the wood business well. I have had much to do with it in my time. Since my childhood a standard cord of wood in Ontario has contained 128 cubic feet.

Hon. Mr. WATSON: It is the same all over Canada.

Hon. Mr. EDWARDS: The honourable gentleman who has just spoken could not have read the Bill, because there is a provision that wood can be sold by the load in any way you please. Therefore, so far as this part of the Bill is concerned, it has no effect at all, except that it does legalize the selling of wood otherwise than by the cord. I say again the consumers in this country are those who should be first considered : but, while that is true, fair consideration should be given to every interest. What is the history of this Bill? Honourable gentlemen will see by the number of the Bill that it was introduced into the House of Commons early, but has been held there for a considerable time. I think it is a mistake in the last stage of the session to renew the effort to pass this Bill. I think the evidence that has been given here with respect to it ought to be sufficient to convince the Government that this measure is ill-advised and that the matter should be given further consideration before the Bill is presented to Parliament.

May I say just one word with regard to cement? I hope honourable gentlemen will not criticise because I refer to that subject.

Hon. Mr. CHOQUETTE: You know something about that too

Hon. Mr. EDWARDS: But this question is exactly parallel with what my honourable friend from Wentworth (Hon. Mr. E. D. Smith) has said regarding other matters, particularly as to the effect upon the trade in which he himself is concerned. I desire to point out the inadvisability of passing this Bill as affecting the cement interests. There is not merely one cement company in Canada; there are fifteen or sixteen.

Hon. Mr. EDWARDS.

Hon. Mr. CHOQUETTE: There is only one big company.

Hon. Mr. EDWARDS. There is one which is much larger than the others, but I suppose the interest of the others in this Bill is proportionate to the interest of the Canada Cement Company in it. That company today holds \$1,800,000 worth of bags, which were made to contain the weight that is now sold, 87½ lb. If this Bill went into effect to-day, those bags would all have to be scrapped; they would not be worth one dollar. The other companies are interested in a similar way.

But the Bill in its final clause says that it shall not go into force until one year after it has received the Royal assent. Some honourable gentlemen may think that cures the evil, but not at all. Many of those bags will be in use for the next ten years. It is the buyer, and not the seller, who would get the advantage; the buyer is charged for the bag when he receives it, but is credited for the bag when he returns it. So, even if this Act should not come into effect for a year, a very great injustice would be done and there would be an enormous loss to the country.

Under these circumstances I appeal to my honourable friend (Hon. Sir James Lougheed)—and, if the discussion continues, he will hear further evidence in the same direction—that it is inadvisable to pass this Bill to-day, and that it should stand over at least until it has been further considered.

Hon. Mr. BEIQUE: I intend to support the motion which, I understand, has been made by the honourable member for Alma (Hon. Mr. Foster) that the Committee rise. The reason why I propose to support that motion is that I have been convinced by the remarks which he made, and which have been supported by the honourable member from Wentworth (Hon. E. D. Smith), that the Bill has not been properly prepared. It may be on proper lines. I am quite in accord with the idea that the consumer should be protected, but we must bear in mind that it is the consumer who has to pay finally.

Hon. Mr. EDWARDS: Certainly.

Hon. Mr. BEIQUE: And if we load the manufacturer, or, in this case, the farmer, with a large additional expenditure, it will be the consumer who will have to bear the expense ultimately, and it is quite plain to me that this is not the time to adopt new legislation which would cause the scrapping of a large quantity of materials .

-bags, cans, boxes, and articles of that kind—and compel the farmer or the trader to buy other packages when the price of everything is enhanced at least 100 per cent. It seems to me that is a reason why this Bill should be properly studied and given mature consideration before being submitted. We ourselves should also have sufficient time to study it.

Hon. Sir JAMES LOUGHEED: I have freely to admit that there seems to be a slight unfriendly draft in the Chamber in connection with this Bill. I attribute it to the fact that sufficient time has not been given to study it, as my honourable friend from De Salaberry (Hon. Mr. Béique) has said. I feel assured that, if we had time for proper consideration to be given to the Bill, it would have a very much more favourable reception. Last week a general complaint was made on the part of the farmers of Canada that they had very few friends in Parliament; but anyone coming within this Chamber this morning would easily conclude, if they were not familiar with the honourable gentlemen who constiitute it, that every member of this Chamber is a farmer.

Hon. Mr. WATSON: The farmers went to the wrong Chamber.

Hon. Sir JAMES LOUGHEED: As I listened to the championship of the farmers by my agricultural friend from Alma (Hon. Mr. Foster), it seemed to me that hereafter the farmers of Canada could rely upon the Senate to represent thoroughly their views on any agricultural question, even though it might include cement and kindred subjects. This Bill, as honourable gentlemen are probaly aware, was considered last session in the House of Commons.

Hon. Mr. BOSTOCK: Last session?

Hon. Sir JAMES LOUGHEED: It may not have received the most friendly consideration last session; but during the present session the House of Commons did approve of the Bill; consequently we have it before us this morning for our consideration. Honourable gentlemen have all conceded that no exception can be taken to the principle. If the principle of the Bill is good, we certainly should be able to frame and develop the Bill so that it will protect the interest at least of the consumer; and I venture to say that in protecting the interest of the consumer it will likewise protect the producer. In listening to my honourable friend from Wentworth (Hon. E. D. Smith), who seems to be very much

opposed to the Bill, we were all convinced that what was done in the interest of the consumer was done likewise in the interest of the producer, because there is a mutuality of interests between them; and, if we can introduce into our legislation principles that will inculcate honesty on the part of the producer, we accomplish a great deal. Of course, the consumer is always conceded to be perfectly honest; but if we can crystallize into our legislation the principle of honour and honesty on the part of the producer, we are making a considerable advance. No exception can be taken to the principle of the Bill.

As to the desirability of information being stamped upon containers, as provided in the Bill, that requirement has been adopted in almost every civilized country. This Bill is practically along the lines of legislation which has been adopted not only in the United States but elsewhere.

Hon. Mr. BOYER: Made in Germany.

Hon. Sir JAMES LOUGHEED: That may be possible. There are many things in Germany, particularly in commercial matters, that might be very well adopted in this country.

Hon. Mr. BOYER: No, not one.

Hon. Mr. CHOQUETTE: The honourable gentleman is pro-German.

Hon. Sir JAMES LOUGHEED: My honourable friend from Alma refers particularly to the question of cement, and it was dealt with likewise by my honourable friend from Rideau (Hon. Mr. Edwards), and very properly so. If this Bill in any way might effect an injustice to large manufacturers or producers, it is the duty, not only of the Government, but of both Houses, to consider to what extent those interested are prejudiced. Parliament exists, not for the purpose of wrecking the interests of the producer, but rather to protect them. True, the manufacturers of cement may not have had that notice which was desirable, in order that they might make a proper study of the Bill; yet the information of the Government is that even the cement bag mentioned by honourable gentlemen who have discussed the Bill this morning will readily hold 94 pounds. Now, 94 pounds is the standard weight of a bag of cement adopted in the United Statesadopted by the American Society of Civil Engineers, the American Society for Testing Materials, the Railway Engineering Association, the Concrete Institute, the United States Government, the Institute of Archi-

tects, and the Portland Cement Association. This last association is composed of the cement manufacturers themselves. All those associations in the United States have adopted the 94-pound bag, and the standard size of the 94-pound bag in the United States, I am informed, is the size which is being used in Canada for the packing of cement, namely, 17 by 28 inches. Furthermore. I may say that, as the result of a very elaborate test made by the Government, it has been established beyond all peradventure that the bag will hold 94 pounds of cement. It is not unreasonable that there should be statutory authority as to what should constitute a bag of cement, and we have no such authority at the present time. We simply recognize that in practice the weight of a bag of cement is 871 pounds; but, inasmuch as we have legislated upon standard weights for almost every other commodity, there is no good reason why a law should not be placed upon our statute book defining what shall constitute a bag of cement, even if we were to legislate that 871 pounds should constitute a bag.

Hon. Mr. DANDURAND: What advantage would there be in fixing the weight at 94 pounds rather than 871 pounds?

Hon. Mr. BOYER: It equalizes the standards.

Hon. Sir JAMES LOUGHEED: It is to equalize the standard weight with that of the United States.

Hon. Mr. BOYER: We are trucking and trading with the States now.

Hon. Mr. DANDURAND: But we are not importing cement in any considerable quantity.

Hon. Sir JAMES LOUGHEED: At one time we imported larger quantities of cement.

Hon. Mr. EDWARDS: Oh, no.

Hon. Mr. BOYER: Yes, during an election in Arthabaska.

Hon. Sir JAMES LOUGHEED: And there is nothing to prevent our importing it.

Hon. Mr. EDWARDS: Cement is imported in very small quantities, indeed, and only in British Columbia.

Hon. Sir JAMES LOUGHEED: I am not saying that we are importing very large quantities.

Hon. Mr. EDWARDS: And the cement imported in British Columbia does not come from the United States.

Hon. Sir JAMES LOUGHEED.

Hon. W. B. ROSS: Is there not a relation between the 94 pounds and the cubical contents of the bag?

Hon. Mr. EDWARDS: I do not know about that.

Hon. W. B. ROSS: I was told that 94 pounds means a cubic foot.

Hon. Sir JAMES LOUGHEED: However, I am simply pointing out to honourable gentlemen, though not with a desire of persuading them into a state of sympathy with the Bill, that the Government has been justified in assuming that the public desired this legislation.

As to cordwood, we have no statutory authority as to what constitutes a cord of wood. True, as my honourable friends have pointed out, it is in practice 128 cubic feet, and of course practice has almost the sanction of law, in a sense; but we have nothing on our statute book requiring that that number of cubic feet shall constitute a cord of wood. When this Bill was introduced into the House of Commons it provided arbitrarily that wood should be sold by the cord, but through a great deal of ingenuity a clause was devised whereby it was provided that wood might be sold otherwise than by the cord. Thus the effect of the legislation was very largely neutralized. Under the Bill, so long as a man does not sell wood by the cord, he can sell it in any sized load he may desire; but if a man places upon the market a load of wood and says that it is a cord of wood, he is bound to give the consumer 128 cubic feet.

Hon. Mr. BOYER: Would it not improve the Bill to make it state what is a cord of wood, and that it shall be 8 feet long and 4 feet high? What is a cord of wood? How am I going to get 128 cubic feet if I have no precise measurements?

Hon. Sir JAMES LOUGHEED: By what is known as the multiplication table, if the honourable gentleman has one handy.

Hon. Mr. BOYER: Suppose I buy a load of wood and the man from whom I buy ittells me it is 128 cubic feet; have I to measure every stick?

Hon. Sir JAMES LOUGHEED: No. You multiply the length by the width and height. However, I have no desire, against the wishes of members of the House, to obtrude upon them this Bill. In view of the adverse opinions which have been expressed on both sides of the House, I prefer to ask that the Committee rise and report progress, and I shall communicate with the Minister of Trade and Commerce, from whom this Bill has come, regarding the sentiment of the House upon it, and very probably it can be dealt with next session.

Hon. Mr. BOYER: We shall hear no more about it.

Hon. Mr. DANDURAND: I would draw the attention of the Senate to this fact. The Bill, according to my honourable friend's statement, was introduced last year in the Commons. They had it before them then; they have had this session to study it; and, although we commend the aim of the Bill, we feel that in these last days of the session more time should be given to this Chamber to study it. The intention of the Department of Trade and Commerce is commendable. It is in the interest of the consumer; and when I speak of consumer I include the farmer, who is one of the largest consumers. In canned goods all the people of Canada are interested, the farmer as well as the townsman, and the protection of the consumer is a goal to be attained which the Department of Trade and Commerce should not lose sight of. The postponement of this Bill till next session is simply an expression of the desire of this House that the Bill may be further studied and matured in the department before it is again presented to Parliament next year.

Progress was reported.

CUSTOMS TARIFF AMENDMENT BILL. CONSIDERED IN COMMITTEE.—THIRD READING.

On motion of Hon. Sir James Lougheed, the Senate went into Committee on Bill 81, an Act to amend the Customs Tariff, 1907. Hon. Mr. Boyer in the Chair.

Section 1 was agreed to.

On section 2-schedule A amended:

Hon. Mr. BOSTOCK: My honourable friend said he would state the changes made by this Bill when in Committee.

Hon. Sir JAMES LOUGHEED: On tariff item 24, chicory, the present duty per pound is two cents preferential and three cents general; the war tax is five per cent preferential, and seven and a half per cent general. The proposed rate per pound under the Bill will be five cents preferential and seven cents general, without the war tax.

Hon. Mr. BOSTOCK: Does the tax that was put on in 1915-ad valorem, five per cent preferential, and seven and a half intermediate and general tariff—apply to these items we are dealing with now?

Hon. Sir JAMES LOUGHEED: No. As the honourable gentleman will see by the note in small type at the end of the tariff items, the goods enumerated in the schedule "shall be exempt from the rates of duties of Customs specified in section three of the Customs Tariff War Revenue Act, 1915." I move the schedule.

Hon. Mr. DANIEL: How much is the tobacco duty increased?

Hon. Sir JAMES LOUGHEED: Thirty cents a pound.

The Bill was reported without amendment, read the third time, and passed.

BUSINESS PROFITS WAR TAX BILL. CONSIDERED IN COMMITTEE.—THIRD READING.

On motion of Hon. Sir James Lougheed, the Senate went into committee on Bill 84, an Act to amend The Business Profits War 'Tax Act, 1916. Hon. Mr. Smith in the Chair.

On section 1, subsection 1-tax on businesses with capital \$25,000 to \$50,000:

Hon. Sir JAMES LOUGHEED: This section brings within the scope of the Business Profits War Tax Act businesses with capital between \$25,000 and \$50,000, which at the present time are exempt.

Hon. Mr. BOSTOCK: Is there not a difference made between the corporation and the individual?

Hon. Sir JAMES LOUGHEED: No.

Hon. Mr. BOSTOCK: That is done away with?

Hon. Sir JAMES LOUGHEED: Yes. The tax applies to both.

Subsection 1 was agreed to.

On subsection 2—taxes paid under Acts mentioned to be deducted but not to be included in business expenses:

Hon. Mr. BOSTOCK: What is the object of the change?

Hon. Sir JAMES LOUGHEED: So that they cannot treat the tax as an expense and ask for a deduction at the same time. The last three lines are practically explanatory of the whole paragraph:

But in computing the profits of his business no taxpayer shall include any taxes paid under the said Acts in the expenses of his business.

Hon. Mr. DANDURAND: He cannot include his income tax as an expense?

Hon. Sir JAMES LOUGHEED: Precisely.

Hon. Mr. BOSTOCK: The Government have found themselves up against that trouble in regard to the enforcement of this Act up to the present time?

Hon. Sir JAMES LOUGHEED: Yes, that contention has been advanced, and this provision is to clear up any doubt that may exist.

Hon. Mr. CLORAN: As to this income tax, suppose a man has a salary of \$2,000-

Hon. Sir JAMES LOUGHEED: This is not an income tax bill.

Hon. Mr. CLORAN: No, but I want to know what is meant by income tax. Suppose a man drawing a salary of \$2,000 has to pay civic taxes, interest on his property, etc.—say, \$300 or \$400; will his income be reduced by the amount of civic tax, provincial tax and mortgage interest?

Hon. Sir JAMES LOUGHEED: Not if they were personal expenses of his own. He pays them just as he would pay rent.

Hon. Mr. EDWARDS: Supposing that a man's so-called income is actually \$2,000, and that his liability in interest and otherwise is \$2,000, how would he pay taxes?

Hon. Mr. CLORAN: That is my point.

Hon. Sir JAMES LOUGHEED: I am not working out the problem as to how he would pay it. The only thing I say is there is the liability.

Hon. Mr. CLORAN: But his income is not \$2,000.

Hon. Sir JAMES LOUGHEED: It is for him to work that out, and for the Government to work out how they shall get the tax.

Hon. Mr. CLORAN: That means that I would pay a tax on \$2,000, but I do not get that much, and when I have not got it, I do not think it would be a fair taxation.

Subsection 2 was agreed to.

On subsection 3—paragraph c of section 3 repealed:

Hon. Mr. BOSTOCK: What is the object of cutting out this paragraph c from the Act of 1916? Is it because the Government has found that to be absolutely unworkable?

Hon. Mr. DANDURAND.

Hon. Sir JAMES LOUGHEED: Yes, it is for that reason it is repealed.

Subsection 3 was agreed to, and section 1 was agreed to.

Section 2 was agreed to.

On section 3-dividends paid considered a reduction of reserve, etc.:

Hon. Mr. BOSTOCK: What change was made in that ?

Hon. Sir JAMES LOUGHEED: As a matter of fact, there is no change in practice; it is simply for administrative purposes.

Hon. Mr. BOSTOCK: It is looked upon as reserve just the same ?

Hon. Mr. CLORAN: Yes. This declares what shall constitute a reserve.

Sections 3 and 4 were agreed to

The Bill was reported without amendment, read the third time, and passed.

The Senate adjourned until 3 p. m.

Second Sitting.

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

A NEW BLACK ROD.

On the Orders of the Day:

Hon. Mr. POWER: I should like to ask a question of the leader of the Government on a matter which I suppose interests all of us. It will be remembered by gentlemen who were members of the House last year that the Committee on Internal Economy recommended the purchase of a new black rod to take the place of the one which was destroyed by the fire. The committee took a liberal view of the matter, and, having due regard to the dignity of this House, decided to have a very superior black rod prepared. Now, I have seen it stated in the newspapers that some public body in England have decided to present a new black rod to the Senate of Canada, and I think we would naturally like to know whether that report is correct or not.

Hon. Sir JAMES LOUGHEED: Communications have been received from the Secretary of the Empire Parliamentary Association, which, as my honourable friend knows, is an Imperial organization, intimating their desire to present to the Senate of Canada a black rod. Upon the Prime Minister reaching the other side, which we hope he will do safely at an early day, certain members of the Imperial Government will present the black rod to the Prime Minister on behalf of the Empire Parliamentary Association.

BAGS FOR CEMENT.

On the Orders of the Day:

Hon. Mr. EDWARDS: May I be permitted to make a short statement for the benefit. of the Department of Trade and Commerce. when it again takes up the matter of the Bill which was before us this morning? During the short discussion this morning it was stated that it had been ascertained by that Department that the bags in question would hold ninety-four pounds. That is true if the bag is packed by hand very carefully. But that is not the procedure followed, nor could the company afford to fill their bags in that way. Do not make the mistake that so large and important a company as the Canada Cement Company are going to buy one inch more of material than they require. They are not such fools. The bags are filled by machinery, and all that can be put into them by machinery is that which is put into them now.

CANADIAN NORTHERN RAILWAY BILL.

THIRD READING.

Hon. Sir JAMES LOUGHEED moved the third reading of Bill 87, an Act supplementary to chapter 24 of the Statutes of 1917, respecting the Canadian Northern railway system.

Hon. Mr. BEIQUE: I rise, not to oppose the third reading of this Bill, but merely to call attention to an important statement which has been placed on the Table of this House by the honourable leader of the Government. I think it might serve some useful purpose if some extracts from this statement were placed on the Minutes of this honourable House. The first sheet is under the following title:

Canadian Northern Railway System. Statement of Securities outstanding, showing securities guaranteed by provincial Governments, securities unguaranteed, maturities of all issues, securities held by public, securities pledged on account of note issues, June 30, 1917.

I will not go into many details, but I will give some of the important figures. The total amount guaranteed by the Dominion Government is \$104,613,000—I do not include the odd figures—of which \$32,943,000 have been pledged. The amount guaranteed by the province of Ontario appears to be \$7,-859,000. The amount guaranteed by the province of Manitoba is stated to be \$25,- 662,000, of which \$1,620,000 has been pledged. The amount guaranteed by the province of Saskatchewan is stated to be \$14,884,000, of which \$6,854,000 are pledged. The amount guaranteed by the Alberta Government is stated to be \$18,950,000, of which \$4,139,000 is pledged. The amount guaranteed by the British Columbia Government is stated to be \$40,157,000, of which \$15,131,000 is pledged. The total amount guaranteed by the provinces, exclusive of the amount of \$104,613,000 guaranteed by the Dominion Government, is \$107,514,000, of which \$27,-746,000 is pledged.

Then we have the unguaranteed securities to the amount of \$147,803,000, of which \$45,319,000 has been pledged.

There are also note issues—six per cent and five per cent notes, nearly all maturing in July, August and September of 1918 amounting to \$33,673,000. Included in this total, however, are an item of \$2,190,000 for notes maturing in June, 1919, and an item of \$2,500,000 for notes maturing in January, 1918, and January, 1919. This gives a grand total of securities guaranteed by Dominion or provincial governments of \$359,931,000, to which I think has to be added the \$33,-673,000 which I have mentioned.

Further, there appear to be about \$25,-000,000 of Canadian Northern Railway five per cent income-charge convertible debenture stock, and another item of \$14,846,500 for Imperial Rolling Stock Equipment Trusts.

Then, under the heading, "Canadian Northern Railway system, statement of short-term loans, March 1, 1918," the demand notes or past-due notes, or those which will mature in June, July or September of this year, and a loan of \$1,250,000 maturing on January 10, 1919, total \$55,-437,274. In addition, there are notes issued in England to the amount of \$9,733,333, and another amount of \$2,190,000, the total amount of these loans being \$67,360,607.

Then there is a statement, still dealing with the Canadian Northern system, of securities pledged as collateral to loans, giving the details of the securities and the market value of each. The amount appears to be \$69,449,192. The market value of these securities appears to range from 43 to 80 per cent of their face value. From the statement which was made yesterday, I think, by the honourable leader of the Government, I infer that in consequence of the taking over by the Government of the stock of the Canadian Northern railway, all these securities will be paid in full. It will be seen that the holders of these securities will

S-42

REVISED EDITION

receive over \$20,000,000 above their face value.

Hon. Sir JAMES LOUGHEED: They will get the face value, that is all.

Hon. Mr. BEIQUE: Exactly.

Hon. Sir JAMES LOUGHEED: But my honourable friend stated they would get \$20,000,000 more than the face value.

Hon. Mr. BEIQUE: I say that if the face value is \$69,000,000 they will ultimately get the \$69,000,000.

Hon. Mr. EDWARDS: Not necessarily.

Hon. Mr. BEIQUE: Actually those securities are worth, I should say, from the different figures that are given here, about 70 per cent. Therefore, they will get a sum of \$21,000,000 above the market value of the securities.

Hon. Sir JAMES LOUGHEED: They will not get anything beyond what their legal rights are. Whatever their legal rights are will determine what they shall receive.

Hon. Mr. CHOQUETTE: Where do you find that in the Bill ?

Hon. Mr. BEIQUE: I will comment on that point in a moment, but I propose to finish this statement. There is another sheet, "Statement of fixed charges and interest on loans," giving the total interest payable by the company for the year 1918 as \$15,335,189.56. Then there is an estimate of the requirements for the year 1918, totaling \$25,000,000.

Now, I have only two remarks to make with reference to this statement. First, it seems to me that a door is opened to the formation of syndicates-for the purpose of purchasing these securities at their market value, with a view to obtaining the par value of the securities at a future date. This should not take place, and it seems to me that when the Government decided upon the course on which they have entered, they should not have limited themselves to having the value of the Canadian Northern stock ascertained by arbitration. but should also have arranged to escertain the market values of the securities for the purpose of paying a fair price to the holders, and in order not to permit of large profits to individuals, which no doubt will be made.

There is another danger or drawback which occurs to my mind in connection with this Bill, namely, that when the Government paid this \$69,000,000-

Hon. Mr. BEIQUE.

Hon. Sir JAMES LOUGHEED: Sixtyseven millions. The short-term loans amount to \$67,000,000; the collateral securities to \$69,000,000.

Hon. Mr. BEIQUE: There are two loans. There is a loan amounting to \$33,000,000, on short-term notes. There are besides loans amounting to \$69,000,000 which are stated to be covered by collateral.

Hon. Sir JAMES LOUGHEED: No; the collateral securities amount to \$69,000,000, and the short loans amount to \$67,000,000

Hon. Mr. BEIQUE: The honourable gentleman is quite right. There are loans covered by five per cent and six per cent notes-almost all demand notes-amounting to \$33,000,000, besides the short term loans amounting to \$67,360,000. There are collateral securities pledged for the payment of those loans, amounting to \$69,446,000. When the Governement comes to pay these notes, amounting to \$33,000,000 and \$67,-000.000, it will be, it seems to me, the duty of the Government to be subrogated to the rights of the creditors. These securities of the Canadian Northern, in many cases, I am sure, have been pledged with the bankers by persons who are primarily liable for the debt, and there are a number of cases, I am quite sure, where there are other securities. It seems to me that it would be the duty of the Government towards the country, in discharging that indebtedness, to take the place of the creditors in order that the Government may in the interest of the country exercise such recourse as may be fairly exercised against all parties primarily liable for those debts.

Hon. Mr. CHOQUETTE: I just wish to remark that, in listening to the long, sad enumeration of liabilities and provincial guarantees, all fair-minded men must conclude that this transaction is still more deplorable, if not more scandalous, than we ever thought it was. I cannot but recall with regret that when, some three years ago, Mackenzie and Mann were asking for an advance of \$45,000,000, the Senate did not accept the motion which I made, asking for a straight and square inventory or statement of the liabilities of the Canadian Northern company before granting the \$45,000,000. If at the time such a statement had been prepared by experienced men. I think the country would have been saved at least that \$45,000,000, which must have gone into somebody's pockets. Moreover, we should have known how the sum of about \$300,000,000, guar-

anteed by provincial governments, had been spent; and I am sure that, having an inventory of the liabilities of the road, we should have seen that not more than twothirds of, that money had really been spent on the road. We should have learned all those things. But, unfortunately, members on both sides of the House voted against the amendment which I moved for an investigation, only about 20 members voting in favour of it.

I must point out, moreover, that the province of Quebec never guaranteed one cent of those millions. That province has paid a very large share of the cost of both the Canadian Pacific railway and the Canadian Northern. The province of Quebec never took any responsibility for the Canadian Northern and did not profit by it, except the Quebec and Lake St. John railway, for which the Quebec government has paid hundreds of thousands of dollars; and therefore how unfair it is for that province to be loaded now with a share of the Canadian Northern debt. amounting to nearly \$100,000,000! It is only right to 'recall these facts to show this honourable House how fair was my proposition made a few years ago, that an investigation be held before the \$45,000,000 should be granted, in order to ascertain how all the money guaranteed by the provincial governments had been expended. If that investigation had been held, it would have been ascertained, I repeat, that not twothirds of the money borrowed from the provincial governments by Mackenzie and Mann or the Canadian Northern had been expended on the road. It will be seen how unfair and unjust it is for the province of Quebec to be loaded with such an enormous share of that debt, without having guaranteed one cent.

Hon. Mr. BEIQUE: I may be allowed to add that this statement shows only part of the liabilities of the system. The liabilities are much greater.

Hon. Sir JAMES LOUGHEED: This statement was brought down at the instance of the honourable gentleman from Ottawa (Hon. Mr. Belcourt), to show what collateral is now held by the creditors who hold the short loams amounting to \$67,000,000. The statement from which my honourable friend (Hon. Mr. Béique) has quoted is only an incomplete statement, and was not intended to be used in connection with the subject which we are now discussing. There is no reason why it should not be used, but it is an incomplete review of the financial situation of the road.

S-421

Hon. Mr. BEIQUE: I understand that the total liabilities amount to between \$700,-000,000 and \$800,000,000, that is, for the system.

Hon. Sir JAMES LOUGHEED: No.

Hon. Mr. BEIQUE: I think I saw that statement.

Hon. Sir JAMES LOUGHEED: No; the liabilities of the Canadian Northern Railway system total \$413,264,377.

Hon. Mr. CHOQUETTE: The honourable leader of the Government said a moment ago that those who hold collateral securities would be paid only their market value.

Hon. Mr. DANDURAND: No. no.

Hon. Mr. CHOQUETTE: I understood my honourable friend to say so. I would be very glad if that is so, because our share of the liability would be less. I am asking my honourable friend if he is sure of that.

Hon. Sir JAMES LOUGHEED: I said that whatever the legal rights of holders of securities are, they will probably realize that amount.

Hon. Mr. CHOQUETTE: Certainly the legal rights will be recognized; but will not the Government be obliged to pay the par value of those securities?

Hon. Mr. DANDURAND: Certainly.

Hon. Mr. CHOQUETTE: Unless the Government is bankrupt.

Hon. Mr. EDWARDS: I assume that on a short-date loan, or any loan, the buyer simply pays the amount he borrows, and the interest. If a person buys a security, that security is his, and he can sell it for what he can get; but if on collateral security you borrow a certain amount from a bank or any other institution, you are liable for the payment of what you borrow, not for the face value of the instrument you pledge as security.

Hon. Sir JAMES LOUGHEED: The security is a contract, and the contract determines what is payable.

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

INCOME WAR TAX BILL.

CONSIDERED IN COMMITTEE—THIRD READING.

On motion of Hon. Sir James Lougheed, the Senate went into committee on Bill 85, an Act to amend the Income War Tax Act, 1917. Hon, Mr. Schaffner in the Chair.

Hon. Sir JAMES LOUGHEED: On referring to new section 4 of this Bill, the honourable gentlemen will observe that there is enumerated what the tax is to be. The paragraphs from a to f are the same as the Act of last session. Paragraph g changes, and from g to m the paragraphs make provision for the supertax. That is to say, we not only re-enact the supertax of last session but we make provision for the supertax on the larger incomes for which provision was not made last session, and this will be found in the paragraphs from g to m.

· Hon. Mr. BOSTOCK: We had a supertax in the Bill of last session.

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. BOSTOCK: If I understand the matter rightly, the supertax is the same down to paragraph f.

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. BOSTOCK: Then, from paragraph g to m it is an increase?

Hon. Sir JAMES LOUGHEED: That is new.

Hon. Mr. BOSTOCK: It is not altogether new. There was a supertax on these amounts, but it was not as high as it is now.

Hon. Sir JAMES LOUGHEED: There is an increase on the supertax all the way through, and particularly on the larger incomes from g down to m.

Hon. Mr. BOSTOCK: I was going to ask my honourable friend if the Government have arrived at any decision on this question of double taxation of incomes. Have they taken that matter up during the recess? My honourable friend may remember that, when this Bill was before the House last year, the question was raised about the double tax on incomes, and it was pointed out that in a number of cases it was a hardship on a man who had an income derived from the United States, on which he was paying income tax there, to have to pay an income tax in Canada. The same thing applies to incomes derived from England by persons living in Canada. The question is a very nice one, and I presume will require a great deal of negotiation and In the United States, I arrangement. notice, the Federal Government are apparently attempting to deal with that, and in making their further taxation of last Hon. Sir JAMES LOUGHEED.

year they omitted to increase the tax on incomes derived outside the country. So far I know, there has been nothing done here with regard to such incomes.

Hon. Sir JAMES LOUGHEED: At the present time the Government is imposing a tax on incomes in Canada, entirely irrespective of whether or not those incomes may pay a tax elsewhere. As honourable gentlemen can very well understand, if consideration were given to this, and we gave recognition, say, to the payment of a double or treble tax on incomes, we would find ourselves confronted by the provinces, by the municipalities in Canada, and by foreign countries, so that there would be very little realizable from the tax if we gave recognition to that principle. But I may say that the question is engaging the attention of the Government, and it is expected that an international conference will take place, so that the matter will be discussed between this Government and foreign governments, particularly those of our Allies at the present time.

Hon. Mr. DANDURAND: Does the Canadian Government claim the right to tax the income of an American citizen who resides in Canada, and who has property in Canada and property in the United States? Does the Canadian Government claim a tax upon an income derived from his property in the United States?

Hon. Sir JAMES LOUGHEED: Yes, if he is resident in Canada. The question of residence determines the matter. If he resides in Canada, no matter whence his income is derivable, we claim the right to tax that income on the ground of his residence.

Hon. Mr. DANDURAND: Then he pays a double tax. He pays in the United States for what he holds there, and heripays in Canada because he happens to reside here?

Hon. Sir JAMES LOUGHEED: Yes.

Hon. W. B. ROSS: I may say that that has happened lately. We are paying income taxes in foreign countries and in British colonies, and after the income gets here, it is subject to income tax here also. I would like to see the Imperial Conference regulate this matter, at least between the mother country and the colonies, and then between the colonies themselves. Probably the entire question will have to stand over until the close of the war. In the meantime, there are some extraordinary things going on. One company in Trinidad in which I

am interested had imposed on it a war-tax assessment commencing at a shilling on the pound, and going up to six shillings and eightpence on the pound on the whole net income, without making any allowance for interest on bonds or any provision for dividend's, so that the company had to stop its dividend in order to pay \$20,000 odd at one time in the form of taxes imposed. At the same time, the Trinidad Government provided in their law that the word 'person" should include a company, incorporated or unincorporated, so that it would include a partnership; and, under the extraordinary powers that all governments are now assuming, they issued an Order in Council directing the assessor to collect from partnerships as if they were individuals, and to collect from companies as a unit. You can easily see, in a progressive tax starting at a shilling and going up to six-and-eightpence, how a partnership, by splitting themselves up into two, three, four or five persons, could keep themselves down to a tax of a shilling or two shillings on the pound on income. In the case of the poor company, which consists of a lot of small shareholders receiving from \$100 up, only three or four receiving a large income, and only one receiving \$10,000, by massing the small shareholders together the lowest assessment, at that rate of six shillings and eightpence, is more than all the preceding five assessments running one, two, three shillings and so on up to the highest. You can see how unjust that is-that a man with an income of £5,000 is getting off by paving two shillings in the pound, while the little shareholders are paying their percentage of six-and-eightpence in the pound. That kind of thing cannot last, and it is highly desirable that the British Government, who are interested in that, and also in trade between the mother country and the colonies, and between the colonies themselves, should try to arrive at some understanding about that, because, after the payment of that local tax of six-and-eightpence in the pound, the balance of the dividends is subject to the Canadian tax.

Hon. Mr. DANDURAND: I realize that it is penalizing people who happen to reside in a country to which they have not sworn allegiance.

Hon. Sir JAMES LOUGHEED: Or who have invested their money outside of their own country.

Hon. Mr. DANDURAND: Yes, but I think that Canada should not follow suit.

Although the United States and Great Britain act in that way, Canada is in a totally different situation, for we are in need of capital and are inviting it into this country; and in many instances it will not come unless accompanied by people who intend to manage their own investments here. We will be penalizing those people, and thus preventing them from coming here, or chasing them out of Canada. When we are at the beginning of our development, and need foreign capital, it seems to me that Canada should have a different policy, while Great Britain and the United States can afford to apply their own views as to taxation.

Hon. Mr. BEIQUE: I understand that before the war it was the policy of the British Government to tax the incomes of residents in Great Britain, whether they were derived from investments made in England or in any foreign country, and that the policy in the United States was the reverse of that. This was because England was a lending country, while the United States was a borrowing country; but since the war the positions of those two countries have been reversed, and they have reversed their policies. I think we should take an example from England, instead of adopting the policy of the United States, because we are and shall be for a long time, I am afraid, a heavily-borrowing country. I draw the attention of the honourable leader of the Government to the very serious fact that if Americans who are holders of American securities are called upon to pay taxes on them it will very much impair the floating of Canadian securities in the United States, where we must get most of our money if we want to develop this country.

Hon. Mr. BOSTOCK: I would like to call attention to the position of the person who has his money invested in the stock of a company and derives his income from dividends on that stock. I understand that the company, first of all, pays an income tax on that stock; then a further tax is paid by the man who receives his dividends.

Hon. Sir JAMES LOUGHEED: But the owner of the dividend does not pay the normal tax.

Hon. Mr. BOSTOCK: No, that is paid by the corporation.

Hon. Sir JAMES LOUGHEED: The corporation pays the normal tax, and it is not again imposed on the owner of the

stock; it is only the supertax and the surtax that he pays.

Hon. Mr. BARNARD: Last year it was considered equitable that, if the normal tax were borne by the company, the shareholder would pay the supertax; but now the normal tax has been raised to six per cent, so that the shareholder has practically got it at both ends.

Hon. Sir JAMES LOUGHEED: No.

Hon. Mr. BARNARD: The normal tax last year was four per cent, and the shareholder paid two per cent additional supertax. This year the normal tax, only in respect to companies, not in respect to individuals, has been raised from four to six per cent. That is the information I received.

Hon. Sir JAMES LOUGHEED: My honourable friend is wrong in that. The normal tax remains at four per cent, subject to the provision that corporations and joint-stock companies, under subsection 2 of section 3, "shall pay six per centum upon income exceeding three thousand dollars, but shall not be liable to pay the supertax or surtax."

Hon. Mr. BARNARD: Yes, but individual investors, those who hold the mortgages, generally pay the normal tax of six per cent.

Hon Sir JAMES LOUGHEED: They pay the six per cent, and then they pay the surtax.

Hon. Mr. BARNARD: Yes. From the shareholder's income is first deducted the company's tax, six per cent; then he pays individually a supertax of two per cent, in addition.

Hon. Sir JAMES LOUGHEED: We had better wait until we get there; then we will discuss that.

Section 1 was agreed to.

On section 2—paragraph relating to payment at source:

Hon. Mr. BOSTOCK: What is the effect of subsection 2?

Hon. Sir JAMES LOUGHEED: The section of last year's Act says:

For the purposes of the normal tax the income embraced in a personal return shall be credited with the amount received as dividends upon the stock, or from the net earnings of any company.

We are striking out the words, "or from the net earnings." Its application relates to subsection 2 of section 4 of the Act of last session, which reads as follows:

Hon. Sir JAMES LOUGHEED.

Corporations and joint-stock companies, no matter how created or organized, shall pay the normal tax upon income exceeding three thousand dollars, but shall not be liable to pay-the supertax.

So that it defines what a corporation shall pay, and to speak of "or from the net earnings" is simply a contradiction of language. A company pays by way of dividend, not from earnings.

Hon. Mr. BEIQUE: I thought the leader of the Government would explain the use of the words "under sixteen years of age" in paragraph b of subsection 2, as it does not seem to harmonise with the definition in paragraph i of subsection 2 of section 1, where a dependent child is defined as a child under twenty-one years of age. Then, when you deal with a dependent child under section 2 you limit it to a child under the age of sixteen.

Hon. Sir JAMES LOUGHEED: My honourable friend will observe that under paragraph i of section 1, a dependent child is one dependent on its parents for support. The age of twenty-one is fixed for that dependent, but paragraph c of section 2 refers to a child under sixteen years of age who is dependent on the taxpayer for support—not his own child.

Hon. Mr. BEIQUE: My child will be dependent on me as a taxpayer.

Hon. Sir JAMES LOUGHEED: Then he would get an exemption in paragraph a of section 3. These sections are but definitions, and they have to be read in connection with the text of the Bill and the Act, when it will be observable what the application is.

Section 2 was agreed to.

On section 3, subsection 4-income tax:

Hon. Mr. BOSTOCK: My honourable friend yesterday referred to the fact that at the present time the income tax in Canada exceeds the income tax in the United States. As it is somewhat difficult to understand exactly how this income tax is applied, and as I could not make it out from reading the statement made in another place by the Minister of Finance. I took an opportunity of speaking to the gentleman who is prompting my honourable friend at the present moment. If I understand it aright, at present a married person with an income of \$2,000 pays no tax. A married person with an income of \$3,000 pays a tax of 2 per cent on the excess over \$2,000, which amounts to \$20.

Hon. Sir JAMES LOUGHEED: Yes, \$20.

Hon. Mr. BOSTOCK: The next rise is from \$3,000 to \$6,000, and on the rise of \$3,000 4 per cent is paid, bringing the tax up to \$120 on the second \$3,000, or a total of \$140 for the whole \$6,000. On an income of \$10,000 a tax of 4 per cent is paid on the next \$4,000 and a further 2 per cent is paid, bringing it up to \$240 on that \$4,000, making altogether \$380. Then, in addition to that, if I understand it rightly, under this Act we pay a tax on the tax. There is a tax of 5 per cent on \$240, making \$12. So that the total tax that a man with an income of \$10,000 pays to-day is \$392. Then, on the next \$10,000 to \$20,000 there is a tax of 4 per cent, making \$400, and then a tax of 5 per cent, amounting to \$500, making in all an extra \$900 to be added. Then, where is the further tax of 10 per cent on the tax of \$900, which would amount to \$90, so that the total tax on an income of \$20,000 would amount to \$1,382.

In making a comparison, I find that anyone with an income of \$6,000 in the United States to-day would pay \$120, which is made up as follows: under the old law in the United States he paid \$40, and under the new law he pays a further amount of \$80, making \$120. Anyone with an income of \$10,000 paid under the old law \$120, and under the new law an additional \$160, which makes \$280. The surtax is 1 per cent on an income starting at \$5,000 to \$7,500, which amounts to \$25, and 2 per cent on an income of from \$7,500 to \$10,000, making another \$50, making the surtax \$75 on an income between \$5,000 and \$10,000. So that in the United States under the present law the total tax on an income of \$10,000 is \$355 as against \$392 which is paid in Canada. To continue the comparison: in the United States, on an income of \$20,000, under the old law a man would pay two per cent on income in excess of \$4,000, which would amount to \$320; under the new law there would be 2 per cent additional on the income in excess of \$2,000, which would amount to \$360. That represents a normal tax on the income of \$680. Then they pay 1 per cent on the income from \$5,000 to \$7,500, amounting to \$25; they pay 2 per cent on the income from \$7,500 to \$10,000, amounting to \$50; 3 per cent on the income between \$10,000 and \$12,500, making \$75: 4 per cent on \$12,500 to \$15,000, which comes to \$100; 5 per cent on \$15,000 up to \$20,000, making \$250. So that the total tax on an income of \$20,-000 in the United States, under the law at present, is \$680, plus \$25, plus \$50, plus \$75, plus \$100, plus \$250, making a total tax of \$1,180, as compared with our tax of \$1,382. That shows that in Canada we are paying a higher tax than they are paying in the United States. Of course, this tax does not approach the income tax in England, which is a very heavy tax, and one that we hope the people of Canada will not be called upon to pay.

Hon, Sir JAMES LOUGHEED: I should like to amend subsection 1 of section 3 as follows: after the word "Canada" in the 31st line insert the words "or employed in Canada," and after the word "Canada" in the 32nd line strike out the words "and upon the income received by any persons from any source within Canada." understand that in some of the Canadian border towns there are a great many people employed who reside on the other side of the boundary. This will meet the cases of that class of persons. We propose striking out the words that I have mentioned on account of the bearing which they would have upon the flotation of our securities in the United States.

The proposed amendments were agreed to.

Hon. Mr. BOSTOCK: In paragraph a, "dependent children" means anyone who is dependent on the owner of the income.

Hon. Sir JAMES LOUGHEED: Yes, anyone up to twenty-one years of age.

Hon. Mr. BOSTOCK: Or over twentyone years of ago. First of all, there is a dependent child under twenty-one years of age; then there is a person over twentyone years of age who is dependent on account of mental or physical incapacity.

Hon. Sir JAMES LOUGHEED: Yes.

Subsection 1, paragraphs a to p, inclusive, were agreed to.

On paragraph q-income exceeding \$200,-000 :

Hon. Mr. BOSTOCK: I suppose that everything over \$200,000 is taxed at the same rate?

Hon. Sir JAMES LOUGHEED: Yes; that is, as to the surtax.

Paragraph q was agreed to.

Section 3 was agreed to.

Section 4 was agreed to.

On section 5—payment of tax at source: Hon. Mr. BOSTOCK: What is the result of repealing section 6 of the Act? Hon. Sir JAMES LOUGHEED: That is only for administration purposes. It does not affect the material results of the Bill.

Hon. Mr. DANDURAND: There will be no more payments of the tax at the source?

Hon. Sir JAMES LOUGHEED: No.

Hon. Mr. BOSTOCK: That has been a very common way of collecting taxes in England, I understand, for a great many years. Of course, it may be a method that has been found not valuable or useful as applied in this country.

Hon. Sir JAMES LOUGHEED: It is owing to the experience of Great Britain that we are repealing section 6 of the Act, because they had to refund over \$30,000,000 that was wrongly collected.

Section 5 was agreed to.

Section 6 was agreed to.

The preamble and title were agreed to.

The Bill, as amended, was reported, read the third time and passed.

THE SENATE AND MONEY BILLS.

DISCUSSION CONTINUED.

The Senate resumed from May 21 the adjourned debate on the motion for the consideration of the second report of the Special Committee appointed to consider the question of determining what are the rights of the Senate in matters of financial legislation, and whether, under the provisions of the British North America Act, 1867, it is permissible, and to what extent, or forbidden, for the Senate to amend a Bill embodying financial clauses.

Hon. P. A. CHOQUETTE: Honourable gentlemen, I moved the adjournment of the debate yesterday only for the purpose of permitting a colleague who was absent to have an opportunity to speak on this question. It is not my intention to discuss it at length. I may say, however, that I agree entirely with the opinion which has been expressed by the eminent lawyers of Montreal, Messrs. Geoffrion and Lafleur, and by Mr. Ewart, of Ottawa, and I am very glad to see this question settled. We know now that this Senate has plainly the right to amend money Bills, and in future we shall know where we stand on this question.

Hon. F. L. BEIQUE: Honourable gentlemen, I do not propose to detain this honourable House for more than a few Hon. Mr. BOSTOCK.

minutes; but I think this report ought not to be adopted without attention being drawn to its great importance, in my humble opinion. Heretofore this question has not been properly examined, either by members of this Parliament or by students. If I am not mistaken, it has been taken for granted that the relations of this honourable House to the House of Commons were very similar to those between the House of Lords and the House of Commons in England, and that the practice obtaining in England should obtain here. It was only on very rare occasions that questions arose as to whether Bills before the House were really money Bills and whether this House could amend them or not. I say that students, as well as members of Parliament, regarded the matter in this way; and on referring to Bourinot, who is often quoted by members of this House and by members of the House of Commons, it will be seen that he deals with the matter in very few words. I quote from page 491 of Bourinot's Parliamentary Procedure, Fourth Edition:

Appropriation and Taxation Bills.—As a general rule, public Bills may originate in either house; but whenever they grant supplies of any kind, or involve directly or indirectly the levying or appropriation of any tax upon the people, they must be initiated in the popular branch, in accordance with law and English constitutional practice. Section 53 of the British North America Act, 1867, expressly provides:

"Bills for appropriating any part of the public revenue, or of imposing any tax or impost shall originate in the House of Commons." And a rule of the House of Commons declares

And a rule of the House of Commons declares explicitly:

He cites rule 78 as adopted by the Commons years ago. Then he proceeds :

If any Bills are sent down from the Senate with clauses involving public expenditures or public taxation, the Commons cannot accept them. Such Bills may be ordered to be laid aside. The same practice is also strictly carried out in the case of amendments made by the Senate to Commons Bills. Latterly, however, it is not usual to lay such Bills immediately aside, but to send them back to the Senate with reasons for disagreeing to such amendments, so that the upper house may have an opportunity of withdrawing them.

After giving some illustrations of that, he continues :

Many other entries will be found of the house accepting Senate amendments rather than delay the passage of a Bill at an advanced period of the session. It is quite regular, however, to agree to amendments which "affect charges upon the people incidentally only, and have not been made with that object."

In order, however, to expedite the business of the House, the Commons have adopted the following rule:

Then he cites rule 87. In thus dealing with that important subject, Bourinot was to a great extent following Todd, who, in discussing the same question, referred mainly to the practice in England.

I must confess that, for my part, from the time that I became a member of this honourable House until last year I never gave proper attention to the question, and was inclined to accept the opinion of Bourinot or Todd as to the practice which should be followed, namely, that appro-priation or supply Bills could not be amended by this honourable House. But when the honourable member from Middleton (Hon. W. B. Ross) last session drew our attention to the very important distinction which exists between our written constitution and the unwritten constitution of England, his statement acted as a flash of light thrown on the question, and I am quite sure it became apparent to at least all who are members of the legal profession that the honourable member from Middleton had seen the question from a new angle, and that it deserved very That is what serious consideration. prompted the formation of the committee appointed last year, and again this session, which has finally made the report with which we are now dealing. Immediately after the honourable gentleman from Middleton had drawn our attention to that distinction, I took the liberty of adding a few words to what I had stated a few minutes before. I refer now to the Debates of the Senate of last year, page 555:

May I be allowed to add a word to what I have already said? When I spoke first I took it for granted that it had always been assumed by this House up to this moment that money Bills were within the exclusive jurisdiction of the House of Commons. That is a practice which has been followed and upon which we have been acting heretofore, with two excep-tions. Ever since I have been in this hon-ourable House, I, for one, have contended that a Bill may contain provisions which pertain to money Bills and provisions which are foreign to money Bills. In other words, I have claimed that matters which, strictly speaking, should that matters which, strictly speaking, build be covered by two different Bills could be united in one; and I have claimed the absolute right of this House to amend such clauses, as I did not consider that they were money clauses at all. all. I think that doctrine was adopted in this honourable House on several occasions. The other doctrine which has been followed by this House heretofore is, as stated by my hon-ourable friend from De Lorimier (Hon. Mr. my hon-Dandurand, that—although the Senate dealt with clauses which were, strictly speaking, money-Bill clauses—this House has deemed it advisable under certain circumstances to offer amendments and to send them to the House of Commons; and as a rule those amendments are accepted by the House of Commons. That is what I intended to suggest when I spoke a

few moments ago. I must confess that the honourable gentleman from Middleton (Hon. W. B. Ross) has thrown a good deal of light on the question, and, as presently advised, I must say that I think he is quite right. He has stated the unquestionable principle that the Parliament of Canada is not governed by common law, so to speak, as are the Imperial House of Commons and the House of Lords. They are not acting under any statutory law; they are acting under customs and usages, which are the result of long practice; but the Parliament of Canada is acting under a written constitution and must remain within the four corners of that statute. So far as they are within the four corners of the statute they are entitled to exercise all the rights and privileges which are given to them by that statute.

Then I referred to the clauses which the honourable member from Middleton had mentioned, sections 53 and 54 of the British North America Act, the only sections curtailing the powers of this honourable House in respect to money Bills. I took the liberty of referring to sections 17 and 91, of the British North America Act, as placing this honourable House on a par with the House of Commons as far as legislation is concerned. Those are the sections of the British North America Act conferring legislative power upon the Dominion Parliament Section 17, under the heading of "Legislative Power," says:

17. There shall be One Parliament for Canada, consisting of the Queen, an Upper House styled the Senate, and the House of Commons.

Section 91, under the heading, "Distribution of Legislative Powers—Powers of the Parliament," reads as follows:

It shall be lawful for the Queen, by and with the advice and consent of the Senate and House of Commons, to make Laws for the peace, order, and good government of Canada, in relation to all matters not coming within the classes of subjects by this Act assigned exclusively to the legislature of the Provinces; and for greater certainty, but not so as to restrict the generality of the foregoing terms of this Section, it is hereby declared that (notwithstanding anything in this Act) the exclusive Legislative Authority of the Parliament of Canada extends to all matters coming within the classes of subjects next hereinafter enumerated.

Then, after enumerating these classes of subjects which are committed to the jurisdiction of the Parliament of Canada, the section proceeds:

Such classes of subjects as are expressly excepted in the enumeration of the classes of subjects by this Act assigned exclusively to the Legislatures of the Provinces.

This is really the section defining the powers of this Parliament, and it will be noticed not only that it makes no distinction as between financial matters and other matters, but it entrusts the whole legislation falling within the jurisdic-

SENATE

tion of this Parliament to His Majestv, the Senate, and the House of Commons. Therefore I think that, unless we find some restrictions in that Act, the two Houses are placed on a par as far as legislation is concerned, whether it be on one subject or another. If one had to deal with this question merely as a legal question, it seems to me that there could be no ground even for argument, because when a matter is entrusted to three different persons, and they are treated on a par, no preference being given to one over the other, it goes without saying that their rights are equal. their jurisdiction is equal; and therefore this Parliament, according to the ext to which I refer, has jurisdiction equal to that of the House of Commons.

But the question is somewhat complicated. not only because of what has taken place in England, but because of the practical way in which the English people deal with all matters, especially political 'matters. Although the text may be as clear as the text to which I have called the attention of the House, we find that the Privy Council, in dealing with the constitution of Queensland as late as 1872, and with a text similar to that to be found in section 53 of our constitution, rendered a decision -without hearing the parties or their counsel, and without argument-maintaining that the Council of Queensland was not entitled to amend money Bills. The Privy Council, I take it, were influenced in rendering their decision, by the fact that in Queensland they had swamping power, and therefore it was in the power of the House of Commons-or of the Legislative Assembly, as it was named at that time-acting in conjunction with the representative of the King, to do there what was done in England in 1911 by the Parliament Act-to force upon the Upper Chamber the views of the popular branch of the legislature. And the Privy Council no doubt thought proper to take a short-cut and maintain that the practice which prevailed in England should be the practice to be followed in Queensland.

On examining the books which have been written on this subject, one finds that that is the principle followed by all the writers; and it may be a proper principle, because, so long as the popular branch of the legislature has the power to force upon the Upper Chamber its own views, what is the use of exercising an adverse power, so to speak, to that of the popular branch? So long as the popular branch, with the Crown, has the swamping power, it is in a position Hon, Mr. BEIQUE.

to force its views upon the Upper Chamber. and to have its own way. It is in that way that the House of Commons in England forced upon the House of Lords the practice which prevailed for a century or two, and finally forced upon the House of Lords the passing of the Parliament Act. But in examining that question one must also bear this in mind: that the House of Commons in England is a House of Commons in a unitary state, possessed of most plenary powers, so much so that with the consent of the Crown they can do almost anything. For instance, they may declare war .without any regard to the House of Lords; they may declare almost anything, and the House of Lords would have no recourse whatever, so long as the House of Commons acted with the assent and jointly with the King, because the Cabinet is responsible only to the House of Commons.

That is not the case with us in Canada, because we have a written constitution ; and, unless the House of Commons, with the consent of the Crown, takes the responsibility of disregarding the rights and powers of this branch of Parliament, those rights have to be respected. Even if the House of Commons violated the constitution, there would be a remedy before the Courts, because their acts could be assailed as being unconstitutional, which is not the case in England, because no courts can be called upon at any time, or on any occasion, to pass upon the validity of the action of the House of Commons with the assent of the Crown. I think that is an important difference; and, if I am not mistaken, it is a distinction to which the honourable member in his valuable memorandum has made no reference.

Another very important distinction to be made lies in the fact that under our constitution the Senate represents different interests from those represented by the House of Commons. We have a Confederation, which means a union of several States, formed for the purpose of protecting the rights of the states thus united. Our constitution in that respect is similar to that of the United States, where it is admitted that the Senate has the power and the right to deal with money matters. Of course, our position is not as strong as that of the Senate of the United States, because we are not elected by the people, while they are elected either by the people or by the legislatures of the various states; but in both countries the principle is the

same, and it is so because we in this Senate, as they in the Senate of the United States, are the guardians of special interests.

On referring to the Debates at the time of Confederation, to which the memorandum refers, it will be found that it was the intention of the Fathers of Confederation that this honourable House should be independent of the House of Commons. During the debates their attention was drawn to the fact that they were making away with the swamping power, and that therefore this branch of Parliament would be independent of the House of Commons; and it appears from the discussion that that was understood at the time the Act was passed. The honourable gentleman (Hon. W, B. Ross), in his memorandum, specially refers to remarks made by Sir John Macdonald, who was acting as Premier and Attorney General, and who amongst other things said:

The fact of the Government being prevented from exceeding a certain number will preserve the independence of the Upper House.

That had reference, I think, to clause 26 of the Act, which provides for the appointment of six additional members. He also said:

To the Upper House is to be confided the protection of sectional interests: therefore it is that the three great divisions are there equally represented for the purpose of defending such interests against majorities in the Assembly.

Then Mr. George Brown said:

But honourable gentlemen must see that the limitation of the members in the Upper House lies at the base of the whole compact on which this scheme rests.

Mr. Dorion took the same view. He pointed out that the effect of abolishing the swamping power was to make the Senate entirely independent.

So we have, on one hand, an Act which is perfectly plain in its terms, confiding the power to both the Senate and the House of Commons, without any distinction, without any preference one over the other, except sections 53 and 54; and, on the other hand, the important fact that it was intended to make the Senate independent of the House of Commons, because the Senate was entrusted with the protection of the interests of the provinces.

I think it is our duty to realise what are our powers, but not with a view of abusing them or exercising them unduly. I think this House should be commended for the way in which it has exercised its powers in the past, especially in money matters.

It has acted very discreetly and should continue to act discreetly. On the other hand, if we have power to deal with money matters—and I claim that unquestionably we have—and if occasion should arise when that power should be exercised for the protection of the provinces and for the purpose of preserving equality between the provinces, I think it is our duty not to shirk from exercising it, and exercising it freely. Section 53 of the British North America Act says:

Bills for appropriating any part of the public revenue, or for imposing any tax or impost, shall originate in the House of Commons.

That unquestionably curtails the powers of this House, but it curtails them only to the extent stated. Because a Bill of that kind must originate in the House of Commons is no reason why we should be deprived of the right of dealing with it freely, provided that the amount authorized by the Crown is not exceeded. I think that our position in that respect is on a par with that of the House of Commons. Private members of the House of Commons are not allowed to present a money Bill. It must originate with the Cabinet, because it must be accompanied by a message from the Crown. But the moment the message has been received and the Bill has been introduced by the Government, the members of the House of Commons deal with it most freely in every way, except that they cannot increase the amount specified by it without the consent of the Crown. They can amend the Bill, and they exercise their power in that regard very freely. Why should our position be different from theirs? Where can we find that our rights in respect to amending a money Bill are curtailed to a greater extent than are those of the members of the House of Commons?

I think that the honourable member from Middleton (Hon. W. B. Ross) is to be congratulated for having drawn our attention to this very important question, and for having prepared a very exhaustive memorandum on the question. I rejoice in finding that both Mr. Lafleur and Mr. Geoffrion, who are lawyers of very high standing, constitutionally and otherwise, have adopted the same view. I cannot help noticing that Mr. Ewart seems to have taken a somewhat different view. Upon examining his letter it will be found that he does not claim that under the constitution the Senate is deprived of the power of dealing with money Bills; he rests his opinion entirely upon the practice. I must confess that the authorities to which he refers are

SENATE

rather weak, because they are not taken from under any federal constitution, but from under colonial Acts, which are of course guided by the principles obtaining in England. In my humble opinion he seems to attach too much importance to the practice which has obtained in the past. He seems to have come to the conclusion that, because for thirty, forty, or fifty years this House had not amended a supply Bill, it has therefore agreed to forego the power to do so. We are governed by a written constitution and that constitution cannot be amended by practice. We have no power to amend that constitution by practice or otherwise. It can be amended only by the Imperial Parliament; and so long as it has not been amended it will be the duty of this branch of Parliament to exercise its powers as they are to be found in that constitution.

The honourable gentleman from Middleton very properly drew attention to the difference between the Canadian constitution and that of England. The British constitution, being unitary and designed to carry out the will of the majority of the nation, the King and Lords and Commons have a jurisdiction one and undivided; whereas the Canadian constitution, being that of a federation, involves the protection of provincial interests. This protection of provincial interests, which is one of the main functions of the Canadian Senate, is what differentiates it from the House of Lords as regards their respective relations with the Commons.

There is no doubt that originally the House of Lords in England had coordinate powers with the House of Commons in money Bills as in all other Bills. May's Privileges of Parliament, third edition, page 22, says that the three estates of the realm originally sat-together in one chamber.

James Stephen, in his commentaries on the Laws of England, volume 2, 7th edition, page 321, says:

It is generally agreed that, in the main, the constitution of parliament, as it now stands, was marked out so long ago as the 17th year of King John, A.D. 1215, in the great charter granted by that prince, wherein he promises to summon all archbishops, bishops, abbots, earls and greater barons, personally; and all other tenants in chief under the Crown, by the sheriff and balliffs, to meet at a certain place, within forty days' notice, to assess aids and scutages when necessary. And this constitution has subsisted in fact at least from the year 1264, 49 Henry III, there being still extant writs of that date to summon Knights, citizens and burgesses to Parliament.

Hon. Mr. BEIQUE.

On page 327, speaking of the distribution of the legislative and executive power between the King, the Lords, and the Commons, he adds :

The Crown cannot begin of itself any alterations in the present established law; but it may approve or disapprove of the alterations suggested and consented to by the two Houses. The legislative therefore cannot abridge the executive power of any rights which it now has by law, without its own consent, since the law must perpetually stand as it now does unless all the powers will agree to alter it; and herein indeed consists the true excellence of the English government, that all the parts of it form a mutual check upon each other. In the legislature the people are a check upon the people, by the mutual privilege of rejecting what the other has resolved; while the Sovereign is a check upon both, which preserves the executive power from encroachments.

Occasion may arise when it may be the duty of this honourable House to act as a check on the House of Commons in the protection of the rights of the provinces. He goes on to say :

And this very executive power is again checked and kept within due bounds by the two Houses, through the privilege they have of inquiring into, impeaching and punishing the conduct (not indeed of the Sovereign, which would destroy his constitutional independence, but which is more beneficial to the public) of his evil and pernicious councillors. Thus, every branch of our civil policy supports and is supported, regulates and is regulated by the rest; for the two Houses naturally drawing in two directions of opposite interest, and the prerogative in another, still different from them both, they mutually keep each other from exceeding their proper limits, while the whole is prevented from separation and artificially connected together by the mixed nature of the Crown, which is a part of the legislature, and the sole executive magistrate. Like three distinct powers in mechanics, they jointly impel the machine of government in a direction different from what either acting by itself would have done, but at the same time in a direction partaking of each, and formed out of all; a direction which happiness of the community.

The quotation may be considered too long, but the words used are so appropriate in their bearing on such an important subject that they cannot be too often repeated.

Of late years the British Parliament has been called upon to grant constitutions. On the occasion of the granting of a constitution to the Commonwealth of Australia the Imperial Parliament deemed it advisable to better define the powers of the House of Commons and of the Senate or Upper House. Section 53 of that constitution provides:

Proposed laws appropriating revenue or moneys, or imposing taxation, shall not originate

in the Senate. But a proposed law shall not be taken to appropriate revenue or moneys, or to impose taxation, by reason only of its containing provisions for the imposition or appropriation of fines or other pecuniary penalties, or for the demand or payment or appropriation of fees for licenses, or fees for services under the proposed law.

The Senate may not amend proposed laws imposing taxation, or proposed laws appropriating revenue or moneys for the ordinary annual services of the Government.

The Senate may not amend any proposed law so as to increase any proposed charge or burden on the people.

The Senate may at any stage return to the House of Representatives any proposed law which the Senate may not amend, requesting, by message, the omission or amendment of any items or provisions therein. And the House of Representatives may, if it thinks flt, make any of such omissions or amendments, with or without modifications.

Except as provided in this section, the Senate shall have equal power with the House of Representatives in respect of all proposed laws.

From that I think the conclusion may be drawn that when it was deemed proper that the powers of the Upper House should be curtailed, the Imperial Parliament did expressly curtail those powers. The Imperial Parliament expressly curtailed the powers, as far as our own constitution is concerned, by sections 53 and 54 of the British North America Act. They did not go any further. A few years after, in dealing with the creation of another Confederation, when it was thought advisable to go further, they did curtail the powers in a larger measure. I think it is to be inferred that if it had been advisable to do it in dealing with the Canadian constitution it would have been done, and that we cannot import into our constitution anything that is not in it.

Hon. Mr. DANDURAND: Honourable gentlemen, I do not intend to cover the ground which the committee has gone over, and which, in the main, appears in the report which is before this Chamber. As a member of that committee I concurred in the report and approved its conclusions. I simply want to add a word on the last question treated by my honourable friend from De Salaberry (Hon. Mr. Béique), when he spoke of the action of the British Parliament in enacting section 53 of the British North America Act, which alone contains a limitation of the powers of this Chamber. That section says:

Bills for appropriating any part of the public revenue, or for imposing any tax or impost, shall originate in the House of Commons.

This represents the sole limitation of this Chamber in dealing with money Bills. This limitation of the powers of the House of Lords was proclaimed by the House of Commons in England as far back as 1661. But the House of Commons went further, and a few years afterwards passed a resolution, in which they denied to the House of Lords the right to amend money bills. This resolution was in the terms of rule 78 of our own House of Commons, which reads as follows:

All aids and supplies granted to His Majesty by the Parliament of Canada, are the sole gift of the House of Commons, and all Bills for granting such aids and supplies ought to begin with the House, as it is the undoubted right of the House to direct, limit and appoint in all such Bills, the ends, purposes, considerations, conditions, limitations and qualifications of such grants, which are not alterable by the Senate.

This old claim of the House of Commons of England, which it has asserted for over two hundred years, has always been denied by the House of Lords. It was reaffirmed in England in 1861 by the House of Commons, which went a step further and asserted the right to include all financial proposals in the annual supply Bill which the Lords would be powerless to amend. The House of Lords declared that it should not be limited by the resolution which I have just read, yet it conformed generally to the will of the House of Commons. I draw the attention of this honourable House to the fact that though in 1861, five years before the British North America Act was passed, the House of Commons again solemnly declared that the House of Lords had no power to amend money Bills; yet when our constitution was under discussion and was being enacted, it was not the powers of the British House of Commons as claimed by it only five years before which were included in our constitution, but simply the first step, that of 1661, towards limiting the powers of the House of Lords-the declaration that the right of initiative remained with the House of Commons and did not belong to the House of Lords. The House of Commons could well have gone a step further and vested in the House of Commons of Canada powers similar to those which it claimed for itself. It did not do so. It went no further than to give to the Canadian House of Commons the sole power of initiative.

The House of Commons of Canada at its first session appointed a committee to help the Speaker in framing rules for the House, and the Select Committee in its report, dated December 20, 1867, submitted the rules, including rule 78, which I have read,

SENATE

and which denies the right of the Upper Chamber to amend money Bills. This was a re-enactment of an old rule, adopted by the Canadian Parliament at its first session after the constitution of 1791, denying to the Legislative Council the right to amend money Bills; but the reason which prompted the House of Assembly to affirm that right was based on the fact that it had the power to enforce it, because the constitution of 1791 gave to the Government the right to appoint as many legislative councillors at it pleased. The Crown retained the swamping power by virtue of the constitution of 1791, and the House of Assembly could then declare to the Legislative Council what should be its limitations, because in conjunction with the Crown it could enforce its will upon the Upper Chamber. The House of Commons in England has been in a similar position. Through the swamping power it has always been able to threaten the House of Lords with forcing it to do its will and bidding by having the Crown appoint a certain number of Lords and by thus securing a majority. But far different is the situation of the House of Commons of Canada. It did pass that rule in December, 1867, denying the right of the Senate of Canada to amend money Bills; but how could it enforce its wili - how did it enforce its will? It did not; it was powerless to do so. Since 1867 the Senate has in very many instances amended money Bills. I have been in this Chamber for twenty years, and we have, I will not say at every session, but in every Parliament, asserted our right to amend money Bills, and we have amended them, and the amendments have generally been accepted by the House of Commons. Only last session we amended not merely an ordinary Bill containing money clauses, but the Income Tax Bill itself. The annual supply Bills are the only important money Bills which the Senate has not amended. We have amended money Bills of all other classes that have come from the House of Commons to this Chamber. The definition of our powers is in accordance not only with the text of our constitution, but also with our practice.

I recognize that an impression has prevailed in the Senate that there were certain limitations to this Chamber's right to amend money Bills. When we were academically discussing the powers of the Senate in this connection without anyone seriously studying the question, it was often said that the limitations which the House of Commons in England imposed upon the

Hon. Mr .DANDURAND.

House of Lords could in a sense be argued against the Senate of Canada; yet we never refrained in practice from exercising our full right to amend money Bills.

Hon. Mr. POIRIER: Limited practice.

Hon. Mr. DANDURAND: My honourable friend says, " limited practice." Whenever we were firmly convinced that a Bill needed to be amended, no limitation existed in our mind and we proceeded to make the amendment. We have, as I have said, refrained only in the case of annual supply Bills.

The right to amend money Bills, which the House of Commons by its rule No. 78 denies to this Chamber, is in general practice the same as the right to reject a money Bill, which right is not denied the Senate. The effect of our amending a Bill may be the same as if we rejected it. When we amend a money Bill, as we have very often done, it goes back to the House of Commons, and if the Commons disagrees with the Senate and the Senate insists upon its amendment, the Bill is dropped. It is true that the Commons has then taken the responsibility of rejecting the Bill as amended by the Senate, but there is no legislation passed, and the result is the same as if we had rejected the Bill.

Hon. Mr. DAVID: Qui peut le plus, peut le moins.

Hon. Mr. DANDURAND: My honourable friend from Mille Iles says, "Who can do the most can do the least." Generally speaking, we could apply this aphorism, because in reality we simply amend the Bill and do not kill it. It is the ordinary practice of this Chamber to make an amendment when it is felt that the Bill can be improved thereby.

The present definition of our powers may have, I admit, far-reaching results. In spite of what my honourable friend from Acadie (Hon. Mr. Poirier) said yesterday, I claim that the Senate represents the provinces, as senators do not simply represent themselves, as do the Lords in England. The excerpts from the speeches of the Fathers of Confederation, just read by my honourable friend from De Salaberry (Hon. Mr. Béique), go to prove that the intention when the Senate was constituted was that it should represent the provinces and that it should maintain inviolate the federal compact. In appointing members of this House as we were appointed, a certain number for each of the three groups, the Maritime Provinces, Quebec, and Ontario, without, as in the United States, regard powers in a temporate and moderate way.

being had to population, there was a certain purpose in view: it was that we should represent, not a small section of the population, but the provinces from which we come; and I would ask my honourable friends if, in reading the Quebec resolutions and the federal compact, they do not notice that the financial clauses of the contract play a most important role. If they do play an important role and if we are here to see that the letter and spirit of that agreement are maintained, does it 'not follow logically that we have a special duty to watch over the financial administration of the country?

I recognize that, though we may have equal powers with the House of Commons. they should be exercised by us in a different spirit. We have equal powers, but we have not the same mandate. If the Commons, when acting according to the letter and spirit of the constitution, have a clear mandate from the country, their authority should go unchallenged in financial as in other matters. Our duty, I surmise, is to assure ourselves that the Commons have that clear mandate. If in this respect the Senate fulfils its duty seriously, it can play an important, a paramount part in the safeguarding of the Federal treasury. I claim that very often we have been individually convinced that the Commons, in disposing of the money and the credit of the country, has not given sufficient consideration to the general interests of Canada, and, in common with many of the most prominent citizens of Canada, who are concerned over the proper administration of the country, and who watch its expenditures with a careful eye, we have felt that the House of Commons was at times quite improvident. It is natural that we should see such things. When most of the members of the House of Commons are interested in obtaining votes of money for their constituencies, and when through pressure brought to bear upon the Cabinet or the Finance Minister they have succeeded in getting a share of the appropriation, how can they turn around and criticize similar expenditures, amounting in the aggregate to an extravagant sum? How can they criticize when they have been parties to that extravagance? Such things happen in times of prosperity, when the treasury is buoyant and members feel that they can strengthen their position in their own constituency by obtaining a money vote for some questionable expenditure. Such things have happened in the granting of railway subsidies, which within my mem-

ory have hardly ever been opposed in the House of Commons. Bills to grant subsidies have been brought in during the last days of the session and millions of money have been voted in the last forty-eight hours of the session, the Opposition, whether Liberal or Conservative, remaining dumb; and the public saw those immense sums of money being voted without any serious inquiry as to the need for the appropriation, because, I suppose, there were too many counties that could be influenced and to which it would be dangerous to deny those votes. This is what we have all been witnesses of; and I wonder if under those circumstances the Senate would not have been only doing its duty to the country in asserting its right to tackle those big money votes and to moderate them. We have often seen those votes being made in the last session of a Parliament. If the Senate had decided that, inasmuch as there was to be an election shortly and the people would have a chance to pronounce upon the votes proposed, they should be deferred until the first session of the new Parliament, perhaps those sums of money would never have been voted. The Senate should thus be enabled to relieve the pressure exerted upon the Minister of Finance and the Cabinet by their followers.

These are the few remarks which I desired to add in support of the resolution and of the memorandum which accompanies the report, in which I fully concur.

Hon. Sir JAMES LOUGHEED: Honourable gentlemen, I rise, not to make any observations upon the constitutional aspects of the question, but rather to make an observation or two upon the good purpose which I hope this report will serve. It is unnecessary to say that this question has agitated the Senate for a considerable length of time. From Confederation down to the present time, scarcely a session has passed without a discussion arising as to what the constitutional powers of the Senate are with respect to money Bills, and from sessionto session appeals, by way of points of order, have been made to the Speaker for the time being to rule upon this very important question. There has not been that uniformity or consistency which is desirable on the part of the different Speakers in the rulings which they have made as to how far the Senate might exercise its authority in dealing with financial questions. There has been a great deal of misconception on this subject, not only in the

SENATE

House of Commons and in the Senate itself, but also on the part of the public. The general impression has been that the Senate as constituted is entirely devoid of power to deal with money Bills, and we have been subjected to being placed upon a parity with other second Chambers in this regard, entirely irrespective of the main question of what are the powers given to the Senate under the British North America Act. As the honourable gentleman from De Salaberry (Hon. Mr. Beique) has very well said-and he elaborated it at considerable length-we are here by reason of a written constitution, and whatever powers we may exercise are derived from that particular source. It is very desirable that the powers of this Chamber should be defined and established so far as it is possible for us to define and establish them, in order to prevent any misunderstanding, conflict or clash with the House of Commons. We are a co-ordinate branch of Parliament, and therefore it is very desirable that there should be a complete understanding, not only on the part of this Chamber but on the part of the House of Commons, as to what our powers are. It is only by having a clear understanding of this nature that good relations will be maintained between the two Chambers; and I regard this report as contributing in that direction in a more valuable way than any other purpose it may serve.

I desire, as a member of this Chamber, that no construction should be placed upon this report by way of a challenge to the House of Commons as to what our powers are. I think it would be very unfortunate if any impression were to go abroad to cause the Commons to be seized of the idea that this Chamber is stretching out its arms for the purpose of exercising what I might term an academic authority on the question of money Bills which might, in a sense, restrict the freedom which the House of Commons exercises in dealing with this class of legislation.

I think, however, that a well-considered report on this particular question is of value by way of reference, so that upon any question arising from time to time we may have before us what I regard as the best-considered view which I have seen presented to this Chamber since I have had the pleasure of being a member thereof. I feel every confidence in saying that at no time during the period for which I have been a member —and I have been in this Chamber since 1890—has this question been so well consid-

Hon. Sir JAMES LOUGHEED.

ered and so well expressed as is revealed by this particular report. Therefore, instead of its being construed as a challenge to the House of Commons, or an assertion that we intend to exercise the right which the constitution might possibly give us, it is there for us as a reference, so that we may be able to exercise that sound discretion and common sense which I think the Senate has always done on questions of this kind, and yet at the same time we may feel that we are acting within the authority of the constitution.

There has always been more or less of a denial by the House of Commons as 10 the extent to which we might exercise our authority upon money Bills; and yet I am very happy to say that within my recollection there has never been any serious clash between the two Chambers as to the attitude of the Senate upon any particular measure of this character. I hope that, notwithstanding this elaborate report upon the powers exercisable on the question of money Bills, we may not feel that it is necessary on our part to interfere to any greater extent than we have asserted our authority in the past. I think only in this way shall we maintain good relations between the two Chambers. The power vested in the Senate upon money Bills places the Senate of Canada amongst the democratic second chambers of either America or Europe. But it would be unfortunate for the Senate, notwithstanding the powers we possess, derivable from Imperial legislation, if we should come into conflict with the House of Commons representing directly the electorate of this Dominion, even though we feel that we are chargeable with the protection of the rights of the provinces.

There is a tendency on the part of the Senate sometimes to push too much forward the assumption of a sense of responsibility, from the feeling that we are standing here as the guardians of the particular provinces which we represent. The public hesitate to place that responsibility upon our shoulders. They look upon this Chamber as a nominated chamber in no sense responsible to the electorate; and consequently they naturally expect, notwithstanding what the constitution may say, that the popular Chamber will continue to exercise its powers as it has done practically ever since Confederation, and practically determine the vote of Parliament upon money questions. I am not taking that view with the idea of urging that we should derogate in the slightest from the powers that we possess, but only to point out the desirability of always exercising those I have to congratulate my honourable friend from Middleton (Hon. W. B. Ross) for bringing up this question as he has done, for pursuing it to the point which has been reached to-day, and I am satisfied that it reflects the greatest possible credit on this Chamber that there has been such a moderate and studied discussion upon the subject, which will throw a flood of light and of learning upon what has always been one of the most interesting questions on which the Senate has entered for consideration.

The motion to concur in the report was agreed to, on division.

THE FARMERS' DELEGATION.

MOTION FOR RETURN—CORRESPONDENCE WITH THE HOUSE OF COMMONS AND THE GOVERNMENT.

Hon. Mr. CLORAN moved:

That a humble Address be presented to His Excellency the Governor General, praying that His Excellency will cause to be laid upon the Table of the Senate a return of copies of all papers, letters, telegrams, memorials, petitions or other communications or documents in the possession of the Government or in that of His Honour the Speaker of the House of Commons, which may be available, in connection with the recent delegation from the farmers of Canada to present certain public and national questions and issues to the attention of the Cabinet and of the Parliament of Canada.

He said: This motion is only nominally mine; it is made on behalf of probably two-thirds of the people of Canada, who were represented here last week. Certain correspondence has passed between the officers of that delegation and the Governor General, the Prime Minister, and the Speaker of the House of Commons.

I regret that in the correspondence the Prime Minister of this country treated the farmers very curtly, while the Governor General exercised statesmanlike courtesy towards that body. The requests of the farming community of the Dominion of Canada were laid before the Governor General in a manner that showed that this movement is not like that in other countries: it was conducted in a most legitimate fashion, according to British constitutional precedents in regard to the British royal prerogative. The delegation were able to allude to similar occasions in the past, especially under Lord Elgin, when a petition was laid before the legislature of that day.

The following is the memorandum which was sent to the Governor General, the Prime Minister, and the Speaker of the House of Commons:

S-43

Windsor Hotel, Ottawa, May 15th, 1918. Hon. E. N. Rhodes,

Speaker of the House of Commons. Sir :---

The delegation of farmers from Ontario, Quebec and other provinces which held several conferences here yesterday charged us to transmit certain information to you with the respectful request that you will convey it to the House of Commons.

The conference yesterday afternoon, composed of several thousand farmers, decided unanimously to present itself at the House in the evening, with the request that two of its members be heard at the bar, in pursuance of the resolution duly adopted in the morning and forwarded to you. The Prime Minister, who was informed of this intention, referred us to the acting leader of the House, the Hon. Mr. Sifton. The request proffered while the delegation was in and about the precincts of Parliament was refused by the Hon. Mr. Sifton on behalf of the Government. The delegation, therefore, in a most orderly manner, returned to its meeting place, where it unanimously endorsed the address which its representatives had intended reading to the House, and directed us to forward it to you. It is as follows:—

To the Honourable the Speaker and Members of the House of Commons of Canada, in Parliament assembled.

Mr. Speaker and gentlemen of the House of Commons:---

On behalf of thousands of Ontario farmers assembled in this city to-day, we warmly thank the House for the proof it has given that it desires to keep in sympathetic touch with the citizens from whom it derives its dignity and authority. We believe we express the sentiments of all thoughtful citizens when we say that this departure in Canadian parliamentary practice, following so closely upon the speech to this House and the Senate of the President of the American Federation of Labour, is an agreeable recognition of the new relationships which the war is producing, as between those who govern and those who are governed by consent.

That portion of Canadian labour which is so vital to the prosecution of the war, and which we represent, appreciates to the full the evidence of loyalty which the House of Commons gave in August, 1914, to the democracies of the western hemisphere in its instant support of the mother land in her hour of need. We trust that the spontaneous action then taken will be justified by a continuation of those habits of freedom which it has long been the peculiar privilege of Canadians to maintain. These privileges are all the more appreciated in view of the long struggle for responsible government which was undertaken against the opposition of those who exercised arbitrary authority, and who feared the free expression of opinion, in the press and by the spoken word.

We are sure the House will permit us to say also, that the citizens generally have observed with gratitude that the House has shown a larger independence of thought and speech than has been customary under the system of partisan Government.

We should fail in the duty of being candid which is cast upon us by the readiness of the House to hear us, if we did not express over concern regarding another tendency that has been observed in the House where the public will is believed to be supreme. The increasing frankness of discussion so notice-

REVISED EDITION

able here has been accompanied by a noticeable here has been accompanied by a tendency to silence on the part of members of the Cabinet, who in realty are, as one of your distinguished members has said, "only a committee of this House."

The unrest in the country which has brought about the unexampled spectacle of thousands of farmers leaving the important work of planting their corps to come to the capital to remonstrate with the Government, is known to every member of the House of Commons. We beg leave to intimate that this unrest is not related merely to the special matter which was dis-cussed with the Premier and members of his We cannot disguise from the Cabinet to-day. House an apprehension that the liberties, of which the popularly-elected branch of the Legislature is the bulwark, may be dangerously curtailed during the period that the House is not sitting. In proof that this dread is not illusory, we would venture to inform the House that, in common with our fellow-citizens, here and throughout the country, we have observed certain innovations, the continuation of which we believe would be fraught with serious results to the confidence which the subjects of His Majesty have hitherto reposed in the working of that responsible government for whose unimpaired preservation forty thousand Canadian soldiers have laid down their lives.

Will the House permit us to speak more plainly what is in our minds? We have never believed that the conditions produced by the war demanded flagrant departures from the honoured processes of law enjoined by the constitution while Parliament is in session or is near assembling. We believe that reliance upon Parliament, instead of upon arbitrary authority, most effectively honours the guarantees of freedom which are embedded in the constitution. One considerable departure from sound practice may be accepted, but repetitions of it may be exceedingly dangerous, especially under such circumstances as now beset the state.

We therefore beg leave to remind the House of several instances in which, it seems to us, the liberties of the people and of their representatives have not been given sufficient consideration.

Twelve days before the meeting of Parliament in January, 1916, the authorized Canadian Army was doubled from 250,000 to 500,000 men. No British army had ever been doubled without recourse to Parliament. That it was done in Canada caused students of British history to enquire whether anything had occurred to warrant such a disregard of Parliament. Though this House of Commons has inherited some of the consequences of such an innovation, we desire to confine our respectful remonstrances to more recent events.

During this session there were riots in the city of Quebec. The House desired to discuss the serious situation thus created, and was entitled to declare what measures might be taken to prevent a renewal of such unhappy occurrences. It did not escape the notice of the country that immediately before the House proceeded to discharge its duty, there was put upon the Table a completed law, in the form of an Order in Council, which arbitrarily took out of its control the very question which the House of Commons was about to discuss.

Later there were other departures from the traditional practice of British law by equally astonishing proceedings. An Order•in Council

Hon. Mr. CLORAN.

was given to the House as a matter of information providing for the registration of the human power of the country, and setting up an entirely new criminal code in connection therewith, by creating several methods of punishment hitherto unknown to Canadian civilization. Surely such departure should not have been attempted in such a manner. Punishments created without the assent of Parliament naturally tend to provoke hostility. We feel we are performing a national duty in respectfully calling attention to such conditions.

The Order in Council endorsed by both Houses on April 18th virtually sweeps away the Military Service Act. The resentment it has created is known to this House, members of which are known to regret that the elements of the constitution were ignored in this proceeding; and that the method of presenting a practically executed decree, while withholding disclosure of the facts on which it may be based, cannot easily be justified to the constituents of a newlyelected parliament.

The curtailment of the liberty of written and spoken speech contained in the Order in Council given to the public on April 16th has caused especial concern to all who are aware of the history of free discussion in Canada and other parts of the British Empire. We are sure we need not beg the House to examine its provisions in order to appreciate how a doctrine of the essential infallibility of the Government may be forced upon a free people on pain of a fine of five thousand dollars and five years' imprisonment. The House, to our extreme regret, has been faced with a notification of the intended curtailment of the privilege of a member of Parliament to declare his mind, and the right of his constituents to know what he has uttered. That this unique warning to a freely-elected British assembly was halted for several weeks on the Order Paper, we venture respectfully to attribute to you, Mr. Speaker, as the appointed guardian of the liberties of the House and also of the people. It has been noted that the Prime Minister; in withdrawing the measure, viewed with so much apprehension from outside the House, announced that it is likely to be reintroduced next session.

Perhaps the House may not be offended to learn that cognizance has also been taken of a notice issued to it within the last week to the effect that it must curtail its discussion of vital national affairs, and withdraw from its precincts within a few days, or be summoned hither during the hottest and most inconvenient month of the year. That such a direction should be issued without apparent recourse to the judgment of the House causes reflective citizens to wonder what has happened to the freedom Cannadian institutions have hitherto enjoyed.

Mr. Speaker, and gentlemen of the House of Commons, the disquiet of the country of which we are the humble and inadequate exponents and which demonstrates sadly the increasing dangers to our national unity, which, if we lose it, we shall have lost all indeed, cannot be allayed by a persistence in the course we have so imperfectly sketched.

Will the House permit us, with much deference, but much earnestness too, to repeat the reminder of one of its members that the Government is a committee of this House vested with the executive powers of Parliament. The responsibility of government, therefore, is ultimately upon this House. Nothing appears to have been done to make the position of members

of Parliament, with regard to the carrying out of the war policy, correspond to the status which they enjoyed before the practice crept in of making them subservient to those whom they created and whom they may destroy.

In this prolonged crisis of the national fate, the hour has arrived to re-establish the inherent freedom of the House of Commons, and we are certain that in the restoration the people of Canada will sustain you, and that the sacrifices of war will be justified and honoured in the blessings and progress of peace.

May we inform you that we remain at the Windsor Hotel, where we shall be happy to receive whatever answer the House may return to this address.

We are, Mr. Speaker, Yours very sincerely,

The following correspondence passed between the officers of the delegation and the Prime Minister:

Ottawa, Ontario, May 15th, 1918. To the Right Honourable Sir Robert Borden, P.C., G.C.M.G., Prime Minister of Canada,

Ottawa.

Right Honourable Sir,— On behalf of the Conference of farmers assembled in Ottawa to-day, I have the honour to give you communication of a letter that I have been instructed to address to the Honour-able the Speaker of the House of Commons.

I humbly beg that you, as leader of the House of Commons, would kindly see that our request be received by the House of Commons and approved of.

I have the honour to be, Right Honourable Sir, Your humble servant. (Sgd.) R. H. Halbert, Chairman.

Ottawa, Ont., 17th May, 1918. Dear Sirs -

I beg to acknowledge receipt of your letter of May 15th, conveying to me a copy of your communication of the same date to the Honourable the Speaker of the House of Commons. Faithfully yours,

(Sgd.) R. L. Borden.

Messrs. J. J. Morrison, and C. W. Gurney,

Windsor Hotel, Ottawa.

94 Windsor Hotel, Ottawa. May 16, 1918.

To the Right Hon. Sir Robert L. Borden, P.C., G.C.M.G.,

Prime Minister of Canada,

Ottawa, Ont., Right Honourable Sir:

In view of the communications we have recontinuities of the communications we have re-cently had the honor to exchange, the Standing Committee of the Farmers' Conference have asked me to forward this copy of a resolution which was passed at the last session of the Farmers' Conference held at Ottawa on May 15th, 1918.

It is moved by Jas. Miner, farmer, Province of Alberta, seconded by J. J. Morrison, Province of Ontario:

"That the representations made yesterday to the Prime Minister having apparently failed to effect the desired result, the Convention appoint a Committee to take such further action as it deems advisable, and particularly to request

S-431

the Government that past and further proceedings under the Order in Council of April 20th withdrawing men from food production be deferred until the Registration of Man Power, which the Prime Minister himself assured us will be completed shortly, discloses the forces available for the most effective prosecution of Canada's war effort." Unanimously adopted.

I have the honor to be, Sir.

Your obedient servant, (Sgd.) C. W. Gurney:

Ottawa, Ont., May 17th, 1918.

I beg to acknowledge your letter of the 16th I beg to acknowledge your letter of the 16th instant setting forth a resolution passed at the last session of the Farmers' Convention held at Ottawa May 15th, 1918. The representations therein set forth will be attentively considered. Yours faithfully,

(Sgd.) R. L. Borden.

C. W. Gurney, Esq., 94 Windsor Hotel,

Dear Sir,-

Ottawa.

Now, honourable gentlemen, you will all admit, whether friends or foes of the Government, that that was not the proper way to answer that delegation, representing from three to four million of people of this Dominion of Canada. The replies are not only curt, but there is a want of politeness in them, and I charge him, as a minister of the state and Prime Minister of this country, with dereliction of duty in regard to this matter. This was no longer a private document to be pigeonholed and thrown into the waste-basket. Sir Robert Borgen, the Prime Minister of this country, has not treated the farming community of this country as they should have been treated. especially when they went about their business in a legitimate and practical way. Seeing that they could get no recognition there, they wrote to the Speaker of the House of Commons, who used practically the same language, only he went a little further and attempted to criticise the document.

The following is the letter from the delegation to His Honour the Speaker of the House of Commons, and his reply thereto:

Russell Theatre,

Ottawa, Ont., May 14th, 1918. The Honourable E. N. Rhodes, Speaker, House of Commons,

Sir: On behalf of several thousand Ontario farmers, I beg to transmit to you the following Resolution just passed, and to say that, en-couraged by the reception recently accorded the President of the American Federation of Labor,

Ottawa,

"That this meeting instructs the Chairman respectfully to ask the House of Commons to receive him and two delegates he shall name, at the sitting of the House this afternoon, hear their address upon the situation in the

country and asking that democracy be honoured in the prosecution of the war and all other matters of government."

The messenger who brings this will respectfully await an answer.

I am, Most respectfully,

(Sgd.) R. H. Halbert, Chairman.

Ottawa, Ont., May 15th, 1918.

Sirs :-

I have to acknowledge your letter of to-day enclosing what purports to be an address to the Speaker and the members of the House of Commons.

I am to point out that the recognized manner of addressing Parliament is by petition, and under certain rules which the House has prescribed with respect to the form and manner of their presentation. The address that you enclose does not conform to these rules and is not even signed, while it contains grave re-flections upon the Government of the country and the independence of the House itself. I am also to point out that, under the rules of the House, the Speaker is precluded from present-ing petitions to the House.

I am, Sirs, Yours, etc., (Sgd) E. N. Rhodes, Speaker.

Messrs. J. J. Morrison, and C. W. Guerney, Windsor Hotel, Ottawa.

Well, I do not agree with the Speaker in that matter: in Great Britain, all documents have to go to the Speaker. But what right had the Speaker in this letter, which has been made public, though not officially so, to criticise and denounce the retition presented by those people on behalf of that large class of our population? I do not think that they were treated fairly.

The delegation finally appealed to His Excellency the Governor General, sending him their petition accompanied by the following letter, to which His Excellency's Secretary replied:

> 94 Windsor Hotel, Ottawa, May 16th, 1918.

His Excellency, The Duke of Devonshire.

Governor General of Canada, Ottawa, Ont.

Your Excellency,-

The undersigned, in exercising the immemorial privilege of British subjects, are confident that Your Excellency will honour the ancient practice of the highest authority in the realm of hearing sympathetically the representations of citizens upon matters affecting the good government of Canada.

We are encouraged to transmit to you certain information by the knowledge that those who have preceded you as a representative of the Crown in the working of responsible government in Canada, have been swift to regard any evidence of departure from the constitutional usages by which the freedom of Parliament and

of the individual citizens has been established. Since Your Excellency's arrival among us, we have had every reason to be assured that

Hon. Mr. CLORAN.

Your Excellency is imbued with the conciliatory, far-seeing, and statesmanlike spirit which ani-mated Lord Elgin, to whom Canada and the Empire will ever be indebted for a wise and courageous guidance within the power confided to him.

We believe, therefore, that you will welcome this expression of our trust during the period of unprecedented difficulty through which the Dominion of Canada is passing.

It is in harmony with Lord Elgin's reply to an address from the county of Glengarry, dealing with the unrest at that time, regarding the administration of public affairs, that we the administration of public affairs, that we submit for Your Excellency's consideration the attached correspondence with the Speaker of the Houss of Commons. Perhaps Your Ex-cellency will allow us to repeat what Lord Elgin said to the men of Glengarry, in reply to their address: "I recognize in it evidence of that vigorous understanding which enables men of the stock to which you belong to prize, as they ought to be prized, the blessings of well-ordered freedom, and of that keen sense of principle which prompts them to recoil from no sacrifice which duty enjoins." Your Excellency will observe that those

citizens whom we represent are striving to ensure the continuance of what Lord Elgin de-scribed as "well-ordered freedom."

We do not ask that Your Excellency will take action outside the lines of constitutional practice. At present we desire only to keep you informed of the increasing difficulties which appear to affect injuriously the privileges which belong to the citizens through the House of Commons.

We beg to state to Your Excellency that we are aware that certain objections in connection with prescribed forms of approach may be cited against the course we have taken. But we are also assured that in times like these it is good counsel rather than appeals to form which should prevail. We beg respectfully to add that in conveying with all convenient speed to those who have authorized us to act the in-formation of our reliance upon Your Ex-cellency's beneficent intentions towards all the loyal people of Canada, we are rendering a service to the unquestionable stability of parliamentary freedom which all British citizens must desire to be maintained at home while it is being defended abroad.

We are, Your Excellency's obedient servants, (Sgd.) J. J. Morrison, C. W. Gurney.

Ottawa, 17th May, 1918.

of your letter covering a Petition addressed to His Excellency the Governor General. This has been laid before His Excellency, who desires me to inform you that it has been handed by him to his ministers for consideration.

I have the honour to be,

Sir, Your obedient servant,

(Sgd.) H. G. Henderson, Lieut.-Colonel.

Governor General's Secretary.

J. H. Morrison, Esq.,

94 Windsor Hotel, Ottawa.

That letter from the Governor General shows that he is a thorough statesman, one

MAY 23, 1918

of the old British style. He laid that petition before his ministers on behalf of the Royal authority. What did his ministers do? They concealed and kept secret that petition. That is not the proper way for a democratic government to deal with a matter so essentially serious as this. What the Governor General was prepared to do his ministers ought to follow, and take the country into their confidence.

The correspondence covering the entire situation appeals both to the heart and the mind of a public man. We have had these documents unofficially, but I would like to put them on the records so that they would serve for future purposes, or, as I said before in introducing the motion, for future statesmen. This is a democratic country, and must be governed accordingly; and when people come here no technicality or unmeaning procedure should prevent the public facts from being heard in the hall of their representatives; that is my view. It being nearly six o'clock, I have not time to read the whole correspondence, but, with the permission of the House, I will hand it over to the reporters. I have performed my duty, and I hope that the Government, having failed in the preliminary stage, will find that it is not yet too late to amend, in a way and in a measure, this unfavourable situation, both for the farmers and for the Government itself.

The motion was agreed to.

THE CASE OF CHARLES DESJARDINS. MOTION WITHDRAWN.

On the Order:

Resuming the adjourned Debate on the Motion by the Honourable Mr. David:

This House regrets that, in the case of the Crown versus Charles Desjardins et al, the Government has thought proper to furnish part of the bail required to restore to liberty the said Charles Desjardins and to engage lawyers for his defence.—(Hon. Mr. Choquette.)

Hon. Mr. CHOQUETTE: After consultation with my colleague, the mover of this resolution (Hon. Mr. David), I wish to say that this man Desjardins is under trial and that his trial has been adjourned until next autumn. Although my opinion is that this makes no difference, as we did not intend to discuss the trial—we rather put the Government on its trial—I think it is only fair to have the question dropped for this session, in view of the trial having been fixed for next fall. With the consent of my honourable friend (Hon. Mr. David), I move that this motion be dropped.

The Order was discharged.

The Senate adjourned until tomorrow at 11 a.m.

THE SENATE.

Thursday, May 23, 1918.

First Sitting.

The Senate met at 11 a.m., the Speaker in the Chair.

Prayers and routine proceedings.

THE PENSION OF LIEUT.-COLONEL BRADBURY.

QUESTION OF PRIVILEGE.

On the Orders of the Day:

Hon. G. H. BRADBURY: I desire to call the attention of the House to a matter of privilege, a matter to which I would have referred some time ago had it not been for the fact that I was expecting a statement to be made in another place. It seems that the session is likely to close to-day, and, as the matter has not been brought up, I desire at this stage to say a few words upon it. I refer to the pension which was granted to me by the Board of Pension Commissioners. The Ottawa Citizen of May 9 makes this statement:

Pension Examples which cause some Commons Comment—Senator is given 80 per cent "Boarding"—Mr. Bradbury, aged 59, Raised Battalion—Was in France Two Weeks.

Senator Bradbury was twice boarded. The first board found him 75 per cent disabled from competition "in the untrained labour market" (he is in his fifty-ninth year), and declared that two-thirds of this disability was due to service. It, therefore, recommended him a fifty per cent disability pension of \$69.40 per month—

I would like to draw the attention of honourable gentlemen to the fact that this is only a six-months pension, not a permanent pension.

-for the period of six months. Senator Bradbury complained about the finding of the commission's board and demanded that another sit on his case. The second board which sat in Montreal found him 80 per cent disabled, the entire disablement being due to service, and declared that the disablement was permanent. Its recommendation has not yet been acted upon.

I desire to say, in the first place, that I never demanded a second board; in fact, I never demanded any board; I never asked for a pension. I was boarded out as a colonel on leave, as every colonel who is on leave will be boarded out.

The history of the case is simply this. I started to raise my battalion on November 5, 1915. I may say to this honourable SENATE

House that those who knew me, knew that I was never in better health in my life, and I had been in good health for years previous to that. I raised this battalion, consisting of over 1,250 men, to full strength inside of sixty days. I was in training all winter and all of the next spring and summer. I took my battalion to camp Hughes early in May of 1916, and trained there until the latter days of August, before I had the slightest symptom of any trouble. That was, as you will see, ten months after I had enlisted. The inference to be drawn from the way the Oitizen puts the case is that I had got some special treatment. I think it is unfair that the press of the country should take a fling at a man who has done his duty, because he is in public life, and make it appear that, either as a member of the other House or as a senator, I had got some special treatment. I do not think that a man should be penalized simply because he is a member of Parliament or a Senator.

With all due deference to what has been said in another place, I desire to emphasize the fact that I never asked for a pension; I never asked for a board; I never refused to be boarded a second time. What took place was this: I was ordered by the military authorities to report to a board in Ottawa. I forget the dates; they are immaterial. I reported to that board and was examined in order that it might be determined whether I should be retired or kept on leave. When I came back to Canada on the 25th of December, 1916, the first thing I did on my arrival-I think it was the second day after I arrived in Ottawa-was to write a letter to the military authorities asking them to grant me leave of absence, with the distinct understanding that I was to be struck off the pay-list. That letter is on record. So I was a colonel on leave for nearly a year. The military authorities, in the natural course of events, had to deal with my case to see whether they should continue me on leave or retire me; and for that purpose I was summoned by the military authorities to appear before a medical board. I did that, and when the medical board examined me they ascertained my disability, and according to law they had to report that disability to the pension board. The pension board could do nothing else than to deal with the case according to the pension list arranged by Parliament.

When the finding of that board was brought in, declaring that I had a 75 per cent disability, but adding a rider to the Hon. Mr. BRADBURY.

effect that some of my disability existed prior to the time I enlisted, I resented that and went to Colonel Belton, who was, I think, chief medical adviser of the pension board, and pointed out to him that the medical board had no authority or justification for making that statement, because I was in the pink of condition, had never been in better health in my life than I was when I undertook to raise my battalion, and continued in that state of health for over ten months after I had enlisted; that I had been in good health for 25 years previous to that, except for a time a few years earlier when, as honourable gentlemen who were then sitting in the other House may remember. I was threatened with appendicitis. At that time I went to Montreal and was examined by Dr. Lafleur, who knew all about my condition, and who is on record regarding my present condition. What I said to colonel Belton, and I desire to repeat it to this honourable House, was: "Colonel Belton, I have not come to you in my own interest; I do not give a fig for your pension; I have come to you, though, in the interest of 1,200 men whom I have taken overseas, and .I want to know whether, when those men come back crippled, or wounded, or rheumatic from their heels to their head, or suffering from lung trouble or something else through exposure, you are going to say to them: 'Yes, you have a great disability; you have 75 per cent or 100 per cent disability; but you must have had some of that disability prior to the time of your enlistment with the 108th Battalion.'" I desire to say to this honourable House and to the country that if that is possible it will be a standing disgrace to Canada, because every one of my men-and it was the same with other battalions-were examined by my doctor when they joined the battalion before being passed into the service. When, about six weeks or two months after I started to recruit, it was assembled at Selkirk, the battalion was again boarded and any defects existing were discovered and dealt with. Then, when we arrived at Camp Hughes, my battalion was boarded by a board selected by General Hughes, who was the commander of the camp. The 108th Battalion was boarded four different times before it went overseas, and I think every other battalion at camp Hughes was treated in a similar manner. That being so, hon-ourable gentlemen, I contend that this country is in honour bound to accept every one of those men as being fit, and must accept responsibility for any injuries these

MAY 23, 1918

men have received on service. It will be unfair, it will be a disgrace, to say to any of those men: "Oh, yes, you were injured, you have a great disability, but you must have had some of that disability before you went overseas with Colonel Bradbury." I am speaking now in the interest of the men of all battalions. As far as I am personally concerned, I do not care a fig for the pension. I say to the Government from my place in this House that if they desire to change the law and make it impossible for the colonel of a battalion who is a member of Parliament or a Senator to participate in a pension and wish to penalize me, do so. I will acquiesce; there will be no protest from me; and they can make the law retroactive if they wish.

As to the pension itself, as I stated a moment ago, it is only a six-months pension. I have never received one dollar of it. A cheque for \$69 and some cents was indeed sent to me, but the cheque is lying in my desk at home. The papers came to me wrongly made out—made out to "Lieut. Bradbury." I returned them unsigned, and I have never heard another word from the authorities since.

I want to say a word to show that there was no justification for the position Colonel Belton has taken. There was an attempt made in the committee that sat in the other House to show that I thought there was some personal motive in the action of the board that boarded me first. I want to say that I did not know one of the gentlemen who boarded me; I never spoke to one of them in my life before that time. They could have had nothing against me, and I could have had nothing against them. So the inference that it has been tried to create, that I refused to be boarded by them again, is absolutely unfounded and untrue. I had already been boarded by this board two or three weeks before, and when I made my protest against the finding I did it, not on my own account, because I do not care about the pension, but because I was thinking of the men I had taken overseas. It is not reasonable to suppose that an appeal from that board would mean an examination by the same board again, but that is the inference that is sought to be created. There was no suggestion of that kind made. Dr. Belton did suggest that I should be boarded by consulting physicians. Instead of me demanding another board, as stated in the Citizen, Dr. Belton states in his evidence that, instead of accepting the suggestion he had made, I said that I would

take the matter into consideration. That is exactly what happened. Two days after I made the statement that I would take it into consideration I received a telephone message from the board asking me to go before another board, and stating that I might be boarded at any place I liked, and suggesting Toronto. I said that Toronto was a considerable distance to go, and they said, "How would Montreal do?" I said, "If you want me to be boarded again, I will go to Montreal." Two days after that I received the following wire from the Militia authorities in Montreal:

Montreal, April 20.

Lt. Col. George Bradbury, The Senate, Ottawa.

Board of Pension Commissioners desire you to report Montreal district office, 304 Drummond Building, either April 26th or May 6th, after 3 o'clock, in order to be medically boarded. If not convenient wire this office stating date suitable.

This was an order from the Militia authonities that I report. I carried out the order and did report there. I had never in my life seen the gentlemen who boarded me in Montreal, and never had any correspondence with them. When they boarded me they found my disability greater than it had been found by the Ottawa board, and, more than that, they found that it was entirely due to the service I had rendered to my country with my battalion. That is the point that I want to establish clearly-that my disability was due to service, and that when men are accepted by the Government as fit men, the rank and file, the men fighting in the trenches, I do not want it to be said by members of my battalion when they return home that I. knowing the position the board was taking, was silent on this question. This is a very vital question to these men. They were accepted as fit, and the people of this country expect the Government to take care of those men when they come back, and to give them the pension voted by both Houses, and not to adopt cheeseparing methods, and say: "Yes, you are a very sick man, you have a disability of 75 or 80 per cent, but you must have had some of it before you joined your battalion." That is a cruel and unfair position to take, and one that the people will not stand for.

There is another impression which has been created that I desire to correct. I have noticed that certain senators and others have been under the impression that I, through my position as a Senator, had secured a kind of private board at Montreal and had my disability raised and my posi-

SENATE

tion made stronger. These insinuations are quite unfounded. There is not a tittle of evidence or proof in support of them. As I said before, there was not one of the six gentlemen who examined me that I had ever spoken to before in my life, and they knew nothing at all about me.

Just here I want to put on record a letter from Dr. H. A. Lafleur. Every man here knows Dr. Lafleur, of Montreal. I do not suppose there is a medical man in this House or out of it who would say that he is not a competent man to diagnose a case properly. When I took ill first, I went to Dr. Lafleur when I came back to Canada. I did not know what was wrong with me. The first illness I had was ten months after I enlisted. I had blood pressure. It was overstated in the examination of the first board, for which I am perhaps responsible. When I think I said it was 169 I should have said it was 159. The doctor put it at 170, which makes quite a difference. went overseas and was nearly three months in England before I had any further trouble. Then I took what they call angina pectoris. The doctors seemed to confuse the two, the angina pectoris and the blood pressure, with arterial sclerosis. My trouble is angina pectoris. Dr. Lafleur wrote on January 9. 1918, saying:

Hon. George H. Bradbury,

Ottawa, Ont.

Dear Col. Bradbury:

Regarding your physical condition which I have had the opportunity of observing since April, 1917, I am of the opinion that the symptoms of which you complain for the last eighteen months or more point to angina pectoris, and I believe that this condition necessitates your curtailing your activities as much as possible. I would advise you to avoid particularly fatigue and physical exertion and worry and excitement of any sort. I consider that you should be relieved of military duties entirely, and that all you can safely undertake is attention to your business and your senatorial duties.

I have several letters here from the doctor and from the sanitarium, but I will not read them. As honourable gentlemen will understand, it is not agreable to parade this matter before this House. I am doing it only to point out the true condition of affairs.

On February 4, 1918, Dr. Lafleur wrote again. I may explain to the House how I came to get this letter. After I was boarded in Ottawa—the board had Dr. Lafleur's letter before them—the board said: "He does not say whether he thinks your trouble originated with your work in connection with your battalion or not." I said, "Dr. Lafleur has told me that it did." I

Hon. Mr. BRADBURY.

asked him what caused the trouble, and he asked me what I had been doing. I said, that I had raised a battalion, and he said, "No doubt that is what caused your trouble." The board asked me to write a letter to him asking him to express an opinion. Here is what he says in his letter of February 4, 1918:

Hon. George H. Bradbury,

The Senate, Ottawa. Dear Sir:

In answer to your letter of February 1st, I may say that I believe the trouble you are now suffering from—angina pectoris—had its origin in the physical exertion and mental worry attendant upon the raising, training and taking overseas of your battalion.

I want to put that on record because of the statement that has been made, that it takes at least-a year, likely more, for trouble to develop.

There are one or two other statements made by Dr. Belton, to which I feel I must refer. Speaking of the board that had already examined me, someone asked him: "As a medical man would not you say that the men who had examined the man formerly and had passed upon his disability would be better able to say whether he was better or worse, on a subsequent occasion?" The answer to that question was "yes." The inference drawn from that was that I had declined to go before the same board, which is absolutely untrue. There was no suggestion that I should do so. Then, again:

Speaking for yourself, you see no reason why the medical board should not have re-examined Colonel Bradbury?

And the answer is:

Colonel Bradbury did object to that board.

I want to state most emphatically that that statement is not correct. I did not object, and he did not suggest that I should go before the same board again. The only demur I made was when he suggested that I should be examined by a board of consulting physicians-and even then I did not object; I just said that I would take it into consideration. Another statement he makes is that some Mr. Mills said that Colonel Bradbury had been a sick man for many years, and that in any further dealings he had in this matter no doubt that would be on his mind. Is not that a rather peculiar position for a man holding the office he holds to take, if he does not depend on his professional knowledge without taking what some one told him on the street?

I think I am justified in bringing this, matter before the House, because there has

MAY 23, 1918

been a false impression spread throughout this country that I have been seeking for special consideration, which is absolutely incorrect. My interest is in the men that I took overseas and the others in a like position. Personally I am not concerned. But I do say to honourable gentlemen that it would be unfair of me to create a precedent so that my brother colonels who are overseas doing their duty, as I tried to do mine, could not claim a pension when they came back. It is not right that because I am a senator I should not participate in a pension; but there will be no protest from me if the Government passes a law to the contrary, making it retroactive if they wish. Anything that has been paid will be handed back. All that ever came to me was a cheque for \$69, which has never been cashed.

BILLS OF EXCHANGE ACT AMENDMENT BILL.

FIRST, SECOND AND THIRD READINGS.

Bill 113, an Act to amend the Bills of Exchange Act—Hon. Sir James Lougheed was received from the House of Commons and read the first time.

Hon. Sir JAMES LOUGHEED moved the second reading of the Bill.

He said: By this Bill it is proposed to strike out of the Bills of Exchange Act the words, "three o'clock," in the last line, and to insert in lieu thereof the words, "half-past two o'clock." This is to permit of the banks closing at half-past two instead of at three. Owing to the operation of the Military Service Act, and the judgment of the appeal court on exemptions that bank clerks are by no means exempted any more than any other class, the bank staffs have been so greatly reduced as to create a congestion of work, involving the necessity of working until a very late hour in the evening. It is proposed that this Act shall remain in force during the war and one year thereafter. Bills of exchange falling due will have to be met at half-past two instead of at three o'clock. That of course will not affect honourable gentlemen of the Senate.

Hon. Mr. BOSTOCK: I have no objection to the Bill, except that I have not seen it. I do not know whether other gentlemen have seen it or not. I take the statement of my honourable friend. I understand that bank employees will not be able to avail themselves of the Daylight Saving Bill.

Hon. Sir JAMES LOUGHEED: The Daylight Saving Bill will in no way reduce their hours of labour. They go to the bank at the same hour, but owing to the congestion of work brought about by war conditions and reduced staffs, it necessarily follows that they are kept until a very late hour in the evening in order to keep up with the work.

Hon. Mr. DANDURAND: The bankers' association has resolved to close the doors of the banks at half-past two, commencing on the first of June next. This is to allow of that being done.

Hon. Mr. CROSBY: I do not want to oppose the Bill; but it seems to me that half-an-hour may make a lot of difference to a man in business, or to one just starting in business, in having his bills protested.

Hon. Mr. BOYER: The banks will open at 9.30.

Hon. Mr. CROSBY: Opening the banks at 9.30 will not help very much if it takes until three o'clock to get the money. The last half-hour is generally the most important, as I have no hesitation in saying from my own experience. I have no desire to interfere, but I say that business men depending upon the accommodation of the banks and anxious to keep right with them sometimes find the last half-hour very precious. I would not like to do anything that would interfere with that.

Hon. Mr. DANDURAND: But the honourable gentleman knows that a debtor has until 4 o'clock before his note goes into the hands of the notary.

Hon. Mr. CROSBY: This honourable gentleman does not know as much about that as does my honourable friend. Men in his profession, when they get a license from the bar, can get what they like, but I am speaking of the ordinary every-day business man, who has to fight his way in the world. I would be very sorry to do anything that would interfere with that class of struggling men. We have a lot of good, true, faithful business men in all parts of this country; but very often such men could not find my honourable friend by half-past two, for he would not be back from his lunch by that time; but they might find him at a quarter to three, and perhaps get accommodation from him that would help them out of the difficulty for the time being. Many a good man has to go to his friends to help him out, but the hour of 2.30 is so close to the lunch time of the man who has the means that it might be difficult for the business man to catch him in time to save protest, while he might get him before three o'clock. I think it is a pity to lessen the time for that class of business men.

Hon. Mr. BOYER: Do I understand my honourable friend to say that it is the last hour at the bar that will procure the money?

Hon. Mr. CROSBY: There are no bars now.

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

On motion of Hon. Sir James Lougheed, the Senate went into Committee on the Bill. Hon. Mr. Watson in the Chair.

On section 1-time of protest changed from 3 p.m. to 2.30 p.m.:

Hon. Mr. POWER: While I recognize the force of the objections which have been made by my junior colleague from Halifax to a change in the law, I think that on the whole the Bill is one that should go through. I notice that the Government has limited the operation of the Bill, when it becomes an Act, to the period during which the war lasts. Well, every class in the community are obliged to make sacrifices with a view to the successful prosecution of the war, and I do not see why the business men should not do so as well as others. But the principal reason why I favour the passing of the Bill is that as a general thing the bank clerks in this country, particularly the junior clerks, are about as ill-paid and about as hard-worked as any class in the community, and I am glad to think that the adoption of this change in the law will to a certain extent improve their condition.

Hon. Mr. CROSBY: I did not catch what was said by the honourable leader of the House, that this amendment was to be in force only during the war. As the honourable senior senator from Halifax has said, everybody has to make a little sacrifice, and therefore I think that it is all right.

Sections 1 and 2 were agreed to.

The Bill was reported without amendment, read the third time, and passed.

CANADA'S MEMORIALS OF THE WAR. A SUGGESTION

Hon. N. A. BELCOURT: Before the House adjourns I would crave a few moments to draw the attention of honourable members, and particularly that of my honourable friend who leads the House, and who is one of the most influential mem-Hon. Mr. CROSBY.

bers of the Government, to a matter which it seems to me has not received all the attention it deserves on the part of the Government. I refer to the question of having prepared a full and accurate account of the efforts made by Canada during the present war, in order that future generations may know exactly the extent of the services and sacrifices which Canada has contributed to the great event in which the whole world is now interested. For my part, I would like to see those services and sacrifices commemorated in a substantial and permanent manner, for it will be hundreds of years before interest will cease to be taken in the wonderful tragedy of events which is being enacted today.

I have no particular suggestion to make. at this moment, but I think the matter ought to receive the attention of the Government, and something substantial ought to be done. The part that Canada has played, and is playing to-day in the war can be said without boasting, to be as great as that of any other country engaged in the war, in proportion to her resources, in men and means; in some respects it is greater than the efforts of some of those countries. I am not finding fault; on the contrary, as Canada is probably the best hope of democracy that remains in the world, it had a special duty and interest to defend democratic ideals, and I have always thought that Canada's share in this war should be equal to that of any other country engaged in it; but I do not know that we are doing to-day in Canada what is being done in France and England towards commemorating in a fitting way the part taken by the nation in the war. I know that something has been done in the way of collecting data for historical purposes, to be used when a competent writer can be found. I know also that some trophies and curiosities of the war have been collected, but to what extent I am not sure that the public has been told. I noticed a few days ago that the British Government had secured the services of a Canadian, Mr. Beckels Willson, to go to Palestine to collect data for the Imperial Government, not the Canadian Government.

One thing that I think the Canadian Government has not done which it perhaps might do, is the collecting of not only the larger things such as aeroplanes, guns, etc., but the small curiosities that are to be found to-day on the battlefields. The other day I saw it stated, as I am sure other gentlemen must have noticed, that a

MAY 23, 1918

curious thing had been discovered by one of our men in Flanders. He found a little instrument, a combination of telephone and telegraph, that had been used by the Germans. Collections of such things are of value not only from a historical point of view, or from the standpoint of the interest which we and our children naturally feel in the great event, but also from the scientific point of view. For instance, if such a thing as a combined telephone and telegraph has been used by the Germans, we ought to know that; I am sure our scientists would be very much pleased to learn the experiences of Germany in that regard, and they might possibly carry the invention one step or several steps further. I would think that the Government would be well advised in appointing men whose special duty it would be to go to Europe and to the various battlefields in Africa, Asia and Europe, to collect anything of interest.

Hon. Mr. BOYER: We have one, Lord Beaverbrook.

Hon. Mr. BELCOURT: I am sure that not only guns, aeroplanes, and other war weapons, but historical documents, posters, bluebooks, and all sorts of information could be collected which would be not only inestimable, but absolutely necessary to anyone who will undertake to write a full and correct history of this war.

In addition, I would suggest that some perpetual memorial should be erected. where would be stored the guns, weapons and flags taken from the enemy and all the war trophies and curiosities, and all the documentary evidence or information concerning the war. This would be a fountain at which anyone might satisfy not only his curiosity but his desire for knowledge and a constant source of inspiration and encouragement to patriotism and national sacrifice and service. There is an additional reason why Canada should do that, and do it in a handsome way. I take it that there is going to be no immediate material benefit or gain to Canada from this war. It is quite evident to me, as it must be to everyone, that Canada is not going to get out of the war anything in proportion to what we have put into it. If we cannot obtain material gain, let us endeavor to get as much spiritual gain as possible out of it. In that way we would not only satisfy the very natural curiosity of our people, but perpetuate in a worthy and fitting manner the sacrifices and services which Canada has rendered.

I am aware that some exhibits that have been gathered together have been sent to the United States, and that an exhibition nas been held at Baltimore by Dr. Doughty, who had alrealy rendered great service to the country. That exhibition has had a wonderful success, having been visited already by immense numbers; and I am told that before it concludes it will have been seen by 25,000,000 people. That exhibition consists of material gathered entirely by Canadians, and it is the work of the Canadian Government, but so far the Canadians have not seen it. I quite realize that it is serving a good purpose in the United States in assisting their propaganda and recruiting; but our people want to see some of that collection, and I think the Government ought to take an early opportunity of having some of it brought to Canada for that purpose.

Hon. Mr. DANDURAND: We had it in Montreal.

Hon. Mr. BELCOURT: Oh, no, we have not had the Baltimore exhibition; we have had only parts of it. That exhibition is much larger than anything that has been shown in Canada. It has attracted wonderful attention and has created great enthusiasm in the United States, and if it does that in another country, how much more would it not do in Canada?

I invite my honourable friend's sympathetic attention to this matter for I know he must be sympathetic with it. He has taken a very great interest in the hospital branch of our service and in everything that concerns the returned soldier, and I am sure that this is a subject which will appeal to him, and that with his imagination and sympathy he will find something to recommend to his colleagues which will be worthy of Canada.

Hon. Mr. WEBSTER: I rise to add my word of approval to the suggestion of the honourable member from Ottawa (Hon. Mr. Belcourt). I believe that when the history of this great war is written, the brightest pages within the covers of that book will be those which will record the achievements of our boys who wear the maple leaf and are proud to call Canada their home. It is a well-known fact that since the outbreak of this great war Canada has made a record that will never be surpassed by that of any other nation in the world with the same population. Those men who have gone from Canada and who are to-day fighting in France, went voluntarily, what for? To

safeguard liberty, justice, and democracy for the future among the smaller nations of the world; and history will record what they have accomplished there.

The part that Canada has played in this great war brings home to us many proud but solemn memories, with the fullest possible realization of the great sufferings and sacrifices referred to by the honourable gentleman. We are fully convinced that Canada has vindicated her position among the nations of the world as one of the greatest and truest democracies. Canada's noble sons who have answered this call to duty and served their king and country have made those great sacrifices, and many of them are to-day quietly sleeping beneath the blood-stained soil of France and Flanders; but the soul of their courage, their devotion, and their patriotism to a great ideal, is still living. it will never die.

Let me say that at this time we welcome our great sister republic to the south, as our ally in this great world's conflict. I fail to imagine anything that will be more inspiring or encouraging to our own Canadian boys than to know that during the duration of this war they will have an opportunity of standing shoulder to shoulder with the men of that great republic, fighting for liberty, justice, and democracy. The record of the exploits of those boys who have gone down into the valley of death together to safeguard for us and for future generations all those great privileges should be carefully preserved for future generations. The people of Canada, like all people of the Allied nations, are fully resolved to see this war through to a finish, whatever it may bring; so that justice, liberty, and democracy may still be safeguarded for the smaller nations of the world. I think that the expenditure of sufficient money necessary could not be better made than along the line suggested by the honourable gentleman who has just spoken.

Hon. Mr. CHOQUETTE: The suggestion made by the honourable member for Ottawa (Hon. Mr. Belcourt) certainly deserves great consideration from the Government. Before much longer this war will be over; and I suppose this matter is brought forward now in view of the end of the war, which we all hope will be concluded in favour of the Allies. The history of Canada's part in this war will of course have to be written, and I hope it will be written by men who will be fair to

Hon Mr. WEBSTER.

all, and not by men of the type of Lord Beaverbrook, who in his book, "Canada in Flanders," has not done justice to the soldiers from certain provinces. I would ask the Government, when the work is commenced-and, as my honourable friend has suggested, it ought to begin now-to place it in the charge of impartial, honest, intelligent men who will give credit where credit is due-to every person, to every province, to every nationallty. I have in mind especially the fact that the province of Quebec and the French Canadians have never received justice since the beginning of this war. I have no hesitation in saying that when the history of the war is written. if the part taken by the province of Quebec and the French Canadians is truly recorded, my province and my French Canadian fellow-citizens will have no need to be ashamed of their record in any respect. I hope the history will contain reliable statistics of the men who enlisted from the very beginning of the war, and of those who have been drafted under conscription. and that the statistics will show the enlistment of the British-born, the Canadianborn, those of French nationalily, and those of English nationality, and also the numbers of French Canadians who enlisted in other provinces as well as in the province of Quebec. Then it will be seen that from the beginning the French Canadians have contributed more than their proportionate share of soldiers. Last year I made the offer to the Government that if they would let me have access to the statistics of the Militia Department I would go to the trouble and expense of finding out the actual number of French Canadians who had enlisted. I stated that it would be found that from 25,000 to 30,000 French Canadians had enlisted; and statements in recent issues of the Montreal Gazette would indicate that my estimate was not high enough. So I would ask the Government, in justice to every province, to have statistics prepared showing all the enlistments by nationalities. Of course, we are all Canadians, but I mean that the statistics should show those of French-Canadian origin, those of English origin, and those of other races. I would ask also that information be given as to the contributions made by the various provinces to the Patriotic and the Red Cross funds, the subscriptions to the Victory Loan, and all other war contributions. In all these respects, the province of Quebec and the French Canadians, I repeat, will be shown to have done more, according to their population, than

perhaps even the Canadian-born of English nationality. Of that I am firmly convinced. Only last week I drew attention to a casualty list, which recently appeared in the Montreal Gazette, of 40 soldiers who had been killed in the war. Half of the names were well-known French Canadian names. I mention that simply as an indication of what the statistics would show.

The Prime Minister read in another place, a few days ago, a letter from a young man of sixteen, living in Ontario, who was offering to enlist. He read that letter, without giving the name, just to show the patriotism of the young man. It was very fine, and I would have been glad to learn his name and to take an opportunity of complimenting him. But, sirs, there was in the press the other day a paragraph stating that a lad named Fraser, from my own county of Montmagny, had enlisted at the age of 15 and had been at the front for the past three years. He had been wounded and was asking for a congé-for leave of absence. He is now 18, and wishes to come back to see his relatives in Montmagny. I take this occasion to say that I have known this young man ever since he was two or three years old, and I know his father, who. though his name is Fraser, has no English blood in his veins and cannot speak English. The lad's mother cannot speak English. His grandfather could not speak English. The family, who live at Cap St. Ignace, are French Canadian and have been for generations, and, I may add, they are good Liberals. As they live in my own county I wrote a letter to the old gentleman, Mr. Fraser, about his son. There is one man who, on account of his name, would be taken for an English soldier. The young man of 16 from Ontario was offering to enlist, but young Fraser, from Cap St. Ignace, enlisted three years ago, when he was only 15 years old.

There are many French Canadians with English names. For instance, our colleague from Sorel (Hon. Mr. Wilson) has no English blood in his veins. His father, his mother, and his grandfather could not speak English. There are in our province the Frasers, the Blackburns, the Warrens, the Harveys, and thousands of others with English names who do not speak English. They are all put down as English, unless one of them misbehaves; then the newspapers say. "Though his name is English, he is French Canadian."

At the close of this session it is a good time to have a fair settlement of accounts. I feel strongly on this question. My views with respect to conscription may not agree with those of other members of this House; that is a different matter; but I am in earnest with regard to the winning of -this war. We must take every possible means to win it, but without doing injustice to anybody. The least we may ask is that justice be done to all those who have given of their best blood to win this war. I saw last week in the Orange Sentinel the statement that the province of Quebec was now doing better than any other province. You saw in the Ottawa Journal-Press of yesterday morning that one day last week 60 men in Quebec were called and that all of the 60 had reported by evening and were in khaki the next week; there was not one defaulter or deserter. Nobody wounded himself by cutting his finger in order to escape, as we have noticed has been done in other provinces. Yet the Sentinel, of Ontario, says that the French Canadians deserve no credit: they reported because they were afraid to be caught. Sirs, we in Quebec are not afraid. We are defending our rights. We seek the protection of the law, to which we are entitled. but since the law is the law, we obey it, and the 60 men who were called in one day last week fulfilled their duty because they wished to obey the law. Those who are satisfied with the statement of the Sentinel that we deserve no credit are easily satisfied; but it is not fair. I must add, however, that last week I had the pleasure of meeting Mr. Hocken, member of parliament for Toronto, and editor of the Orange Sentinel. He is a nice gentleman, and I was glad to meet him. I had not met him before, and was anxious to shake hands with him. We had a little discussion, and I am quite sure that, while his views are not my views, if we met a little oftener, even two or three times, we would soon be friends. We should try to settle differences between one province and another without abusing each other, as we are doing now. Perhaps the trouble is due to politics. It seems to me that in the interest of this country the newspapers in Quebec which abuse the people of Ontario, and those in Ontario which abuse our people, should be suppressed.

I congratulate the honourable member from Ottawa upon having brought this question to our attention. It is only right that the Government should do something to perpetuate for future generations the memories of this war. But I urge the Government to take proper means to see

that justice is done to every person and to every race in Canada; and I repeat that when the record of my fellow-citizens of French origin is published, not only shall we have no cause to be ashamed, but those who have been abusing us, if they are sincere and just, as I think they are, will be the first to admit that we have been calumniated and slandered.

Hon. C. P. BEAUBIEN: Honourable gentlemen, on the proposition made by the honourable gentleman from Ottawa (Hon. Mr. Belcourt) I would certainly have desired that no discordant note should be sounded. The glory that the war has shed on our country seems to me to be a pure light, obliterating perhaps sad souvenir that the war everv itself may have brought to this country. Everybody seems satisfied now with the share that each race has taken in it. I wish my honourable friend from Granville (Hon. Mr. Choquette) would make speeches like that which he has just made to encourage the sentiment that is growing more and more in the province of Quebec. That sentiment is sure to produce admirable results, and, I hope, will also obliterate completely the remembrance of other speeches which have had, unhappily, a very different and far worse result, in times that are past.

The suggestion that has been made is a wide one; may I be permitted to add to it something a little more specific? The new chamber of the Senate, I understand, is to be adorned with large paintings. It will no doubt be a splendid chamber. It will stand for many years, perhaps for generations. Why should not the opportunity be taken, not merely to describe in writing, but to illustrate, the heroism of the Canadians in this war? Around the walls there could be hung paintings illustrating the different episodes of the war which have shed glory on the nation. The Canadian soldiers could be represented as they were fighting for their country, forgetting altogether the differences that had divided them before they went to the front, and that unhappily, during the war, divided some of their people at home. They could be shown doing their duty only, forgetting all else. Pictures such as these on the walls would go down to posterity as illustrations, not only of the way the nation had done its duty in this war, but also of the manner in which it should continue to do its duty, forgetting the petty racial and religious differences existing in the country, so that there might be one strong Canadian nation,

Hon. Mr. CHOQUETTE.

however composed-Scotch or Irish, English or French, Protestant or Catholic - one people, loving their country and willing to sacrifice for it everything they hold dear in this world, even to the last drop of their blood. When we behold in our own legislative chamber the illustrations of the example given to us by our sons on the field of battle, then, honourable gentlemen, we shall blush whenever we are tempted to use for our own selfish advantage the petty differences that are so easily aroused in this country whenever a question of race or religion is involved. It seems to me it would be the best of all illustrations to show our sons fighting side by side, and dying side by side, for their country. From it we as public men could very well learn how to devote our own efforts to the welfare of our country, forgetting, even though there might be some personal advantage in not forgetting, our petty differences, by which our country is always the loser, and remembering that our country should always be the first consideration, especially in the minds of statesmen and of those of us who have the right conception of our duties as members of this honourable House.

Hon. E. L. GIRROIR: Honourable gentlemen, I am sure it must be very gratifying to every true Canadian to witness the growing unity of sentiment and purpose which the speeches delivered this morning have indicated. I agree entirely with what has been said as to the desirability of doing something to record the deeds of heroism that have been performed by Canadian soldiers at the front. I do not think, however, that we can ever raise a monument high enough to show to the world the greatness of the sacrifice that has been made by our brave Canadian boys. Their deeds and their valour are such that no records or monuments can ever do full justice to what they have accomplished. The name of Canada can now never die, when one reads the history of the brilliant work and the great self-sacrifice which have characterized the Canadian soldiers, both officers and men, in this conflict which is threatening the existence our liberty, our privileges and our splendid institutions, which are part of the heritage of this Empire and this country.

It does not seem right that at this late stage in the session we should take too much time in discussing matters of this kind. But I cannot help on this occasion again expressing the hope which I expressed a few days ago, that the time is MAY 23, 1918

fast coming when there shall be no difference in this country between men of different races and different creeds. All of us in this country have inherited from the motherland the same great heritage; we all enjoy the same splendid privileges; and it seems to me that it is the duty, nay, I may say the privilege, of every Canadian, no matter what his race or religion may be, to defend those splendid institutions and to stand manfully by the glorious traditions of this great Empire.

I am sure everyone is glad to find that there is a growing desire in this country on the part of the public men on both sides -of both political parties, if you wish-to utter but the one sentiment, the right sentiment, the only honourable sentiment, that we should be prepared to sacrifice our last man and our last dollar if need be in the defence of the Empire to which we belong. A man's race is a matter of accident. One is born of French parentage, another of British parentage; one is an Irishman, another a Frenchman, another an Englishman, another a Scotchman. Surely that should not make any difference between us. Surely that should not cause one to think in one way and another to think in another way of the splendid things that have been accomplished in the past by the men who have fought for the supremacy of this Empire without regard to their race or their religion. The men who defended the flag which flies over us to-day were men professing different faiths; they were men in whose veins flowed different blood. They were not all Englishmen, they were not all Scotchmen, they were not all Irishmen, they were not all Frenchmen; many other races contributed by their valor, their strength of purpose, and their determination to the upholding of this Empire and all that it stands for. Therefore we all have the right to stand now shoulder to shoulder to defend it.

During the course of my short life I have had to do with men of different creeds and different races, and I have found them all the same. I have never found that there is a greater number of good or noble or brave men in one race or in one religion than in another. We all stand for the right; we all stand for what is best. Sometimes we fall away from the highideals in which we believe; but it must be apparent to everyone that in striving for the principles for which we stand no one can be excluded on account of his race or religion. Why, honourable gentlemen, in the little town from which

I come I have seen many a man with French blood in his veins tramping along the street wearing a Highland uniform and ready to give his life in defence of this great Empire. Men of all races and all creeds have stood manfully for the defence of this country and this Empire in the great war that is now being waged. There has been absolutely no distinction. I believe, as has been said here this morning, that when the records of this war are written, it will be found that all Canadians, of every race and every religion, have done their duty nobly, and that the deeds of the soldiers of Canada have been second to none.

A few days ago I noticed in a newspaper a few lines which were penned as coming from the lips of a great patriot, and I take this occasion of repeating them. I believe that they are words that should bring not only inspiration, but serious thought to everyone in this country, so that, when any man is tempted, in this House or anywhere else, to attack anyone's faith or religion, if he remembers them, they may cause him to desist from a course which in my opinion is always detrimental to the best interests of this country. A few years ago John Redmond, that great patriot, that great Irishman who agitated for many years by constitutional methods to bring about reforms in the government of the country in which he lived, repeated these words;

And oh! it were a glorious thing To show to all mankind How every race and every creed May be by love combined— May be combined, yet ne'er forget The source from which they rose, As, fed by many a rivulet, The lordly Shannon flows.

Hon. HEWITT BOSTOCK: We have had a very interesting discussion on this subject, and I rise only for the purpose of adding a few words to what has already been said.

It is, I think, impossible at this time to say definitely what form a memorial of the events of this war should take. If we make a proposal of that kind, we are assuming that we know all that is going to happen; and no man is in a position at the present moment to say how long the war is liable to continue. I quite agree that every possible step should be taken to collect data from time to time, so that we may have the fullest information as to the events of the war as they happened, and as to the results which are likely to follow.

I noticed in a newspaper the other day a brief paragraph referring to what had been done by the cavalry in the great fight

which started a short time ago. It was a very short description, but it showed that the cavalry had done a tremendous work and had saved the situation. So far as I know, that short paragraph is all that has appeared with regard to the affair. That is an event which appealed to me, and which I think would appeal to every man who read of it, as being one that should be commemorated possibly in the way suggested by the honourable member from Montreal (Hon, Mr. Beaubien).

I notice that in England arrangements have apparently been made whereby all trophies that come into the hands of individual soldiers or officers shall be turned over to a central committee. I do not know whether my honourable friend the leader of the Government has had this fact called to his attention or not; perhaps he will be able to tell us something about it. I presume that some arrangement will be made so that these trophies will be allocated to the different parts of the Empire, and the history of the facts connected with them properly catalogued, so that we may know under what particular conditions they have been obtained-in what particular battle and in what particular way. I think we should collect as accurately as possible the data connected with these matters.

Hon. A. B. CROSBY: Honourable genthemen, I think the discussion which we have heard this morning has had a very good effect upon us, and I am sure that it will have a very good effect throughout the country.

I do not rise for the purpose of saying anything new on the matters that have been discussed. Every man in this Chamber and every man in Canada must feel that there has been a change in the general sentiment within the past few months. I am sure that every man in Canada who is interested in what we are doing must be proud of that fact.

The honourable gentleman from Granville (Hon. Mr. Choquette) has made a personal reference. The other day I had the pleasure of seeing him and Mr. Hocken together, and I thought the affair—I would not like to call it a trinity—would not be complete until I went over and put my arms around both of them and asked the editor of the Orange Sentinal if he would not be good enough to mention it in his paper. He promised that he would. The great trouble we have in this country is misunderstanding. We do not know each other well enough; we do not mix; we do not get to-Hon. Mr. BOSTOCK.

gether. There is a reason for that. I do not want to take up too much of the time of the House, but in my opinion that condition could be changed if the leaders of education were to get together and form a national school in this country. I am an Irishman, born in Ireland, of Irish parents, and I am as Irish as anyone in Canada. I have been brought up in a faith which is as dear to me as my life, and which I appreciate as highly as any man could. I do not say that I am as good as I ought to be; but if there is anything in the teachings of my church that would prevent me from thinking that a man in another church had not as much right in this or another world as I have, I would want to forget it. But that is not the case. The great thing is to get our children started right. You can never win anything unless you start right. If you do not start right, you have to be called back and started over again. I say that if you want to make this country the same as Ireland, keep on with your agitation and the separation of your children as they grow up. Ireland, I am sorry to say, has suffered much from the want of a proper start and proper care -and sometimes. I may say, from the want of good leaders, although the late John Redmond, a man of great parts, who was referred to by the honourable member from Antigonish (Hon. Mr. Girroir), has done great work for his fellow men, but, 1 am sorry to say, has not had sufficient support from his own people.

We are going to have a great immigration into this country immediately after the war. People who have no religion at all are going to come here, and how are we going to bring them to Christianity? Is that process going to be helped by the situation that to a great extent exists between Christian bodies to-day-one Christian body at the throat, almost, of another? Why are our so-called Christians and religious papers not leading their own people? Why are they not telling them how to guide themselves instead of telling people of other creeds the things they do not do that they ought to do? That is the trouble with religious papers. What I want the papers and the leaders in this country to do is to lead their own people right, so that they, by their example, may show the other people what is right. Let not you nor I nor some one else point to the man over there, and say that he does not do right-that he prays standing up when he should kneel down. Let him serve God as he pleases. Let us consider him as a struggling ChrisMAY 23, 1918

tian, a man who is doing the best he can. I believe the time has come—and I am looking at the honourable gentleman from Ottawa (Hon. Mr. Belcourt), for I have much in common with him for the leaders of education im this country to get together and see if some means cannot be devised by which national Christian schools, which will meet with the approval of all Christian bodies, can be established where our people can get a right start. It seems to me that there could not be a better time than now for doing that.

I remember an incident that occurred in the other House when I was a member of it. A clergyman, a coloured gentleman from Hamilton, had been put out of the House because he had been soliciting subscriptions. He happened to be a Methodist bishop. I heard of the matter, and I felt that I, not by virtue of my capabilities, but by virtue of my religion, being a Roman Catholic, was the best man to ask why he was turned out. The Premier at that time was Sir Wilfrid Laurier; the Speaker was Hon. Charles Marcil. Anybody knowing these men knows that they are good and true men; at the same time it was very easy to have a misunderstanding. I felt that it was my duty to ask why that man had been put out of the House. The answer given was that he was collecting money for church purposes, which was not allowed within the walls of Parliament. If some one of this coloured gentleman's own faith had asked the question, he perhaps would have been misunderstood. I would be delighted to see the honourable member from Granville- (Hon. Mr. Choquette) standing and defending Mr. Hocken and the Orange Sentinel, and I would be delighted to see Mr. Hocken standing up and defending the honourable gentleman from Granville and the religious papers of Quebec. As I have already said, the only way to bring about this condition of affairs is for the leaders to lead their own people in the right way. Let the papers that claim to be the leaders of their own particular sections look after their own people and not interfere with others. This is God's own country, and if the people are given a proper start it will continue to be God's own country so long as we do our part.

Hon. Sir JAMES LOUGHEED: I think it was very fitting that my honourable friend from Ottawa (Hon. Mr. Belcourt) should have brought up this morning the inquiry as to what the Government is doing for the future towards the commemoration

of the war. Had I known that this inquiry was to be made, or at least had I time, I should have been very glad to have made the fullest inquiry into what steps have already been taken. I may say that the Prime Minister has not been neglectful in taking such steps as he considered desirable for the purpose of making such a collection of trophies and records of the war as may prove necessary and desirable for the future.

In the Canadian Records Office in London very valuable documents and information have been collected, with a view of establishing in Canada such a record of the war as shall be of advantage to our future national life. A very extended series of photographs have been taken, and films have been made upon a large scale, which can always be used in the future, and will be commemorative of the exploits of the Canadians in the great struggle which is now being enacted. I understand also that at the instance of this Government a series of paintings are being made, which will likewise be commemorative of the heroic acts of the Canadian forces.

The collection of war trophies which Dr. Doughty has already made is undoubtedly the finest that is to be found upon this side of the Atlantic. They have commanded the admiration and the very highest eulogies of the American press and of all people who have seen them. Of course, trophies on a very much larger scale will be secured and brought to Canada upon the cessation of the war, and may possibly he distributed throughout the country. Of that, however, I cannot speak with any greater particularity.

Steps have been taken to prepare a reliable history of the war so far as Canada has been concerned. Writers are at present engaged in the preparation of that history, and I am sure that it will not only be one of interest to all Canadians who may hereafter read it, but will be of the greatest possible value in acquainting posterity with the gallant achievements of the Canadian forces in Europe.

It is rather early in the day, particularly during the currency of the war, to outline any commemorative scheme that could be carried out on a national scale. The Government is fully seized of the importance and necessity of this being done; but no well-defined scheme can be determined on while the war is in progress. I have no doubt that upon its cessation representations of the exploits of our Canadian forces, and likewise of the sentiment of

S-44

REVISED EDITION

Canada, will be handed down to posterity in magnificent buildings, in monuments, in marbles, in bronzes, in paintings-in every possible way in which human art and human ingenuity can impress upon future time what Canada has achieved in this great war.

I am very glad that my honourable friend has directed our attention to this subject. It will not only permit of the Government being stimulated, but it will have a good effect in commanding public attention, and possibly in bringing forth suggestions as to how Canada may best impress upon future time that which we have accomplished during the last four years-accomplishments and achievements which completely transcend all that our imagination at the beginning of the war could have suggested as possible. I join in the sentiments which have been expressed this morning, adding the hope that the struggle through which we have passed, the distress which has been brought upon our people, the national efforts which we have made, may all contribute towards uniting the people of Canada in one grand homogeneous whole.

Hon. Mr. DANDURAND: The honourable gentleman has forgotten to mention the work that is being done by the Statistical Branch of the Federal Government, which, since war was declared, has annually collected data from the various relief associations throughout the land, which have done no mean work for the soldiers and their dependents, and for the assistance of the war in Europe. This data will show, I think, very creditable work done by the population at large for the relief of sufferings brought about by this war.

The Senate adjourned until 3 p.m.

Second Sitting.

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

After some time the Senate took recess.

The Senate resumed at 8 p.m.

PROROGATION OF PARLIAMENT.

The Hon. the SPEAKER read a communication from the Governor General's secretary, announcing that His Excellency would proceed to the Senate Chamber at 10 o'clock, p.m., this day, for the purpose of proroguing the present session of Parliament.

Hon. Sir JAMES LOUGHEED.

WAR-TIME ELECTIONS ACT AMEND-MENT BILL.

Bill 72. An Act to amend chapter thirtynine of the Statutes of 1917-Hon. Sir James Lougheed-was received from the House of Commons and read the first time.

Hon. Sir JAMES LOUGHEED moved the second reading of the Bill.

He said: The object of this Bill is to make provision that, if a by-election should be brought on during the war, we shall revert to the Dominion Elections Act under which seven days intervene between the date of nomination and the date of the election. Under the War-time Elections Act twenty-eight days intervened. That provision was inserted in the War-time Elections Act and applied to the Dominion Elections Act for the purpose of permitting the Military Voters' Act to apply, which it is understood would not apply in the case of a by-election. That is to say, it would be impossible to put the Military Voters' Act into operation. Consequently we revert to the old law as to by-elections upon the passage of this Bill.

Hon. Mr. BOSTOCK: Do I understand from this that the War-time Elections Act is practically wiped out in the case of a by-election?

Hon. Sir JAMES LOUGHEED: No, not necessarily. The Military Voters' Act would not be operative as to by-elections, but the War-time Elections Act would be during the war. That Act will cease to be of force after the war. It can be readily appreciated that, if twentyeight days were to elapse in a by-election. between nomination and election, it would be an undesirable condition. Consequently it is provided that the part of the War-time Elections Act providing that twenty-eight days shall elapse shall not be in force, but the provisions of the Dominion Elections Act.

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

Hon. Sir JAMES LOUGHEED moved the third reading of the Bill.

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

ZINC BOUNTIES BILL.

FIRST, SECOND AND THIRD READINGS.

Bill 109, an Act to provide for the payment of bounties on zinc produced from

690

FIRST, SECOND AND THIRD READINGS.

zinc ores mined in Canada—Hon. Sir James Lougheed—was received from the House of Commons and read the first time.

Hon. Sir JAMES LOUGHEED moved the second reading of the Bill.

Hon. Mr. BOSTOCK: This is simply to bring the Act of 1916 into effect?

Hon. Sir JAMES LOUGHEED: Yes, to continue the bounties on zinc. As my honourable friend knows, this is peculiarly applicable, and might be said to be exclusively applicable, to British Columbia.

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

Hon. Sir JAMES LOUGHEED moved the third reading of the Bill.

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

YUKON ELECTION BILL.

FIRST, SECOND AND THIRD READINGS.

Bill No. 112, an Act respecting the election held in the electoral district of Yukon —Hon. Sir James Lougheed—was received from the House of Commons and read the first time.

Hon. Sir JAMES LOUGHEED moved the second reading of the Bill.

He said: The Yukon election has been discussed exhaustively in the House of Commons, and we are all more or less familiar with the facts. The object of this Bill is to permit-if the defeated candidate should so desire-of sufficient time being given to have recourse to the courts to controvert the return by the General Returning Officer, made on the 21st day of May, of the sitting member. That, time would have expired, under the machinery of the Act as it is at present. Consequently it is proposed that sufficient time be given-namely, forty days from the twenty-first day of May, the date of the return-to permit of this being done.

Exception cannot be taken to the first clause of the Bill. As to the second clause, relating to the application of the votes of the military, Parliament has determined by its vote that these votes may be counted in accordance with the way in which they have been marked. It is provided that validity shall be given to the votes of the military electors, notwithstanding the doubt which has been thrown upon the election held in the Yukon electoral district by reason of the nomination having taken place at a period subsequent to the general nominations throughout Canada.

This is only reasonable, in view of the fact that the candidates in the Yukon election, as in other electoral districts of Canada, represent respectively the Government and the Opposition; and, although the candidates in the Yukon election were not rominated on the same date as candidates in the general election throughout Canada, the military electors voted either for the Government or for the Opposition. As the majority of the votes were cast in favour of the Government, whose candidate is the sitting member, no doubt should be thrown upon the polling of the military electors, as they have indicated their wish and their will in the marking of their ballots. This is for the purpose of validating that vote.

Hon. Mr. BOSTOCK: I have only had a few minutes to look at this Bill, which is brought down in the dying hours of the session. Of course, the Bill is one that the other Chamber has a great deal more to do with than we have in this Senate Chamber. I might also term this Bill a nice piece of camouflage. The first clause of the Bill, as my honourable friend has said, gives to the defeated candidate an opportunity of moving against the return made by the General Returning Officer; but the other House could easily have done this without any Bill of this kind, had they come to that understanding either in the Committee on Privileges and Elections or when the question was brought up in the House. I do not propose to take up the time of honourable gentlemen now in discussing this matter, because, as my honourable friend has said, every member of the House is probably conversant with what has happened. I look upon the introduction of this Bill as a very extraordinary procedure, and one that I hardly think even my honourable friend can be very much in favour of. I think the Government would have shown very much better judgment had they adopted the report of their own committee, and allowed this matter to be threshed out, as I understand could have been done, before the courts, for it would then have been settled. This Bill has the effect simply of making the decision of the committee of the House of Commons effective by Act of Parliament, and electing a gentleman who was nominated after the election was held and after all the votes had been cast, so that the soldiers had no opportunity of knowing who were the candidates, or practically knowing anything about them. After the whole election was over, these two gentlemen were nominated and they ran an election. I have understood that prac-

tically both of them were supporting the Union Government, and therefore it was very doubtful as to who could be said to have been the Government candidate or the Opposition candidate. As I understand the situation, they differed on matters more or less domestic with regard to that particular constituency.

Hon. Sir JAMES LOUGHEED: But my honourable friend is aware that Mr. Congdon received the endorsation of the leader of the Opposition as his candidate.

Hon. Mr. BOSTOCK: That was after the general election was over.

Hon. Mr. CROSBY: It was good when it came, anyway.

Hon. Mr. BOSTOCK: The whole thing, as I have said, I look upon more as a piece of camouflage than anything else.

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

Hon. Sir JAMES LOUGHEED moved the third reading of the Bill.

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

The Senate adjourned during pleasure.

After some time the sitting was resumed.

APPROPRIATION BILL No. 2.

FIRST, SECOND AND THIRD READINGS.

Bill 111, an Act for granting to His Majesty certain sums of money for the public service of the financial years ending respectively 31st March, 1918, and 31st March, 1919—Hon. Sir James Lougheed was received from the House of Commons and read the first time.

Hon. Sir JAMES LOUGHEED moved the second reading of the Bill.

He said: Honourable gentlemen, it is customary to make a short explanation as to the contents of the Supply Bill, and, although the evening is far advanced, I take the liberty of doing so at this time. Parliament having met only a few days before the beginning of the present fiscal year, and as provision had to be made to meet the ordinary expenses of the Government, the House, by agreement, granted, by way of advanced vote of credit, one-sixth of the Main Estimates then brought down, which aggregated on consolidated and capital account \$157,692,865.85, and one-sixth of this amount, or \$26,282,144.31, was voted and passed on the 22nd March last, and became Appropriation Act No. 1 of 1918.

The total estimated expenditure brought before the House during the present session Hon. Mr. BOSTOCK. for the fiscal year ending March 31, 1919, is as follows: To be voted for consolidated fund, \$171,018,965; to be voted for capital, \$33,631,213.53; total, \$204,650,178.53; less reductions made in committee, \$68,083.20; total voted, \$204,582,095.33; statutory, \$95,-100,144.12; total estimated expenditure for 1918-19, \$299,682,239.45.

The total estimated expenditure passed by the House last session for the fiscal year ending March 31, 1918, was as follows: Voted, consolidated fund, \$126,674,157.32; voted, capital, \$53,294,092.23; total, \$179,968,-249.55; statutory, \$74,691,001.24; tota! expenditure as estimated, 1917-18, \$254,659,-250.79. To this amount add the expenditure authorized under the Civil Service Amendment Act of 1917, \$149,137.46. Total estimated_expenditure for 1917-18 as sanctioned at the last Session of Parliament, \$254,808,-388.25, as compartd with \$299,682,239.45 for 1918-19, or an increase in the estimated expenditure for the present year of \$44,873,-851.20 over the corresponding estimated expenditure for the previous fiscal year.

This increase of \$44,873,851.20 is largely uncontrollable, and includes among other things an increase of \$20,399,286.26 for interest on public debt; \$5,285,381.45 of increased expenditure for pensions; \$5,-000,000 for Halifax relief; \$3,000,000 as a special bonus to employees in the Outside Service; or a total of \$33,684,668.71, in addition to other large expenditures which are directly or indirectly attributable to conditions arising out of the war.

Schedule A of the Supply Bill now presented consists of five-sixths of the amount of the Main Estimates for the fiscal year 1918-19, less \$64,508.34 reduced in Committee of Supply since the first Appropriation Act was passed on the 22nd March, 1918, as follows :

Chargeable to Consolidated Fund, \$129,-231,965.85; chargeable to capital, \$28,460,-900; total, \$157,692,865.85. One-sixth included in Appropriation Act No. 1, \$26,282,144.-54. This amount was further reduced in committee by \$68,083.34; total amount of Schedule A 1918-19, \$131,342,638.20.

Schedule B is composed of the items in the Supplementary Estimates for the fiscal year ending March 31st last—1917-18.

Chargeable to Consolidated Fund, \$13,-855,051.47; unprovided items 1916-17, \$177,-222.26; total amount of Schedule B, 1917-18, \$14,032,274.33

The amount of this Schedule, \$14,032,274.-33, added to the amounts passed last Session, including amounts voted and statutory, of \$254,808,388.25, make an aggregate estimated expenditure for the fiscal year 1917-18 of \$268,840,662.58.

Schedule C is composed of the items in the Supplementary Estimates for the fiscal year ending March 31, 1919:

Chargeable to Consolidated Fund, \$41,786,-999.15; chargeable to capital, \$5,170,313.53; total amount of Schedule C, 1918-19, \$46,-957,312.68.

Hon. HEWITT BOSTOCK: Honourable gentlemen, at this late hour of the night it is almost impossible to criticise the figures that my honourable friend has given to the House. Needless to say, they amount to a very large total, representing the enormous amount of money we are having to spend at the present time.

My honourable friend did not refer to the amount of the war appropriation that we have made, which is of course additional to the expenditure mentioned by him. The other day I gave the figures, showing the amount of money the country has been called upon to supply this year. If we take the amounts that we have already voted, of \$500,000,000 for war expenditure, \$50,000,000 for the Department of Railways, and an increase of \$4,500,000 in the railway account for the purchase of supplies, and add to these figures the amount of \$299,682,-239, which my honourable friend has just mentioned as the total for the year 1918-19, we arrive at the grand total of \$854,182,239, which represents the amount of money we have voted this year, and which, I presume, will have to be found and spent. The position at the present time is a serious one, and one which I think it is the duty of everybody in the country to consider. We have become accustomed to dealing with such enormous sums of money that we are beginning to think it does not matter what the total of these items is. As stated in another place the other day, the public debt of Canada to-day amounts to \$1,200,000,000, which with our population, which I think is correctly put at about 7,500,000, makes a debt of \$150 per head. If we refer to the position of the country in 1914, before the war began, when our net debt amounted to \$335,996,854 and we had a population of 7,000,000, making the debt \$48 per head, we shall realize to some extent the way in which we are loading the country with debt at the present time. These figures show that it is incumbent upon the Government, and everyone who has anything to do with the public affairs of this country, to keep down the expenditure to as small an amount as possible.

We have heard from the Minister of Finance on several occasions the statement that he expects everybody in this country to be as careful and to save as much as possible, in order that he may be able to get money to finance the affairs of the country.

I want to call the attention of the House to one of the items of public expenditure. I have before me the Public Accounts for the last year. On referring to the expenditure for the Post Office Department, I find that in the year 1911-12 it amounted to \$9,172,035; in 1913-14 it amounted to \$12,182,258; in 1916-17 it amounted to \$16,300,578. When we come to this year we find an estimated expenditure for that department of \$19,116,260, and in addition we have to add an expenditure of some \$600,000 under the war appropriation. That is an enormous increase in one department, and, although there may have been some reason for an increase on account of additional work in connection with the war, I think the expenditure is a great deal more than it ought to be.

There are several other subjects that could be brought to the attention of the House, if there were time, which would show honourable gentlemen that the country ought to be very careful about the expenditure that is being made.

I want for a few minutes to refer to an item that appears in the Supplementary Estimates. Two sessions ago we had before this House a Bill dealing with the Quebec and Saguenay railway. That Bill provided that the Government should pay a certain sum of money for the railway, and appointed the judge of the Exchequer Court to examine into the condition of the railway and to assess the value that the Government should pay for it, and the Bill fixed \$4,349,000 as a sum which was not to be exceeded. We find in the Estimates today this appropriation:

To acquire free and clear of all charges, encumbrances or claims, at any public sale, the Quebec and Saguenay railway, extending from its junction with the Quebec, Montmorency and Charlevoix railway to Nairn Falls, Que., about 62.3 miles, at a price not exceeding \$3,489,-313,53.

That item says nothing about the valuation placed upon the road by the judge of the Exchequer Court. After the Bill of 1916 was passed, the matter was brought up before the Exchequer Court and gone into. There was a difference of opinion between the counsel who appeared in the court and the judge of the court as to some of the 'items which were to be allowed. The SENATE

judge, as I understand, never came to a decision upon the matter, and it was allowed to stand. . Although the Government had not taken over this railroad, they went ahead and spent money on it. In the year 1916 an appropriation of \$4,000,000 was placed in the Estimates in connection with this road, and the Government, although they have not taken over the road, have spent some \$400,000 for work on it. I have been unable to find any ground upon which the Government were authorized to spend such a sum of money on a railroad which they had not then in their possession. In addition to this amount we find in the Main Estimates an amount of \$900,000 to be appropriated and spent on this road, making a total of \$1,300,000 which apparently the Government has expended or is about to expend on the road. The whole transaction seems to me to be an extraordinary one. I cannot understand why the Government did not proceed under the Act that was passed in 1916 if they wanted to take over the road, and leave the Exchequer Court to deal with the matter and come to a decision. At the present time it looks av if the Government had decided to override that Act and deal with this matter by simply paying over the money. There is nothing to show how the figures that are given in this estimate are arrived at. It is stated that this road is to be taken at a public sale, but I do not know of anybody outside of the Government who would be ready to compete in the bidding for the road. The Act of 1916 dealt with two other pieces of road besides this one. At the time we were discussing that Act it was represented that those two other pieces of road were paying properties, and would bring in a return; but, according to this estimate, as I read it, those two roads are left out altogether, and we are simply dealing with the one road of 62.3 miles in length. I draw particular attention to this item in the Estimates because this session we have been discussing the question of the rights of the Senate with regard to finance and public expenditure. I think it is only right to protest against such items as this, and other items to which I might refer in these Estimates, being placed as they are in the main Supply Bill.

We have also in the Supplementary Estimates item 380 dealing with a number of railways which are to be purchased by the Government, and a further sum of \$200,000, which is to be spent upon them. It does not appear to me that those items should be included in the general Supply Bill, as Hon. Mr. BOSTOCK. is done this time, and as was done on former occasions. I want to enter a strong protest against this procedure, because I think that the Senate owes to the country the duty of asserting its right to have some consideration shown it, and that this House should be in position to inquire into the causes of these expenditures.

Although I do not want to take up more time than is necessary at present, I have brought these matters to the attention of the House in order that the members of the Senate should consider whether we are not justified in protesting against such items being placed in the annual Supply Bill. Further than this I will not take up the time of the House to-night. But I protest against the method of bringing down the Supply Bill at this late hour of the session, when there is only a very limited time to deal with it, and we cannot properly consider the figures contained in it.

Hon. Sir JAMES LOUGHEED: I do not propose to occupy any length of time in answering what my honourable friend has said. It is too late to follow the lamentations in which my honourable friend has indulged, and which are entirely without warrant. To compare the expenditure of Canada at the present time, when the country is in a state of war, with what it was under normal conditions previous to 1914, is simply trifling with the question of criticism, and it would be a loss of time to deal with a so-called argument of that character.

I will, however, take the liberty of pointing out to my honourable friend-and I hope he may obtain some satisfaction from it-that as to item 383 in the Estimates, touching the Quebec and Saguenay railway, the information was readily obtainable if he had made inquiry as to the basis upon which this estimate is formed. My honourable friend has referred to the statute requiring a valuation to be placed upon this railway by the Exchequer Court, and it seems to me most commendable in the Government that it has been able to save approximately over a million and three-quarters of dollars by reason of its prosecution of that valuation before the Exchequer Court. Although the company claimed, as the cost of the road, some five and a half millions, and although Parliament had given authority to the Government to acquire the road at a cost approximating four and a half millions-

Hon. Mr. BOSTOCK: Not that road alone, but three roads.

Hon. Sir JAMES LOUGHEED: There were two items mentioned, as my honourable friend will find in the judgment of Mr. Justice Cassels, reading as follows:

It is agreed by counsel for the railways and for the Crown that the consideration of 4,349,-000 and 2,500,000 is the maximum price to be paid for the three railways.

Now, the valuation placed by Mr. Justice Cassels upon the Quebec and Saguenay road is \$2,886,939.06. To that is added interest, amounting to \$228,519, not included in the award, and which was not referred to him because it was not included in the reference, which was that he should determine the actual cost of the road entirely irrespective of interest. Hence the award was fixed at the amount which I have mentioned, and the Government-with the concurrence, as I understand, of Mr. Justice Cassels-has added interest, on the basis of 6 per cent, allowable during the period of construction upon the items expended in construction, which brings the amount up to \$3,115,458.69. To that amount is added interest from July 1, 1916, to July 30, 1918, being the date when it is anticipated that the Government will take over the road; in all amounting to \$3,489,313.53. Now, this is the maximum amount permitted, by the estimate which we have before us, as the consideration to be paid by the Government of Canada should it purchase the road. It may purchase it at a less amount, but this authority, which represents the exact amount determined by the Exchequer Court plus the interest. is for the amount which we ask Parliament to sanction.

I am unaware of honourable gentlemen who sat on the other side of the Senate having raised their voices in protest at the time authority was given to Parliament to purchase the road at approximately four and a half millions. There was a weak protest made by one or two honourable gentlemen, but I noticed particularly that the Opposition at that time did not join unanimously in opposing the purchase of the road. In fact, they showed as much interest as this side of the House, and as did both branches of Parliament, that the Government should acquire the Quebec and Saguenay road. Hence I think that explanation is satisfactory, and will appeal to honourable gentlemen on either side of the House. If my honourable friend had consulted with his colleagues sitting to the left of the Speaker in the other branch of Parliament, he would have found that they differed entirely from the view which he has taken upon this subject.

Then, as to the item of \$900,000 to which my honourable friend objects, that has been expended on account of construction. This road is an uncompleted road; it had to be completed, and this amount will be required to be expended for the completion of the road. Hence it is with every sense of confidence that we ask Parliament to give to the Government this authority for the purchase of the road. I therefore move the second reading of the Bill.

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

Hon. Sir JAMES LOUGHEED movel the third reading of the Bill.

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

The Senate adjourned during pleasure.

After some time the sitting was resumed.

PROROGATION OF PARLIAMENT.

His Excellency the Governor General, having come and being seated on the Throne:

His Honour the Speaker commanded the Gentleman Usher of the Black Rod to proceed to the House of Commons and acquaint that House that: "It is His Excellency the Governor General's pleasure they attend him immediately in the Senate,"

Who being come with their Speaker:

The Clerk of the Crown in Chancery read the Titles of the Bills to be passed, as follows:

An Act to confirm an agreement between His Majesty the King and the Van Buren Bridge Company. An Act to amend the Department of Railways

An Act to amend the Department of Railways and Canals Act.

An Act respecting the Department of Soldiers' Civil Re-establishment.

An Act respecting The Canadian Society of Civil Engineers and to change its name to "The Engineering Institute of Canada."

An Act respecting a patent of O. G. C. L. J. Overbeck.

An Act respecting the Cosmos Cotton Company.

An Act to amend the Animal Contagious Diseases Act.

An Act to amend the Yukon Act. An Act to amend The Industrial Disputes

Investigation Act, 1907. An Act respecting the Naval Discipline (Dominion Naval Forces) Act, 1911.

(Dominion Naval Forces) Act, 1911. An Act to provide Compensation where Employees of His Majesty are killed or suffer injuries while performing their duties.

An Act to amend the Railway Belt Act.

An Act to amend the Public Works Act.

An Act to amend the Department of Railways and Canals Act.

An Act for granting to His Majesty aid for Military and Naval Defence. An Act to amend The Gold and Silver Marking

Act, 1913. An Act to Aid and Encourage the Organization

and Co-ordination of Employment Offices.

An Act to amend the Indian Act. An Act to amend the Fisheries Act, 1914.

An Act to amend The Meat and Canned Foods

Act. An Act respecting The Canadian Indemnity

Company. An Act to incorporate The Merchants Casualty

Company. An Act respecting The Burrard Inlet Tunnel

and Bridge Company. An Act respecting The Canadian Northern Ontario Railway Company.

An Act to enable The Western Power Company of Canada, Limited, to own and operate the Railway of The Western Canada Power Company, Limited.

An Act respecting Fraser Lumber Company, Limited, and Fraser Companies, Limited.

An Act to amend the Salaries Act and the Provisions for preserving the Independence of Parliament.

An Act to correct a clerical error in French version of The Naturalization Act, 1914. An Act to amend the Penitentiary Act.

An Act respecting United Grain Growers, Limited, formerly The Grain Growers' Grain Company, Limited. An Act to Confer the Electoral Franchise

upon Women.

An Act respecting The Montreal, Ottawa and Georgian Bay Canal Company.

and Montreal An Act respecting Ottawa Transmission Company, Limited. An Act respecting The Toronto, Niagara and

Western Railway Company.

An Act to incorporate The Canadian Niagara Bridge Company.

An Act respecting The Kettle Valley Railway Company.

An Act respecting The Nipissing Central

Railway Company. An Act to confirm an Agreement between Vancouver, Victoria and Eastern Railway and Navigation Company and Northern Pacific Railway Company.

An Act respecting certain patents of The Dynamic Balancing Machine Company. An Act to amend The Dominion Lands Act.

An Act to amend The Companies Act. An Act respecting the Dominion Bureau of

Statistics. An Act to incorporate the Gospel Workers

Church in Canada. An Act respecting The Fire Insurance Com-

pany of Canada.

An Act for the relief of Frederick Ernest Zang.

An Act for the relief of Thomas Bailey Wainwright.

An Act for the relief of William Leo Walpole. An Act for the relief of Mary Claire Dawson Hislop.

An Act for the relief of Martin Hafner. An Act for the relief of Ida Sophia Wardell. An Act for the relief of Edward David Hill.

An Act for the relief of Francis Newman.

An Act for the relief of Henry Ernest Saxby.

An Act respecting The International Bridge and Tunnel Company.

An Act to incoporate Montreal, Joliette and Transcontinental Junction Railway Company. An Act to amend the Daylight Saving Act, 1918.

An Act respecting a patent of Jacob David Wolf.

An Act to incorporate L'Ordre des Dominicains ou frères prêcheurs au Canada. An Act respecting The Toronto, Hamilton and

Buffalo Railway Company

An Act respecting the Halifax Relief Commission.

An Act to amend the Inspection and Sale Act (Hay and Straw Inspection).

An Act to amend the Act of the present Session intituled An Act to amend the Supreme Court Act.

An Act for the relief of David M. Sloss

An Act for the relief of Lillie Mabel Billing. An Act for the relief of Emily Kathleen Cochrane Lackey.

An Act for the relief of Alonzo Jesse Chapman.

An Act for the relief of Margaret Bell Charlesworth.

An Act for the relief of Alfred Frank Scott.

An Act to amend the Inland Revenue Act. An Act respecting The Church and Manse

Board of the Presbyterian Church in Canada. An Act respecting The Belleville Prince Ed-

ward Bridge Company. An Act to amend The Special War Revenue

Act. 1915. An Act to amend The Canadian Patriotic

Fund Act, 1914. An Act respecting The Protective Association

of Canada. An Act to amend the Inspection and Sale

Act (Fruit, Fruit Marks and Potatoes). An Act to amend The Companies Act in

various particulars.

An Act to amend The Customs Tariff, 1907.

An Act to amend The Business Profits War Tax Act. 1916.

An Act supplementary to Chapter Twenty-four of the Statutes of 1917, respecting the Canadian Northern Railway System.

An Act to incorporate the United Canadian Insurance Company.

An Act to amend the Navigable Waters Protection Act.

An Act respecting the Civil Service of Canada.

An Act to amend the Bills of Exchange Act. An Act to amend the Income War Tax, 1917.

An Act respecting the Election held in the Electoral District of Yukon.

An Act to amend Chapter Thirty-nine of the Statutes of 1917.

An Act to amend the Criminal Code.

An Act to provide for the payment of Bounties on Zinc produce from Zinc Ores mined in Canada.

To these Bills the Royal Assent was pronounced by the Clerk of the Senate in the following words:

In His Majesty's name, His Excellency the Governor General doth assent to these Bills.

Then the Honourable the Speaker of the House of Commons addressed His Excellency the Governor General, as follows:

May it please Your Excellency:

The Commons of Canada have voted certain Supplies required to enable the Govern-

ment to defray the expenses of the Public Service.

In the name of the Commons, I present to Your Excellency the following Bill:

"An Act for granting to His Majesty certain sums of money for the public service of the financial years ending respectively the 31st March, 1918, and the 31st March, 1919."

To which Bill I humbly request Your Excellency's assent,

To this Bill the Clerk of the Senate, by command of His Excellency the Governor General, did thereupon say:

In His Majesty's name, His Excellency the Governor General thanks His Loyal Subjects, accepts their benevolence and assents to this Bill.

After which His Excellency the Governor General was pleased to close the First Session of the Thirteenth Parliament of the Dominion of Canada with the following Speech:

Honourable Gentlemen of the Senate:

Gentlemen of the House of Commons:

In releasing you from further attendance at the present session, I am mindful of the diligence with which you have discharged the important duties devolving upon you in these critical days

duties devolving upon you in these critical days. A new campaign in the war having opened since you entered upon your labours, the enemy, now freed from threatened attack in the East, has struck with the force of vastly augmented numbers on the Western front for the primary purpose of destroying the British armies and with the ultimate object of gaining a decision before reinforcements can arrive. In the face of tremendous odds the soldiers of our Empire gallantly supported by our Allies, have withstood this assault with a courage and tenacity which command our admiration and gratitude. It is anticipated that the attack will be renewed in still greater force and intensity during the coming summer and autumn.

Portions of the Canadian forces, already engaged in meeting this attack, have rendered distinguished service. The readjustments which you have authorized

The readjustments which you have authorized in the military service law will provide the reinforcements and reserves so urgently needed to support and maintain all arms of the service at full strength, without unduly interfering with the demands of essential production.

Meanwhile arrangements for a national registration are being advanced, in order that the human power of the Dominion, especially such as is dneligible for military service, may be more effectively organized to maintain the productive capacity of the country, which is exceeded in importance only by our military needs. For the like purpose, action has been taken as a war measure to enjoin and enforce upon all persons the duty of active employment in useful work. The assistance you have rendered towards the encouragement and co-ordination of the Provincial Labour Bureaus will assist materially in solving the important problems of employment and distribution of labour. Measures you have adopted for increasing the

Measures you have adopted for increasing the revenues by further and wider taxation will doubtless result in a more equitable distribution respecting the Public Service which will unof financial burdens among the people.

You have given your assent to enactments questionably promote its efficiency both at the seat of government and throughout the Dominion.

In creating the Department of Immigration and Colonization and the Department of Soldiers Civil Re-establishment, you have provided the means for coping effectively with vital problems which will inevitably arise during and after demobilization.

The extension of the franchise to women will notably broaden the basis and strengthen the stability of government; and we may justly anticipate that it will exercise an important and wholesome influence upon many vital social problems confronting the nation.

The Daylight Saving Act has already justified the expectations you entertained of its attendant benefits.

The trade of the country has maintained its already remarkable development, and my advisers anticipate that necessary financial arrangements to facilitate the continued exportation of surplus products will be consummated at an early date.

Gentlemen of the House of Commons:

I thank you in His Majesty's name for the liberal provision you have made for the needs of the Public Service and for the prosecution of the war.

Honourable Gentlemen of the Senate:

Gentlemen of the House of Commons:

The sinister purpose of the enemy has been still more clearly revealed by recent events and especially by the military domination which he has founded upon his success in the Eastern Theatre. The unmistakable menace to our national liberties and safety, thus disclosed and emphasized, cannot fall to strengthen the resolution of our people, who abide the issue with unshaken faith in their high cause, consecrated by the sacrifice of those who have died that freedom, faith and justice may endure. I pray that their strength may be sustained by Almighty God.

The Speaker of the Senate then said:

It is His Excellency the Governor General's will and pleasure that this Parliament be prorogued until Thursday, the 4th day of July next, to be here holden, and this Parliament is accordingly prorogued until Thursday, the 4th day of July next.

INDEX TO SENATE DEBATES

FIRST SESSION, THIRTEENTH PARLIAMENT, 1918.

ABBREVIATIONS :-- 1r, 2r, 3r,=first, second, or third reading. Com=Committee. M=Motion. Ref=Referred. Rep=Report.

Address in reply to the Governor General's Speech

Motion for, 3 Adoption of, 36

Adoption of, 5

Agriculture

Animal contagious diseases. See that title Encouragement of, 5

Farmers' delegation, 557, 673

Fertilizers, production and distribution of, 572

Fruit, inspection and sale of. See Inspection and Sale Bill

Hay and straw inspection. See Inspection and Sale Bill

Labour. See that title

Potatoes, inspection and sale of, 640 Production, 10, 295

Rural planning and development, 38

Animal Contagious Diseases Bill. 1r, 198. 2r, 280. Com, 326. 3r, 328

Appropriation Bills

No. 1. 1r, 2r, 3r, 44 No. 2. 1r, 2, 3r, 692 See War Appropriation Bill

Army. See Military, War

Auditor General, appointments of, 623

Banks and Banking

Circulation, excess, 109 Hours of business, 681 See Finance

Barnard, Hon. George H., K. C.

Introduction to Senate, 45 Railway Act Consolidation Bill, 193 Amendment proposed, 193 Senate and House of Commons Bill-members' sessional allowance, 584 Taxation, income, 662

Beaubien, Hon. C. P.

Civil Service Bill, 619
Parliamentary procedure--ref. of Bill to Com. before 2r, 547
Railway Act Consolidation Bill, 58, 103, 104
War
Canada's memorials of, 686
Trade conditions after, 378

Béique, Hon. F. L. Bilingual question and railway employees, 250 Canadian Northern Railway Bill, 656 Civil Service Bill, 622 Commissions, government, 43 Companies Bill-branch corporations, 467, 472, 513-518 Amendment proposed, 513 Daylight Saving Bill, 91, 92 Desjardins, Charles, case of, 542 Fraser Companies, 304 German Trade Identification Bill, 479 Halifax Relief Commission Bill, 519 Inspection and Sale Bill, 640, 652 Judges Bill, 457-465 Amendment proposed, 464 Municipalities and public service companies, 167-169, 171-175 Navigable waters, public works in, 301 Parliamentary procedure-Bills in Committee. 50 Potatoes, inspection and sale of, 640 Printing, public, 612 Public Works Act Amendment Bill, 301 Amendment proposed, 301 Railway Act Consolidation Bill, 50, 55-71. 79-88, 124-128, 133, 152-158, 166-175, 181-185, 250, 256, 262, 265, 270-273, 277 Amendments proposed, 66, 68, 79, 80, 86, 88, 157, 167, 181, 209, 262, 265 Senate in financial legislation, rights of, 664 Soldiers, Canadian officers and, 43 Soldiers' Civil Re-establishment Department Bill. 301 Taxation, income, 661, 662 Belcourt, Hon. N. A., P. C. Address in reply to the Governor General's Speech, 22 The French language in Canada, 22 The Senate's representation in the Cabinet, 22 Racial and language questions, 23, 27 Conscription and voluntary enlistment. 24 Canada's participation in the war, 25 Canadian Northern Railway, 26 French Canadians and Union Government, 27

Belcourt, Hon. N. A .- Con. Bilingual question and railway employees, 208, 253, 258 Canadian Northern Railway Bill, 627. See 26 Civil Service Bill, 625 **Companies** Bills Quebec notarial copies, 450 Branch corporations, 514-518 Amendment proposed, 514 Daylight Saving Bill, 548 French language, 22, 208, 253, 258 German Trade Identification Bill, 480, 494 Amendment proposed, 494 Halifax Relief Commission Bill, 519 Inspection and Sale Bill, 639 Judges Bill, 393, 455-464 Amendment proposed, 461 Labour-Judges on boards of conciliation, 393. 461 Military Service-proposed government regulations, 180, 198 Navigable Waters Protection Bill, 567 Parliamentary procedure Bill-ref to Com before 2r, 547 Resolution affecting Act of Parliament, 180. 199 Patriotic Fund Bill, 502 Penitentiary Bill-inspection, 446-450 Railway Act Consolidation Bill, 124-127 129, 152-156, 165-167, 182-198, 208-215, 253-258, 261-263, 266-277 Amendments proposed, 198, 213 Senate and House of Commons Bill-members' sessional allowance, 585 Supreme Court Act-ad hoc judges, 111 War, Canada's memorials of the, 682 Women's Electoral Franchise Bill, 414, 417 Bennett, Hon. Wm. H. Introduction to Senate, 3

Bilingual question, 6, 22, 201, 247, 313 See French language

Bill, E. G., appointment of, 572, 596

Bill pro forma. 1r, 3

Bills. See their titles

Bills of Exchange Bill. 1r, 2r, 3r, 681

Bolduc, Hon. Joseph (Speaker)

Senate and Money Bills, the, 578

Bostock, Hon. Hewitt

- Address in reply to the Governor General's Speech, 8
- Sir James Lougheed's appointment as Minister of Soldiers' Civil Re-establishment, 9
- Hon. Mr. Robertson's appointment as Privy Councillor, 9

Bostock, Hon. Hewitt-Con. Address-Con. The war situation, 9 Civil Service legislation, 10 Increased production and the transportation problem, 10 Imperial Munitions Board, 11 Shipbuilding in Canada, 12 The Halifax disaster, 12 Immigration, 12 Appropriation Bill, 693 Canadian Northern Railway Bill, 627 Civil Service Bill, 588, 598-606, 613-620. See 10 Companies Bill-branch corporations, 470 Daylight Saving Bill, 77 Divorce, the system of granting, 510 Dominion Lands Act Amendment Bill, 230-240 Employment Offices Bill, 349, 397 Fisheries Bill, 354, 402 Food Board, 108 Controller-cost of printing and stationery, 164 · Inspection, 330, 628, 636-639 Gold and Silver Marking Bill, 329, 355 Immigration and Colonization Department Bill, 78, 101 Indian Act Amendment Bill, 353, 399 Inspection and Sale Bills Food containers, firewood and cement. 628 Fruit, fruit marks and potatoes, 636-639 Hay and straw, 467-469 Meat and canned foods, 330, 403 Labour in British Columbia, 289 Meat and Canned Foods Bill, 330, 403 Military Service Government regulations, proposed, 179, 221 Sailors, conscription of, 452 Ministers' salaries and independence of Parliament, 328, 435 Municipalities and public service companies, 158, 210 Navigable Waters Protection Bill, 569, 597 Public works in, 243, 337 O'Connor, W. F., Cost of Living Commissioner, resignation of, 330 Parliamentary procedure Bills in Committee, 49 Resolution affecting Act of Parliament, 179, 221 Patriotic Fund Bill, 502 Penitentiary Bill-inspection, 446-448 Public Service Rearrangements Bill, 73, 90

Railway Act Consolidation Bill, 48, 79, 104-106, 124-133, 158, 163, 186-191, 209-211, 255, 278

Bostock, Hon. Hewitt-Con.

Railways, government-rolling stock and equipment, 338

Senate

Adjournment, 43

- Deceased Senators Bowell, the late Hon. Sir Mackenzie, 39
- Gillmor, the late Hon. Daniel, 39
- Sproule, the late Hon. T. S., 39
- Financial legislation, rights of Senate in, 556
- Shipbuilding at Prince Rupert, 108
- Soldiers' Civil Re-establishment Department Bill, 240, 300
- Statistics Bill, 279, 333, 341
- Supply Bill. See Appropriation Bill
- Supreme Court—ad hoc judges, 89, 110 Taxation
- Business profits, 513, 641
- Income, 660-664
- Inland Revenue Bill, 571, 586 Special War Revenue Bill, 590. See 595
- Tobacco, cigars and cigarettes, 571, 586 Van Buren Bridge Company Bill, 163
- Victoria harbour works, 389
- War
- Appropriation Bill, 347 Canada's memorials of the, 687
- Trade conditions after, 373
- Women's Electoral Franchise Bill, 358, 430 Amendment proposed, 430
- Yukon Election Bill, 691

Boyer, Hon. Arthur

Bilingual question and railway employees, 252 Daylight Saving Bill, 98 Fruit, inspection of, 635-639 Inspection and Sale Bill, 635-639, 650 Railway Act Consolidation Bill, 252 Women's Electoral Franchise Bill, 360

Bradbury, Hon. Geo. H.

Daylight Saving Bill, 99 Dominion Lands Act Amendment Bill, 232, 234, 236, 312 Amendment proposed, 312 Dominion Elections Bill-proposed disfranchisement of certain foreigners, 435. 440 Inspection and Sale Bills Containers, 650 Firewood, 651 Fruit, 636, 639 Introduction to Senate, 1 Pension as Lieut.-Colonel, 677 Railway Act Consolidation Bill, 131 War loan advertising, 389 Women's Electoral Franchise Bill, 418, 426

British Columbia

Labour in, 289 Shipbuilding in Prince Rupert, 108 Victoria harbour works, 389

- Business Profits War Tax Bill. 1r, 610. 2r, 641. Com, 3r, 653
- Canadian Northern Railway Bill—guarantee on renewal or postponement of payments. 1r, 589. 2r, 626. Com, 641. 3r, 657. See 26, 45, 194.
- Canadian Patriotic Fund Bill. 1r, 470. 2r, 502. Com, 3r, 523
- Casgrain, Hon. J. P. B.
- Canadian Northern railway, government acquisition of, 45
- Hudson Bay railway, 525
- Labour, mobilization of, 289
- Parliamentary procedure on Bills in Committee, 49, 52, 71
- Railway Act Consolidation Bill, 49, 52, 56-71, 80-88, 129-132, 190, 258, 266, 269-279 Registration, national, 290
- Shipbuilding, 290 War loan expenses, 524
- War toan empenses, our
- Cement, inspection and sale of, 643, 652, 657

Chemists' convention, 596

Choquette, Hon. P. A.

Bilingual question and railway employees, 313. 324 Canadian Northern Railway Bill, 658 Civil Service Bill, 608, 617 Criminal Code Amendment Bill-revision of punishments, 302 Daylight Saving Bill, 92 Desjardins, Charles, case of, 545, 557, 677 French Canadians and the war, 297, 684 German Trade Identification Bill, 405 Halifax Relief Commission Bill, 522 Inspection and Sale Bill-food containers, 645 Labour, mobilization of, 293 Parliamentary procedure Bill-ref. to com. before 2r, 547, 548 Bills in Committee, 51, 53 Political patronage, 608 Printing, public, 612 Railway Act Consolidation Bill, 51, 53, 146, 167, 268, 313, 324 Amendment proposed, 316 Registration, national, 293 Senate Financial legislation, rights of Senate in. 664 Newspaper attack on, 390

Choquette, Hon. P. A .- Con.

· War

- Canada's memorials of the, 684
- French Canadians and, 297, 684
- Trade conditions after, 380
- Women's Electoral Franchise Bill, 411, 415, 426

Amendment proposed, 411

- Civil Service Bill. 1r, 587. M for 2r, 587; 2r, 589. Com, 598, 613. 3r, 626
- Amendments proposed: Hon. Sir James Lougheed, 603, 616, 622
 - See 5, 7, 10, 327; Government Employees Compensation Bill

- Address in reply to the Governor General's Speech, 28
 - The recent general elections, 28
- Senate representation in the Cabinet, 28 Proposed registration of manhood and womanhood, 31
- The French Canadians, 32 . Bilingual question and railway employees,
- 204-209, 250-261, 321
- Daylight Saving Bill, 75, 94-100
- Farmers' delegation, 557, 673
- German Trade Identification Bill, 491
- Immigration and Colonization Department Bill, 100
- Industrial Disputes Investigation Bill, 340, 343

Inspection and Sale Bills

- Food containers, 649
- Meat and canned foods, 330
- Judges Bill, 394-396
- Military Service-proposed government regulations, 199, 224
- Montreal, Joliette and Transcontinental railway company Bill, 560
- Navigable Waters Protection Bill, 566
- O'Connor, W. F., Cost of Living Commissioner, resignation of, 299
- Ottawa police union, 340, 343
- Parliamentary procedure
- Bills in Committee, 52
- Resolution affecting Act of Parliament, 199, 224
- Senate and money Bills, 576-578
- Penitentiary Bill-inspection, 439
- Postmaster General, present position of, 90 Printing, public, 612
- Public Service Rearrangements Bill. 90
- Railway Act Consolidation Bill, 52, 141, 142, 154, 166, 204-210, 213-215, 250-261, 321
- Senate and House of Commons Bill-members' sessional allowance, 576-586
 - Amendment proposed, 583

Senate

Debates, publication of, 631

Cloran, Hon. H. J .- Con. Senate-Con. Deceased Senators Bowell, the late Hon. Sir Mackenzie, 41 Gillmor, the late Hon. Daniel, 42 Sproule, the late Hon. T. S., 42 Newspaper attack on, 390 Shipbuilding, 498 Taxation Inland Revenue Bill, 571 Railway tickets, 591 Special War Revenue Bill, 581 Tobacco, cigars and cigarettes, 571 Women's Electoral Franchise Bill, 364, 415, 425, 431 Amendment proposed, 431

Coal, Nova Scotia, prices of, 389

Colonization, 7. See Immigration

- Commissions, government, 43
- Commons, House of-secret session, 123, 134, 135, 164
- **Companies Act Amendment Bills**
- Branches; number of directors. 1r, 440. 2r, 466. Com, 470, 514. 3r, 525 Amendments proposed: Hon. Mr. Belcourt, 514. Hon. Mr. Belque, 515 Quebec notarial copies. 1r, 356. 2r, 408.
- Com, 450. 3r, 453

Conscription. See Military

Criminal Code Amendment Bills

- Offences against morality. 1r, 69. M for 2r, 545. Ref to special com, 546. Rep of com, 3r, 610
- Revision of punishments. 1r, 164. 2r, 245. Com, 302. 3r, 347
- Amendment proposed: Hon. Mr. Mc-Means, 302

Crosby, Hon. A. B.

- Bills of Exchange Bill, 681
- Daylight Saving Bill, 93
- Halifax Relief Commission Bill, 519-522
- Montreal, Joliette and Transcontinental Junction railway company Bill, 559

Printing, public, 612

Senate and House of Commons Bill-members' sessional allowance, 581, 583

Shipbuilding, 482, 494

War

Canada's memorials of the, 688 Trade conditions after, 375

Customs Tariff Bill. 1r, 610. 2r, 641. Com, 3r, 653

Daily, Mrs. Florence, case of, 200

Cloran, Hon. H. J.

Daylight Saving Bill, 1r. 47. 2r. 74. Com, 91. 3r. 100 Amendment, proposed: Hon. Mr. Power, 95. 98 Daylight Saving Act Amendment Bill. 1r, 535. 2r, 548, 569. 3r, 569 Dandurand, Hon. Raoul, P. C. Address in reply to the Governor General's Speech, 16 The war situation, 16 Union government, 17 The recent general elections, 17 Canada's participation in the war, 19 Shipbuilding in Canada, 20 Conscription, 20 Bilingual question and railway employees, 201, 204, 247 Canadian Northern railway Bill, 627 Civil Service Bill, 613-625 Companies Bill-branch corporations, 517 Daylight Saving Bill, 93 Desjardins, Charles, case of, 540 Employment offices Bill, 398 German Trade Identification Bill. 406 Halifax Relief Commission Bill, 518-521 Immigration and Colonization Department Bill, 101, 102 Inspection and Sale Bill, 654, 655 Military Service-proposed governmentregulations, 180, 198 Parliamentary procedure Bill-ref to Com before 2r, 547, 548 Bills in Committee, 43 Resolution affecting Act of Parliament, 180, 198 Printing, public, 612 Railway Act Consolidation Bill, 43, 82, 85, 103, 124-134, 139, 146, 152-156, 179, 181-197, 201-207, 247, 257, 266, 271, 317 Amendments proposed, 189, 247 Registration, national, 288 Senate Debates Publication of, 634 Translation, 490 Financial legislation, rights of Senate in, 669 Supreme Court-ad hoc judges, 89 Taxation, income, 660 War-Canada's relief work, 690 Women's Electoral Franchise Bill, 369, 414-417 Daniel, Hon. John W. Civil Service Bill, 614 Food, inspection of, 330 German Trade Identification Bill, 481 Navigable waters, public works in, 243

Railway Act Consolidation Bill, 125-133, 159, 190, 267, 271

Daniel, Hon. John W .- Con. Senate and House of Commons Bill-members' sessional allowance, 581-584 Amendment proposed, 584 Women's Electoral Franchise Bill, 416 David, Hon. L. O. Address in reply to the Governor General's Speech, 21 Bowell, the late Hon. Sir Mackenzie, 40 Desjardins, Charles, case of, 123, 524, 535 Elections, the recent general, 37 Expenditures, election, conscription and national service, 37 Judges Bill, 394 Military Exemptions and appeals, 525 Soldiers, Canadian officers and, 37 Parliamentary procedure on Bills in Committee, 53 Railway Act Consolidation Bill, 53, 138, 145, 148. 149 Registration, national, 289, 294 Senate and House of Commons Bill-members' sessional allowance, 583 Women's Electoral Franchise Bill, 412, 416 Amendments proposed, 412, 416 See 37 War loans, 36

Debates. See Senate

Dennis, Hon, William

Investigations, government, cost of, 179 Printing and stationery, public, 264, 610-612 Senate

Debates

Publication of, 573, 630, 634

- Translation of, 134, 490
- Records-M for statement, 179
- Desjardins, Charles, case of, 123, 524, 535, 557, 677

DeVeber, Hon. L. G.

Dominion Elections Bill—proposed disfranchisement of certain foreigners, 445

Divorce, the system of granting, 505

Divorce Bills

Billing, Lillie Mabel. 1r, 2r, 3r, 524

- Chapman, Alonzo Jesse. 1r, 2r, 3r, 525 Charlesworth, Margaret Bell. 1r, 2r, 3r, 525 Gordon, Albert E. Petition withdrawn, 123 Hafner, Martin. 1r, 389. 2r, 438. 3r, 453 Hill, Edward David. 1r, 440. 2r, 3r, 466 Hislop, Mary Claire Dawson. 1r, 389. 2r, 438. 3r, 453
- Lackey, Emily Kathleen Cochrane. 1r, 2r, 3r, 524

Newman, Francis. 1r, 452. 2r, 3r, 470 Saxby, Henry Ernest. 1r, 452. 2r, 3r, 470

Divorce Bills-Con.

- Scott, Alfred Frank. 1r, 2r, 3r, 525
- Sloss, David M. 1r, 2r, 3r, 514
- Wainwright, Thomas Bailey. 1r, 327. 2r, 396. 3r, 430
- Walpole, William Leo. 1r, 389. 2r, 438. 3r, 453
- Wardell, Ida Sophia. 1r, 440. 2r, 3r, 466 Zang, Frederick Ernest. 1r, 327. 2r, 396. 3r, 430
- Dominion Elections Bill-proposed disfranchisement of certain foreigners. 1r, 381. M for 2r, 435, 440; withdrawn, 446
- Dominion Forest Reserves and Parks Bill. 1r, 47. 2r, 78. Com, 103. 3r, 112
- Dominion Lands Act Amendment Bill. 1r, 107. 2r, 123. Com, 230, 299. 3r, 312.
- Amendment proposed: Hon. Mr. Bradbury, 312

See Railway Belt Act Amendment Bill

- Domville, Hon. James (Lt.-Col.)
 - Address in reply to the Governor General's Speech, 32
 - Bilingual question and railway employees, 324

Labour, mobilization of, 296

- New Brunswick officers in overseas forces, 328
- Oils, mineral, imports and development of, 306, 409
- Rural planning and development, 37
- Shipbuilding, 296
- Trade conditions after the war, 376 Women's Electoral Franchise Bill, 411
- Donnelly, Hon. James J.

Daylight Saving Bill, 97

Douglas, Hon. J. M.

Bilingual question and railway employees, 207

Railway Act Consolidation Bill, 207

Doukhobors' community, 451, 504

Drydocks. See Shipbuilding

Edwards, Hon. W. C.

Address in reply to the Governor General's Speech, 21

Canadian Northern railway Bill, 659 Cement, inspection and sale of, 652, 657 Daylight Saving Bill, 75, 97, 99 Dominion Lands Act Amendment Bill, 232 Firewood, inspection and sale of, 652 German Trade Identification Bill, 480 Inspection and Sale Bill, 651 Labour, mobilization of, 295

- Edwards, Hon. W. C .-- Con.
- Parliamentary procedure—Bills in Committee, 51, 52
- Railway Act Consolidation Bill, 51, 83, 278. Amendment proposed, 278

Trade conditions after the war, 376

- Elections, the recent general, 17, 21, 28, 32 Expenditures, 37
- Women voters, 37 See War-time Elections Act, Military Voters' Act
- Employment Offices Bill. 1r, 312. 2r, 349. Com, 396. 3r, 410

Farmers' delegation, 557, 673

Fertilizers. See Agriculture

Finance

- Banking hours, 681
- Legislation, 5. See under Senate
- War loans, 36 Expenses, 389, 524
- See Appropriation Bills, Bills of Exchange Bill, War Appropriation Bill
- Financial legislation, rights of Senate in. Sce Senate
- Firewood, inspection and sale of, 643, 650, 654
- Fisheries Act Amendment Bill. 1r. 240. 2r.
- 354. Com, 401. 3r, 411
- Fish and Fisheries
- Lobster hatcheries, closing of, 109

Food

Board, Canada, 108

Conservation and production, 8 Inspection. See Inspection and Sale Bills, Meat and Canned Foods Bill Printing and stationery, cost of, 164 Production. See Agriculture Transportation, 10

Foster, Hon. George G.

Cement, inspection and sale of, 643 Inspection and Sale Bill, 642, 650 Wood, inspection and sale of, 643

Fowler, Hon. George W.

Appointments, public, system of, 622 Auditor General, appointments of, 623 Civil Service Bill, 615-625

Franchise. See Dominion Elections Bill, Women's Electoral Franchise Bill

French Canadians Union Government and, 27 War and, 4, 25, 32, 297, 684

French language, 6, 22, 38 Railway employees, use by, 201, 247, 313 See Bilingual question Fruit, inspection and sale of, 628, 635

Georgian Bay Canal, 436

- German Trade Identification Bill. 1r, 297. M for 2r, 403, 472; 2r, 482. Com, 491. 3r, 501
 - Amendment proposed: Hon. Mr. Belcourt, 494

Girroir, Hon. Edward L.

Bilingual question and railway employees, 316

Chemists' convention, 596

- Civil Service Bill, 602, 605, 618. See 327
- Navigable Waters Protection Bill, 567 Oils, mineral, imports and development of,
- 312, 381 Political patronage, 609
- Printing, public, 613
- Railway Act Consolidation Bill, 316
- Senate and House of Commons Bill-members' sessional allowance, 583
- War, Canada's memorials of the, 686 Women's Electoral Franchise Bill, 422
- Gold and Silver Marking Bill. 1r, 297. 2r, 329. Com, 355. 3r, 381

Gompers, Mr. Samuel, visit of, 298, 327

Gordon, Hon. George

- Bilingual question and railway employees,
- Dominion Lands Act Amendment Bill, 234-236
- Hudson Bay railway, 534
- Military pensions, 489

Navigable waters, public works in, 243, 301 Railway Act Consolidation Bill, 270, 321

Government

- Ministers' salaries and independence of Parliament, 328, 434
- Government Employees Compensation Bill. 1r, 201. 2r, 280. Com, 336. 3r, 346
- Governor General, speeches of

Opening session, 2 Closing session, 697 Nee Address

Government, Union, 6, 9, 13, 17, 27

Grain trade-diversion to United States, 452

- Halifax Relief Commission Bill. 1r, 470. 2r, 501. Com, 518. 3r, 523. See 12
- Hon, William J. Harmer

Introduction to Senate, 1

Hudson bay, navigation of. See under Railways

S-45

- Immigration, 7, 12, 15
- See Immigration and Colonization Department Bill
- Immigration and Colonization Department Bill. 1r, 47. 2r, 77. Com, 100. 3r, 112

Imperial Munitions Board, 11

- Income War Tax-Bill. 1r, 610. 2r, 641. Com, 659. 3r, 664
- Indian Act Amendment Bill. 1r, 312. 2r, 353. Com, 399. 3r, 411
- Industrial Disputes Investigation Bill. 1r, 228. 2r, 280. Com, 338. 3r, 343
- Inland Revenue Act Amendment Bill-tobacco, cigars and cigarettes. 1r, 557. 2r, 570. Com, 586 3r, 587
- Inspection and Sale Bills
- Food containers, firewood and cement. 1r. 610. 2r, 628. Com, 642
- Fruit, fruit marks and potatoes. 1r; 610. 2r, 628. Com, 635. 3r, 640
- Hay and straw. 1r, 356. 2r, 408. Com, 467. 3r, 470

Investigations, government, cost of, 179

- Judges Act Amendment Bill. 1r, 281. M for 2r, 391; 2r, 396. Com, 453. 3r, 470 Amendments proposed
 - Hon. Mr. Bélque, 464. Hon. Mr. Belcourt, 461. Hon. Mr. Power, 463, 465. Hon. Mr. Ross, 465

Labour

- Gompers, Mr. Samuel, visit of, 298, 327
- Judges on boards of conciliation, 393, 461

Mobilization of, 281. See Registration

Ottawa police union, 340, 343 Nec Employment Offices Bill, Industrial Disputes Investigation Bill

Laird, Hon. Henry W.

Dominion Lands Act Amendment Bill, 239 Amendment proposed, 239

Landry, Hon. Philippe

Aviation camps, 42 Bowell, the late Hon. Sir Mackenzie, 39 French version of parliamentary documents, 38

Military Service Act, 37

Languages in Canada. See Bilingual ques-

Lavergne, Hon. Louis

Senate-Ascension day sitting, 501

L'Espérance, Hon. D. O. Address in reply to the Governor General's Speech, 4 Reappointment of Mr. Speaker, 4 Canada's part in the war, 4 Racial questions, 4 Operation of Military Service Act, 4 Financial legislation, 5 Encouragement of agriculture, 5 Civil Service reform, 5 Shipbuilding programme, 5 The French language in Canada, 6 Loans. See Finance Lobsters. See Fisheries Lougheed, Hon. Sir James, P. C. Address in reply to the Governor General's Speech, 13 Appointment as Minister of Soldiers' Civil Re-establishment, 13 The Union Government, 13 Canada's prosecution of 'the war, 13 After-war problems, 15 Railway transportation, 15 Immigration and development, 15 Increased representation of western provinces in the Senate, 16 Animal Contagious Diseases Bill, 280, 326 Appointment as Minister of Soldiers' Civil Re-establishment, 9, 13 Appropriation Bills, 44, 692, 694 Bank circulation, excess, 109 Bilingual question and railway employees, 255 Bill, E. G., appointment of, 572 Bill pro forma, 3 Bills of Exchange Bill, 681 Canadian Northern Railway Bill, 626-628, 641. 659 Civil Service Bill, 587, 598-608, 613-626, Sce 327 Amendments proposed, 603, 616, 622 Coal contracts, Nova Scotia, 328, 389 Companies Bills, 408, 450, 466, 470, 514-518 Daily, Mrs. Florence, case of, 200 Daylight Saving Bill, 74, 77, 548, 569 Desjardins, Charles, case of, 123, 538 Divorce, the system of granting. 511 Dominion Elections Bill-disfranchisement of certain foreigners, 443 Dominion Lands Act Amendment Bill, 123, 230-240, 313 Employment Offices Bill, 349, 351, 397, 398 Farmers' delegation, 557 Fertilizers, production and distribution of, 572 Fisheries Bill, 354, 401, 402 Food Board, Canada, 108 Controller-cost of printing and stationerv. 164 Inspection, 329, 403, 628, 635, 642, 653

Lougheed, Hon. Sir James-Con. Forest Reserves and Parks Bill, 78, 103 Fruit, inspection of, 628, 635-640 Gold and Silver Marking Bill, 329, 355 Gompers, Mr. Samuel, visit of, 298 Government Employees Compensation Bill, 280, 336 Halifax Relief Commission Bill, 501, 518-523 Hay and Straw Inspection Bill, 408, 467-469 Immigration and Colonization Department Bill, 77, 102 Indian Act Amendment Bill, 353, 399 Industrial Disputes Investigation Bill, 280, 338, 345 Inspection and Sale Bills, 408, 467, 628, 635, 642, 653 Meat and Canned Foods Bill, 329, 403 Labour. See Employment Offices Bill, Industrial Disputes Investigation Bill Military Prince Edward Island officers, 500 Hospitals Commission, 440 Sailors, conscription of, 452 Military service-proposed government regulations, 180, 198, 219 Ministers' salaries and independence of Parliament Bill, 328, 435 Montreal Harbour Advances Bill, 78 Municipalities and public service companies, 159, 217, 275 Naturalization Act (French version) amendment Bill, 396 Naval Discipline Bill, 280, 335 Navigable Waters Protection Bill, 243, 561, 564-569, 596-598 Amendments proposed, 561, 597, 598 Navigable waters, public works in, 241-243, 301, 336 O'Connor, W. F., Cost of Living Commissioner, resignation of, 298 Parliamentary procedure Bills in Committee, 43, 47, 53 Resolution affecting Act of Parliament, 180, 198 Patriotic Fund Bill, 502, 523 Penitentiary Bill-inspectorial staff, 438, 446-450 Political patronage, 608 Public Service Rearrangements Bill, 73, 90 Public Works Act Amendment Bill, 241-243, 301, 336 Railway Act Consolidation Bill, 47, 53-71, 79-89, 103-107, 123-134, 158-163, 166-169, 181-198, 209-213, 217, 247, 255-258, 266-279 313 Amendments proposed, 80, 81, 86, 194, 196.

268, 272, 277, 278

Lougheed, Hon. Sir James-Con.

Railway Belt Act Amendment Bill, 281, 336 Railwavs Canadian Northern, government acquisition of, 45, 626-628, 641, 659 Coal contracts, Nova Scotia, 328, 389 Government railways Rolling stock and equipment, 244, 338 Stores account, 247, 281 Hudson Bay, 529 Prince Edward Island, standardization of, 46 Senate Adjournment, 43 Ascension day sitting, 501 Black rod, presentation of, 656 Committee of Selection, report of, 3 Debates, publication of, 633 Deceased Senators Bowell, the late Hon. Sir Mackenzie, 38 Gillmor, the late Hon. Daniel, 39 Sproule, the late Hon. T. S., 38 Financial legislation, rights of Senate in, 671 Staff-statutory increases, 54, 79 Senate and House of Commons Bill-members' sessional allowance, 585 Shipbuilding, 108, 498 Soldiers' Civil Re-establishment Department Bill, 240, 300. See 13 Statistics Bill, 279, 332-334, 342 Supply Bills. See Appropriation Bills Supreme Court Bills-ad hoc judges, 89, 110, 503, 523 Taxation Business profits, 513, 641, 655 Customs, 641 Income, 641, 660-664 Inland Revenue, 570, 586 Tobacco, cigars and cigarettes, 570, 586 Special War, 590, 595 Van Buren Bridge Company Bill, 112, 163 Victoria harbour works, 390 War Appropriation Bill, 347 Canada's memorials of the, 689 French Canadian casualties, 312 Loans, 36, 389, 524 Taxation. See that title Trade conditions after, 372 War-time Elections Act Amendment Bill, 690 Women's Electoral Franchise Bill, 356, 411-. 429

Yukon Act Amendment Bill, 279, 334, 343 Yukon Election Bill, 691

Lynch-Staunton, Hon. George

- Bilingual question and railway employees, 319
- Companies Bill-branch corporations, 471 German Trade Identification Bill, 403, 494
- Municipalities and public service companies, 151, 162, 167, 216

Navigable Waters Protection Bill, 562, 568 Navigable waters, public works in, 242

Railway Act Consolidation Bill, 124, 151-157, 162, 167, 183, 186-191, 216-218, 319 Amendments proposed, 153, 216, 278

Trade conditions, after-war, 377

Macdonell, Hon. A. C.

Judges Bill, 453-465

Montreal, Joliette and Transcontinental Railway Company Bill, 558

Municipalities and public service companies, 139, 165, 169-179, 211, 273

Railway Act Consolidation Bill, 57, 60, 66, 67, 87, 139-151, 158, 165-179, 198, 211-215, 262, 269, 273-277

Manitoba

Railway tariffs in, 194

Mason, Hon. James (Brigadier General)

Daylight Saving Bill, 76 German Trade Identification Bill, 472 Railway Act Consolidation Bill, 131 Senate and House of Commons Bill-members' sessional allowance, 581

McHugh, Hon. George

Municipalities and public service companies, 157

Navigable Waters Protection Bill, 563 Railway Act Consolidation Bill, 157

McLean, Hon. John

Prince Edward Island recruiting, 229

McLennan, Hon. John S.

Railway Act Amendment Bill, 266, 273 Shipbuilding, 112

Soldiers' Civil Re-establishment Department Bill, 241

McMeans, Hon. Lendrum

Criminal Code Amendment Bill-revision of punishments, 245, 302

Amendments proposed, 302 Divorce, the system of granting, 510

Dominion Lands Act Amendment Bill, 313

Judges Bill, 460

Navigable waters, public works in, 337 Railway Act Consolidation Bill, 154, 158, 192-195

Women's Electoral Franchise Bill, 367

Meat and Canned Foods Bill. 1r, 297. 2r, 329. Com, 403. 3r, 411

Michener, Hon. Edward

Address in reply to the Governor General's Speech, 6 The French language, 6 The spirit of the Canadian people, 6 Civil Service reform, 7 Immigration and colonization, 7 Interprovincial trade, 7 Care of returned soldiers, 7 Extension of franchise to women, 8 Prohibition, 8 Conservation and increased production of food, 8 Canada's part in the war, 8 Introduction to Senate, 1

Military

Aviation camps, 42 Canadian headquarters in London, 513 Conscription, 20, 24, 37, 452, 525 Exemptions and appeals, 525 Hospitals Commission, 440. See Soldiers' Civil Re-establishment New Brunswick officers in overseas forces, 328 Pensions, 489 Prince Edward Island Officers, 500 Recruiting, 229 Sailors, conscription of, 452 Service-proposed government regulations, 179, 198, 218. See 4, 37 Seventy-eighth Highlanders, officers of, 134 Soldiers, returned, 7 Statistics, 37, 43 Voters' Act, 17, 29

Milne, Hon. John Labour conditions. 292

Montreal Harbour Advances Bill. 1r, 47. 2r, 78. Com, 103. 3r, 112

Mulholland, Hon. Robert A. Introduction to Senate, 3 Presbyterian Church and Manse Board Bill, 466

Municipalities and public service companies, 135, 165, 210, 216, 261, 264, 274

Murphy, Hon. Patrick C.

Bill, E. G., appointment of, 572, 596 Employment Offices Bill, 351 Prince Edward Island Militia Officers, 500 Railway Act Consolidation Bill, 126-129, 145

National Service expenditures, 37

- Naturalization Act (French version) Amendment Bill. 1r, 341. 2r, 396. Com, 435. 3r, 440
- Naval Discipline Bill. 1r, 201. 2r, 280. Com, 335. 3r, 346.

Navigable Waters Protection Bill. 1r, 134. 2r, 243. Com, 561, 596. 3r, 598 Amendments, proposed: Hon. Sir James Lougheed, 561, 597, 598 See Public Works Act Amendment Bill New Brunswick Officers in overseas forces, 328 Nicholls, Hon. Frederic Companies Bill-branch corporations, 514-518 Daylight Saving Bill, 100 Employment Offices Bill, 350 Fertilizers, production and distribution of, 572 German Trade Identification Bill, 479 Gold and Silver Marking Bill, 355 Labour, mobilization of, 281 Railway Act Consolidation Bill, 105, 188, 191, 197 Amendments proposed, 188, 191, 197 Shipbuilding, 118 Trade conditions, after-war, 371, 374 Nova Scotia Coal contracts, 328, 389 O'Connor, W. F., Cost of Living Commissioner, resignation of, 298, 330 Oils, mineral, imports and development of, 305, 381, 409, 494 Parliament Commons, secret session of House of, 123, 134. 135. 164 French version of parliamentary documents. 38 Independence of. See Salaries and Independence of Parliament Bill Opening of session, 1 Prorogation, 695 Royal Assent to Bills, 45, 122, 695 Parliamentary procedure Amendment, irrelevant, 303 Bill-ref to Com before 2r. 546 Bills in Committee, 43, 47, 71 Resolution affecting Act of Parliament, 180, 198 221 Senate and Money Bills, 577. See Senate-Financial Legislation

Patriotic Fund. See Canadian Patriotic Fund

Penitentiary Bill-inspectorial staff. 1r, 408. 2r, 438. Com, 446. 3r, 453

Pensions. See Military

Planta, Hon. Albert E.

Railway Act Consolidation Bill, 261

Poirier, Hon. Pascal

Bowell, the late Hon. Sir Mackenzie, 42 German Trade Identification Bill, 478 Poirier, Hon. Pascal-Con.

Hudson Bay railway, 531

Industrial Disputes Investigation Bill, 345 Senate in financial legislation, rights of, 592, 629

Women's Electoral Franchise Bill, 368

Political patronage, 606, 622

Pope, Hon. Rufus H.

Civil Service Bill, 609 Montreal, Joliette and Transcontinental Junction Railway Company Bill, 559 Political patronage, 609 Railway Act Consolidation Bill, 321

Postmaster General, present position of, 90

Power, Hon. Lawrence G., P. C.

Bilingual question and railway employees, 324

Bills of Exchange Bill, 682

Civil Service Bill, 599-609, 614-626

Companies Bill—branch corporations, 516 Daylight Saving Bill, 95, 98

Amendments proposed, 95, 98

Divorce, the system of granting, 512

Dominion Lands Act Amendment Bill, 237, 312

Employment Offices Bill, 350, 397, 398 Fruit, inspection of, 636

German Trade Identification Bill, 480

Halifax Relief Commission Bill, 502, 521-523

Immigration and Colonization Department Bill, 102

Industrial Disputes Investigation Bill, 346 Judges Bill, 457-465

Amendments proposed, 463, 465

- Military Service—proposed government regulations, 181
- Ministers' salaries and independence of Parliament, 434

Municipalities and public service companies, 212

Navigable waters, public works in, 241, 337 O'Connor, W. F., Cost of Living Commissioner, resignation of, 299

Ottawa police union, 346

Penitentiary Bill-inspection, 439, 448

Political patronage, 609

Printing, public, 122, 611

Parliamentary procedure

Bill—ref to Com before 2r, 547 Resolution affecting Act of Parliament, 181

Senate and money Bills, 577

Railway Act Consolidation Bill, 124-121, 156, 182-188, 193, 212, 215, 279, 324

Amendment proposed, 125

Senate and House of Commons Bill-members' sessional allowance, 577-586

Power, Hon. Lawrence G .- Con. Senate Black rod, presentation of, 656 Debates, translation of, 490 Soldiers' Civil Re-establishment Department Bill. 240 Statistics Bill. 332 Supreme Court-ad hoc judges, 89 Taxation Inland Revenue, 570 Tobacco, cigars and cigarettes, 570 Women's Electoral Franchise Bill, 363, 414-418. 430 Amendments proposed, 364, 430 Yukon Act Amendment Bill, 335, 342 Prince Edward Island Militia officers, 500 Railway, standardization of, 46 Recruiting, 229 Prince Rupert, shipbuilding in, 108

Pringle, Hon. R. H. C. Civil Service Bill, 616

Railway Act Consolidation Bill, 58

Printing and stationery, public, 122, 264, 341, 610

Private Bills

- Belleville-Prince Edward Bridge Company. 1r, 535. 2r, 549. 3r, 558
- British Canadian Insurance Company. 1r, 2r, 535. 3r, 558
- Burrard Inlet Tunnel and Bridge Company. 1r, 281. 2r, 327. 3r, 429
- Canadian Indemnity Company. 1r, 281. 2r, 327. 3r, 411
- Canadian Niagara Bridge Company. 1r, 469. 2r, 470. 3r, 489
- Canadian Northern Ontario Railway Company. 1r, 281. 2r, 327. 3r, 429
- Christian Community of Universal Brotherhood. 1r, 429. 2r, 451. 3r, 504
- Cosmos Cotton Company. 1r, 164. 2r, 245. 3r, 328
- Dominicains ou frères prêcheurs au Canada, l'Ordre des. 1r, 408. 2r, 409. 3r, 489
- Dynamic Balancing Machine Company patents. 1r, 452. 2r, 470. 3r, 489
- Engineering Institute of Canada. 1r, 164. 2r, 245. 3r, 328
- Fire Insurance Company of Canada. 1r, 297. 2r, 356. 3r, 470
- Fraser Lumber Company and Fraser Companies. 1r, 164. 2r, 245. Com, rep. 304, 331. 3r, 341
- Gospel Workers Church in Canada. 1r, 469. 2r, 470. 3r, 489
- International Bridge and Tunnel Company. 1r, 2r, 524. 3r, 545.

Private Bills-Con.

- Kettle Valley Railway Company. 1r, 381. 2r, 438. 3r, 489
- Merchants Casualty Company. 1r, 281. 2r, 327. 3r, 411
- Montreal, Joliette and Transcontinental Junction Railway Company. 1r, 2r, 524

Montreal, Ottawa and Georgian Bay Canal Company. 1r, 381. 2r, 436. 3r, 489

Nipissing Central Railway Company. 1r, 408. 2r, 438. 3r, 489

Ottawa and Montreal Transmission Company. 1r, 381. 2r, 438. 3r, 489

- Overbeck patent. 1r, 164. 2r, 245. 3r, 328 Presbyterian Church in Canada—Church
- and Manse Board. 1r, 371. 2r, 465. 3r, 470
- Protective Association of Canada. 1r, 535. 2r, 549. 3r, 558
- Toronto, Hamilton and Buffalo Railway Company. 1r, 2r, 524. 3r, 545
- Toronto, Niagara and Western Railway Company. 1r, 469. 2r, 470. 3r, 489
- United Canadian Insurance Company. 1r, 2r, 535. 3r, 558.
- United Grain Growers. 1r, 381. 2r, 438. 3r, 470
- Vancouver, Victoria and Eastern Railway and Navigation Company and Northern Pacific Railway Company. 1r, 381. 2r, 438. 3r, 489
- Western Power Company of Canada. 1r, 297. 2r, 328. 3r, 429
- Wolf, Jacob David, patent. 1r, 328. 2r, 396. 3r, 489
- Production. Nee Agriculture

Prohibition of intoxicating liquors, 8

- Prowse, Hon. B. C.
- Prince Edward Island railway, standardization of, 46
- Public Service Rearrangements Bill. 1r, 47. 2r, 73 Com, 90. 3r, 112
- Public Works Act Amendment Bill. 1r, 134. 2r, 241, Com. 301, 336. 3r, 347
- Amendment proposed: Hon. Mr. Beique, 301
- Punishments, revision of. See Criminal Code Amendment Bill
- Railway Act Consolidation Bill. 1r, 37. M to print, 43. M for 2r, 47; 2r, 51. M to refer, 51. Com, 54, 79, 103, 123, 135, 165, 181, 201, 247, 264. M for 3r, 313; 3r, 326
 - Amendments proposed
 In Com: Hon. Mr. Barnard, 193. Hon. Mr.
 Béique, 66, 68, 79, 80, 86, 88, 157, 167, 181, 209, 262, 265. Hon. Mr. Belcourt, 198,

Railway Act Consolidation Bill-Con.

Amendments proposed-Com.

213. Hon. Mr. Dandurand, 189, 247.
Hon. Mr. Edwards, 278. Hon. Sir James Lougheed, 80, 81, 86, 194, 196, 268, 272, 277, 278. Hon. Mr. Lynch-Staunton, 154, 216, 278. Hon. Mr.
Nicholls, 188, 191, 197. Hon. Mr. Power, 125. Hon. Mr. Robertson, 131. Hon.
W. B. Ross, 133, 138, 165, 190, 192, 210, 213, 261, 263, 264, 265, 266, 267, 269, 271
On 3r: Hon. Mr. Choquette, 316

- Railway Belt Act Amendment Bill. 1r, 201. 2r, 281. Com, 336. 3r, 347
- Railways
 - Accidents, notification of, 128
 - Bilingual question, 201, 247, 313
 - Canadian Northern, 26
 - Government payments, 45
 - Manitoba, tariffs in, 194
 - Crossings, 107, 125
 - Freight rates, 194
 - Government railways
 - Rolling stock and equipment, 244, 338 Stores account, 247, 281
 - Hudson Bay, 525
 - Municipalities, rights of, 135, 165, 210, 274
 - Nova Scotia coal contracts, 327 Prince Edward Island, standardization of,
 - 46
- Railways and Canals Department Act Amendment Bills
 - Rolling stock and equipment. 1r, 134. 2r, 244. Com, 338
 - Stores account. 1r, 179. 2r, 247. Com, 281. 3r, 299. 3r, 347
- Ratz, Hon. Valentine
 - Daylight Saving Bill, 76
- Registration, national, 31, 285 Nee Labour, mobilization of
- Richardson, Hon. Henry W.
- Agricultural production, 295
- Canadian Northern Railway Bill, 628
- Davlight Saving Bill, 94
- Georgian bay canal, 436
- Inspection and Sale Bill, 645
- Labour, mobilization of, 295
- Municipalities and railways, 217
- Railway Act Consolidation Bill, 129, 196, 198, 209, 217, 273
- Robertson, Hon. Gideon
- Appointment as Privy Councillor, 9 Bilingual question and railway employees, 201-209, 251-260
- Criminal Code Amendment Bill, 545
- Daylight Saving Bill, 99
- Employment Offices Bill, 351

Robertson, Hon. Gideon-Con.

Labour

- Judges on boards of conciliation, 462, 463 Mobilization of, 284
- O'Connor, W. F., Cost of Living Commissioner, resignation of, 299
- Parliamentary procedure-Bills in Committee. 52
- Railway accidents, notification of, 128, 130 Railway Act Consolidation Bill, 52, 128-132, 201-209, 251-260

Amendment proposed, 131

Registration, national, 285, 294

Roche, Hon. Wm.

German Trade Identification Bill, 475 Halifax Relief Commission Bill, 522 Naval Discipline Bill, 335 Statistics Bill, 342

Ross, Hon. W. B.

Cosmos Cotton company, 245 Criminal Code Amendment Bills Offences against morality, 546, 610 Amendments proposed, 546, 610 Revision of punishments, 246 Daylight Saving Bill, 77, 91-93, 98 Employment Offices Bill, 352 Inspection and Sale Bill, 640 Judges Bill, 391, 453-465 Amendment proposed, 465 Montreal, Joliette and Transcontinental Junction Railway Company Bill, 558 Municipalities and public service companies, 135, 162, 165-169, 175, 210-213, 261, 264 Navigable waters, public works in, 337 Parliamentary procedure Amendment, irrelevant, 303 Bill-ref to Com before 2r, 547, 548 Bills in Committee, 51, 71 Senate and Money Bills, 578 Railway Act Consolidation Bill, 51, 56, 59-69, 82, 126-140, 154-158, 162, 163, 165-169, 175, 176, 182-193, 210-214, 217, 261-276 Amendments proposed, 138, 165, 190, 192, 210, 213, 261, 263, 264, 265, 266, 267, 269, 271 Senate in financial legislation, rights of, 525. 549 Taxation, income, 660 Women's Electoral Franchise Bill, 418 Royal Assent. See Parliament

- Rural planning and development, 38
- Salaries and Independence of Parliament Bill. 1r, 297. 2r, 328. Com, 434. 3r, 440
- Schaffner, Hon. Frederick L. Civil Service Bill, 601-609 Hudson Bay railway, 532

Schaffner, Hon. Frederick L .- Con.

Introduction to Senate, 1 Military Hospitals Commission, 440 O'Connor, W. F., Cost of Living Commissioner, resignation of, 298 Political patronage, 607

Women's Electoral Franchise Bill, 426

Senate Adjournment, 43 Ascension day sitting, 501 Black rod, presentation of, 656 Cabinet, representation in, 22, 28 Committee of Selection, report of, 3 Commons, House of, secret session, attendance at, 123, 134, 135 Debates Publication of, 573, 630 Reporting for the press, 36 Translation, 134, 490 Deceased Senators Bowell, the late Hon. Sir Mackenzie, 38-42 Gillmor, the late Hon. Daniel, 39, 42 Sproule, the late Hon. T. S., 38, 39 Financial legislation, rights of Senate in, 164, 525, 549, 592, 629, 664 Money Bills. Sec under this title Financial legislation Morning sittings, 572 New Senators introduced, 1, 3, 45 Newspaper attack, 390 Records-M for statement, 179 Staff-statutory increases, 54, 79 Western representation, increased, 16 Senate and House of Commons Bill-members' sessional allowance. 1r, 514. M for 2r. 576; withdrawn, 586 Amendments proposed: Hon. Mr. Cloran, 583. Hon. Mr. Daniel, 584 Sharpe, Hon. W. H. Railway Act Consolidation Bill, 195, 259 Women's Electoral Franchise Bill, 420, 425 Amendment proposed, 421 Shipbuilding, 5, 12, 20, 112, 119, 482, 494 Labour in. See Labour Prince Rupert, at, 108 Smith, Hon. E. D.

- Inspection and Sale Bill-fruit, food containers, etc., 636, 638, 646
- Soldiers. See Military, War
- Soldiers Civil Re-establishment Department Bill. 1r, 134. 2r, 240. Com, 299. 3r, 313. Sec 9. 13
- Special War Revenue Bill. 1r, 572. 2r, 590. 3r, 596. See 595

Speeches from the Throne, 2, 697

War Appropriation Bill. 1r, 312. 2r, 347. 3r, Statistics Bill. 1r. 198. 2r. 279. Com, 332. 3r, 341 381 Supply. See Appropriation Bills War-time Elections Act, 17, 29, 37 Supreme Court Act Amendment Bills-ad hoc indges No. 1. 1r, 89. 2r, 110. 3r, 111 Watson, Hon. Robert No. 2. 1r, 470. 2r, 503. Com, 3r, 523 Tanner, Hon. Charles E. Coal contracts, Nova Scotia, 327, 389 Lobster hatcheries, closing of, 109 Canadian military headquarters in London, 443 513 Navigable Waters Protection Bill, 563 239 Seventy-eighth Highlanders, officers of, 134 Women's Electoral Franchise Bill, 417 Fruit, inspection of, 636 Taxation. See Business profits, Customs, In-Hudson Bay railway, 533 come, Inland Revenue, Special War Indian Act Amendment Bill, 400 Taylor, Hon. George Daily, Mrs. Florence, case of, 200 regulations, 228 Taylor, Hon. James D. Introduction to Senate, 45 Shipbuilding, 119 Women's Electoral Franchise Bill, 418, 422, mittee, 51 427, 429 Amendments proposed, 418, 427, 429 Political patronage, 606-609 Telegraphs and telephones, 271 Printing, public, 611 Tessier, Hon. Jules Grain trade-diversion to United States. 452 Webster, Hon. John Thompson, Hon. Frederick Daylight Saving Bill, 95 Fraser Lumber company, 245, 331 Railway Act Consolidation Bili, 212, 216 Todd, Hon. Irving Willoughby, Hon. Wellington B. Dominion Lands Act Amendment Bill, 236 Introduction to Senate, 1 Patriotic Fund Bill, 503 Trade After-war conditions, 371 Interprovincial, 7 128, 196 Transportation, 7, 10 Women's Electoral Franchise Bill, 428 Grain trade-diversion to United States, 452 See Railways Van Buren Bridge Company Bill. 1r, 89, 2r, 430. See 8, 37 112. Com, 163. 3r, 165 Victoria Harbour works, 389 War Canada's memorials of the, 682 427, 429 Canada's part in the, 8, 9, 13, 19, 25 French Canadians in the, 297, 312, 684 Imperial Munitions Board, 11 Loans. See Finance

Trade conditions after, 371

See Address, Military

War-time Elections Act Amendment Billby-elections. 1r, 2r, 3r, 690

Civil Service Bill, 606-609, 617, 619

Daylight Saving Bill, 93, 99

- Dominion Elections Bill-proposed disfranchisement of certain foreigners,
- Dominion Lands Act Amendment Bill, 231-

Doukhobors' community, 451, 504

- Judges on boards of conciliation, 462
- Military Service-proposed government
- O'Connor, W. F., Cost of Living Commissioner, resignation of, 298
- Parliamentary procedure on Bills in Com-

Penitentiary Bill-inspection, 439

Railway Act Consolidation Bill, 50, 86, 88, 127-132, 158, 167, 194-196, 261, 265 Women's Electoral Franchise Bill, 424

Inspection and Sale Bill, 649 Introduction to Senate, 1 War, Canada's memorials of the, 683

Divorce, the system of granting, 505 Introduction to Senate, 45 Railway crossings, 107 Hudson Bay railway, 535 Railway Act Consolidation Bill, 107, 124, Supreme Court Bill-ad hoc judges, 503

Women's Electoral Franchise Bill. 1r, 164. M for 2r, 356. 2r, 371. Com, 411. 3r, Amendments proposed Hon. Mr. Bostock, 430. Hon. Mr. Choquette, 411. Hon. Mr. David, 412, 416. Hon. Mr. Power, 364, 430. Hon. Mr. Sharpe, 421. Hon. J. D. Taylor, 418, Yukon Act Amendment Bill. 1r, 198. 2r, 279. Com, 334. 3r, 342

Yukon Election Bill. 1r, 2r, 3r, 691

Zinc Bounties Bill. 1r, 2r, 3r, 690