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of the United States Senate.

As this Niagara agreement was initiated in the formal request of the United States Government on October 20, 1925, and as every step in connection with its various developments has been taken in conformity with understandings mutually agreed to by the two Governments, Canada could well take the stand now that the Convention and Protocol should receive ratification by the United States Senate before Canada would be prepared to initiate further discussions in respect to the St. Lawrence waterway.

I might add here that so far as hydraulic studies and the availability of fundamental data and material is concerned, Canada is now in a position to deal with the Niagara situation any time it becomes an active issue.

It might also be pointed out that while the Niagara situation is quite independent of the St. Lawrence waterway, it is interwoven with the Chicago diversion question, as any settlement of the latter question will raise the question of the apportionment of water at Niagara.

CHICAGO DIVERSION.

With respect to the Chicago diversion, Canada might negotiate a satisfactory settlement on some such basis as the following:-

(a) Agreement to reduce the diversion to a stated amount (say 4000 cubic feet per second) within a stated period;

(b) Compensation in power to Canada at Niagara or St.Lawrence for power lost through any diversion which is permitted to continue;

(c) Compensation in lake levels by the construction of remedial works to compensate for any diversion permitted to continue;

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(d) Diversion into the Great Lakes of Albany waters, such diversion to be counted as wholly Canadian for power purposes in the St.Mary's, Niagara, and St.Lawrence rivers. (Note. This will require the prior co-operation of Ontario).

(e) Canada to have navigation rights in any Lakes-to-Mississippi waterway;

(f) All diversions from or into the Great Lakes watershed to be checked and recorded by an international board.

Respectfully submitted,

J. T. Johnston.

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C 96769 "A"

BASIS FOR DOMINION-PROVINCIAL CONFERENCE
RE ST. LAWRENCE.

(1) The broad basic Dominion policy which should form the background of the Dominion position at the conference with the Provinces, to be founded upon the principles set forth in the attached Memorandum entitled, "A National or All-Canadian Policy for the Construction of the St. Lawrence Deep Waterway."

(2) In view of the unsatisfactory nature of the judgment of the Supreme Court in respect to the reference as to the water power rights of the Dominion and the Provinces, the Dominion to suggest that the question as to ownership of the power as between the Dominion and the Provinces to be left in abeyance for the time being, and the Dominion and the Provinces to attempt to negotiate an understanding as to an apportionment of costs and of responsibility as between the Dominion and the Provinces.

(3) The Dominion to suggest the following as basic principles of such negotiation:

(A) With respect to apportionment of costs:

(i) All structures purely for navigation such as lakes, etc., to be charged to navigation;

(ii) All structures purely for power purposes such as Power Houses, etc., to be charged to power;

(iii) Other structures such as dams, embankments, channel improvements, etc., etc., to be apportioned between navigation and power in accordance with their reasonable utility to each;

(iv) The details of the apportionment to be left to a committee of accredited technical representatives of the Dominion on one hand, and of the Provinces of Ontario and Quebec on the other.

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(B) With respect to apportionment of responsibility:

(i) The Dominion to be wholly responsible for navigation and all factors affecting navigation, including:

(a) Final dictation of the plan of overall development to be adopted (but by conferences between Dominion and Provincial Technical representatives, to make every effort to arrive at a mutually satisfactory scheme in the Ontario and the Quebec reaches respectively);

(b) The design of all navigation structures and of all structures necessary to navigation and for the basic features of the Power structures in so far as stability and provision for passage of water etc., etc., is concerned.

(ii) The Dominion to recognize the prior interest of the Provinces in the Power and to agree that:

(a) In the International or Ontario reach the development of the power to be in accord with the wishes of the Province of Ontario (i.e., by the Ontario Hydro-Electric Power Commission if the Ontario Government so decides);

(b) In the National or Quebec reach, the development of the power to be in accord with the wishes of the Province of Quebec (i.e., by license to private interests at the instance of the Quebec Government if that Government so desires).

(iii) The Provinces to be respectively responsible for the detailed design of the power houses:

(a) Ontario through the Ontario Hydro-Electric Power Commission;

(b) Quebec through its approval of the plans of private interests to whom licenses may be issued.

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C 86771

The Dominion also to reserve the right to approve the power house plans to insure that all Dominion interests are protected.

(C) It is to be mutually agreed between the Dominion and the two Provinces:

(i) That the power schemes in the respective reaches must fit in with an over-all navigation-power scheme designed for the most efficient development of the entire waterway;

(ii) That the apportionment of costs as between the Dominion and the two Provinces shall be in accord with the apportionment as worked out in Paragraph (3) (A) above, i.e., in accordance with the apportionment as between navigation and power.

(D) After completion of the waterway or of any portion thereof:

(i) The Dominion to be responsible for:

(a) The operation of the navigation system;

(b) The control of water levels and of the flow of water past all dams and through all structures.

(ii) The Provinces to be responsible, through their respective lessees for:

(a) The operation of the power stations.

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"B"

ESTIMATED NAVIGATION COST TO CANADA OF ST.LAWRENCE RIVER SECTION OF THE ST.LAWRENCE WATERWAY.

(Provisional)

International Section

Thousand Island Section - - - - -	$1,100,000.	
Say one-half borne by Canada - - - - - - - - - -		$550,000.
Total for Navigation in International Rapids Section -	$36,543,000.	
Canal and Locks at Cryslers Island (on U.S. side)	$8,732,000.	
Canal and Locks at Long Sault (on U.S. side)	25,618,000.	
Total - - - - -	34,350,000.	
Total for Navigation in River - -	62,193,000.	
Say one-half borne by Canada - - - - - - - - - - - - -		$31,096,000.

Lake St.Francis Section

Total for Navigation, all borne by Canada -	980,000.

Soulanges Section

(Additional cost to add Navigation locks and works to the Beauharnois power canal), all borne by Canada - - - - - - - - - -	21,600,000.

Lachine Section

Total for Navigation alone, all borne by Canada - - - - - - - - - - - - - - - - - -	50,848,000.
Grand Total for Navigation to be borne by Canada - - - - - - - - - -	$105,074,000.

---------- 0 ----------

Estimates for:

International Section based upon Joint Board's estimates for Project No. 5 (Cryslers Island project).

Lake St.Francis Section based upon Joint Board's estimates.

Soulanges Section based upon Departmental Board's report upon Application of Beauharnois Light,Heat and Power Co.(Jan.30,1929).

Lachine Section based upon Joint Board's estimates for Project No. 11.

Note.- Estimates for International, Lake St.Francis and Lachine Sections include 12½ per cent for Engineering and Contingencies.
Purely navigation structures have been wholly credited to navigation, while structures common to navigation and power, have been proportionally divided.

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(O.D. SKELTON?) C 96773 (1930?)
Waterways - St. Lawrence

ST.LAWRENCE WATERWAY.

Draft of points for consideration.

I. The importance of the St.Lawrence project warrants the most careful consideration by all the Governments interested. A large measure of such consideration has already been given. The Canadian and United States Governments have co-operated in thorough investigation of the engineering and other considerations involved, by the International Joint Commission and the Joint Board of Engineers, and have discussed in published correspondence the possible bases of further action. Each Government has secured a report on the general feasibility of the plan from a National Advisory Committee. The Canadian Government and the Government of Quebec have taken action which will result in a partial development in the national section at Beauharnois, primarily for power but as part of an eventual navigation plan. The Federal Government and the Government of Ontario are now carrying on a further joint engineering inquiry as to the best method of development in the international rapids section.

II. The next step is preliminary discussion of the general problem between the Government of Canada and the Governments of Quebec and Ontario as chiefly interested in the power development as well as in other phases. The endeavour to secure from the courts a clear-cut finding as to the respective constitutional rights of the Dominion and the Provinces has failed. Each authority is still convinced of its rights.

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The commonsense requirement is to consider whether it would not be possible for the Dominion and the Provinces in friendly round table conferences to agree upon a possible course of action which without prejudice to their strict legal rights would safeguard the interests of all parties in any possible development.

III. The preliminary question to consider is the advisability of the St.Lawrence waterway project. The Canadian Government, after considering the reports of the Joint Engineering Board and the National Advisory Committee, is prepared to accept the view that the project is feasible from an engineering standpoint and under certain conditions advisable from a national and economic standpoint.

As to transportation, the project presents the possibility of developing to the fullest usefulness the greatest waterway asset of any country in the world, directing toward the St.Lawrence a great part of the traffic of the interior of a vast and wealthy continent, and ensuring the ports of Montreal and Sorel an outstanding position in North America. In spite of the development of the Vancouver and Hudson Bay outlets, the need for an improved eastern outlet continues. The railways would, in the best opinion, gain much more from development of secondary traffic than they would lose in primary heavy traffic.

The cost of constructing the waterway will be heavy, and is a reason making for delay. On the other hand it must be considered (1) that by undertaking the building of the Welland Canal, the Dominion is already committed to a great part of the expense of the development of the whole route, and a part which is in great part ineffective without further extension, and (2) that delay will lead

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the United States to turn to alternative transportation projects harmful to Canadian ports and prejudicial to any further St.Lawrence development - i.e., the all-American canal from Oswego to Albany, extensive new rail connections between the same areas, and the Mississippi project. The economic feasibility of the St.Lawrence plan, so far as Canada is concerned, would depend largely on the proportion of the cost which the United States would assume. (Its political feasibility may depend on the outcome of United States tariff legislation now pending).

As to <u>power</u>, there is no question of the value of the power available and of the eventual need of Canadian industry for all that can be developed. The chief point requiring consideration is whether it would be required and marketable in Canada when developed. So far as the power in the national or Quebec part of the river is concerned, it may be urged that there are other and possibly cheaper sources available elsewhere in Quebec; so far as Ontario is concerned, there is no doubt that the alternative sources will not long keep pace with the growing demands. In view of the facts (1), that the Canadian market is expanding with great rapidity, (2) that the construction of the St. Lawrence project would require say ten years to complete, and (3) that it would be possible to postpone full development of the Lachine area in Quebec and the Barnhart Island area in Ontario, if desired, and in view (4) of the relatively low estimated cost of the power, the advisability of the project from a power standpoint appears conclusive.

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IV. In considering the international aspects of the case, it is essential to bear in mind (1) that whatever interest New York State may have in the development, it is the United States federal government which will make the decision as regards that country and conduct the negotiations, and (2) that the interest of the United States federal authorities and particularly of President Hoover, is primarily in transportation rather than in power.

Any negotiations with the United States should aim to preserve certain definite Canadian interests:

(1) Complete Canadian control of the Canadian section of the river, without any United States intervention;

(2) Joint action in development of the international section;

(3) The assumption by the United States of the greater part of the cost of the new construction for transportation purposes, in the Upper Lakes and international section of the St.Lawrence, Canada counting the Welland costs as part of its share;

(4) No additional privileges to be accorded the United States in Canadian waters.

(5) Possibly - revision of the present project to ensure either (a) retention of present 14-foot canals in Canada with construction of new 25-foot canals on United States side, or (b) provision for eventual construction of duplicate 25-foot canals on Canadian side, or (c) transfer of Canals and locks in initial scheme to Canadian side, the latter plan meeting the political demand for an "all-Canadian waterway", but involving an additional expenditure of say $7,000,000, and not easy to induce the United States to adopt; 7,000,000. ~~$~~ add locks on both sides, say $35,000,000 extra.

(6) Satisfactory settlement of the Chicago Sanitary Canal diversion; possibly on basis of:

(a) Agreement to reduce diversion to 4167 c.s.f.;

(b) Compensation to Canada at Niagara or St.Lawrence for power lost through continuing diversion;

(c) Diversion into Great Lakes of Nipigon waters, counted as Canadian.

(d) Canada to have navigation rights in any Lakes to Mississippi waterway.

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V. As regards the federal-provincial aspects, the federal government might agree to recognize the interest of Ontario and Quebec in the development of the water power on an economical basis and in accordance with their respective governmental power policies. The Dominion could

(a) undertake the full Canadian share of the development of the project in Canadian and international waters, in conformity with the technical requirements of the provinces as to power, selling the power resulting to the Hydro Electric Power Commission in Ontario and to such agencies in Quebec as the Government of that province, in consultation with the Dominion, would agree upon:

or

(b) permit the Ontario Hydro-Electric Power Commission and any agency in Quebec agreed upon between the federal and Quebec Governments, to develop power on lines fitting into the scheme agreed upon between Canada and the United States as regards the international sections.

In either case, whether the project is developed (a) from a Dominion-navigation standpoint with provision for power for the provinces, or (b) from a provincial-power standpoint with provision for the navigation interests of the Dominion, the joint costs could be so divided as to give the provinces cheaper power and the Dominion cheaper transportation facilities than if each acted separately. For example, it might be agreed that the provinces would be assessed with the cost of works solely for power, and the Dominion with the cost of works solely for navigation, and that the cost of works jointly for navigation and power should be divided, equally, or, preferably, in accordance with the reasonable utility of each as worked out by a technical committee representing Dominion

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and provinces. The provinces would be responsible for the detailed design of the ~~provinces~~ power-heads, and the Dominion for the design of all navigation structures, etc., as well as for the final decision (in consultation with the provinces?) as to the plan of overall development to be adopted. The provinces would be responsible through their appropriate agencies for the operation of the power stations, and the Dominion for the operation of the navigation system and the control of water levels and the flow of water past all dams and through all structures.

VI. The present discussion is designed merely to consider in a tentative fashion what lines of action would be possible and what would not be possible, without committing any of the three governments concerned to endorsement of the St.Lawrence project or to any decision as to when, if approved, it should be begun.

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Anonymous
✓WATERWAYS - ST. LAWRENCE W-1003
Vol. 8
C 96779
(1930?)

ST.LAWRENCE WATERWAY.

Draft of points for consideration.

I. The importance of the St.Lawrence project warrants the most careful consideration by all the Governments interested. A large measure of such consideration has already been given. The Canadian and United States Governments have co-operated in thorough investigation of the engineering and other considerations involved by the International Joint Commission and the Joint Board of Engineers, and have discussed in published correspondence the possible bases of further action. Each Government has secured a report on the general feasibility of the plan from a National Advisory Committee. The Canadian Government and the Government of Quebec have taken action which will result in a partial development in the national section at Beauharnois, primarily for power but as part of an eventual navigation plan. The Federal Government and the Government of Ontario are now carrying on a further joint engineering inquiry as to the best method of development in the international rapids section.

II. The next step is preliminary discussion of the general problem between the Government of Canada and the Governments of Quebec and Ontario as chiefly interested in the power development as well as in other phases. The endeavour to secure from the courts a clear-cut finding as to the respective constitutional rights of the Dominion and the Provinces has failed. Each authority is still convinced of its rights.

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The commonsense requirement is to consider whether it would not be possible for the Dominion and the Provinces in friendly round table conferences to agree upon a possible course of action which without prejudice to their strict legal rights would safeguard the interests of all parties in any possible development.

III. The preliminary question to consider is the advisability of the St.Lawrence waterway project. The Canadian Government after considering the reports of the Joint Engineering Board and the National Advisory Committee is prepared to accept the view that the project is feasible from an engineering standpoint and under certain conditions advisable from a national and economic standpoint.

As to <u>transportation</u>, the project presents the possibility of developing to the fullest usefulness the greatest waterway asset of any country in the world, directing toward the St.Lawrence a great part of the traffic of the interior of a vast and wealthy continent, and ensuring the port of Montreal and other Eastern ports an outstanding position in North America. In spite of the development of the Vancouver and Hudson Bay outlets, the need for an improved eastern outlet continues. The railways would, in the best opinion, gain much more from development of secondary traffic than they would lose in primary heavy traffic.

The cost of constructing the waterway will be heavy, and is a reason making for delay. On the other hand it must be considered (1) that by undertaking the building of the Welland Canal, the Dominion is already committed to a great part of the expense of the development of the whole route, and a part which is in great part ineffective without further extension, and (2) that delay will lead

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the United States to turn to alternative transportation projects harmful to Canadian ports and prejudicial to any further St.Lawrence development - i.e., the all-American canal from Oswego to Albany, extensive new rail connections between the same areas, and the Mississippi project. The economic feasibility of the St.Lawrence plan, so far as Canada is concerned, would depend largely on the proportion of the cost which the United States would assume. (Its political feasibility may depend on the outcome of United States tariff legislation now pending).

As to power, there is no question of the value of the power available and of the eventual need of Canadian industry for all that can be developed. The chief point requiring consideration is whether it would be required and marketable in Canada when developed. So far as the power in the national or Quebec part of the river is concerned, it may be urged that there are other and possibly cheaper sources available elsewhere in Quebec; so far as Ontario is concerned, there is no doubt that the alternative sources will not long keep pace with the growing demands. In view of the facts that the Canadian market is expanding with great rapidity, that the construction of the St. Lawrence project would require say ten years to complete, and that it would be possible to postpone full development of the Lachine area in Quebec and the Barnhart Island area in Ontario, if desired, and in view of the relatively low estimated cost of the power, the advisability of the project from a power standpoint appears conclusive.

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IV. In considering the international aspects of the case, it is essential to bear in mind (1) that whatever interest New York State may have in the development, it is the United States federal government which will make the decision as regards that country and conduct the negotiations, and (2) that the interest of the United States federal authorities and particularly of President Hoover, is primarily in transportation rather than in power.

Any negotiations with the United States should aim to preserve certain definite Canadian interests:

(1) Complete Canadian control of the Canadian section of the river, without any United States intervention;

(2) Joint action in development of the international section;

(3) The assumption by the United States of the greater part of the cost of the new construction for transportation purposes, in the Upper Lakes and international section of the St.Lawrence, Canada counting the Welland costs as part of its share;

(4) No additional privileges to be accorded the United States in Canadian waters.

(5) Possibly - revision of the present project to ensure either (a) retention of present 14-foot canals in Canada with construction of new 25-foot canals on United States side, or (b) provision for eventual construction of duplicate 25-foot canals on Canadian side, or (c) transfer of Canals and locks in initial scheme to Canadian side, the latter plan meeting the political demand for an "all-Canadian waterway", but involving an additional expenditure of say $5,000,000, and not easy to induce the United States to adopt.

(6) Satisfactory settlement of the Chicago Sanitary Canal diversion; possibly on basis of:

(a) Agreement to reduce diversion to 4 c.s.f.;

(b) Compensation to Canada at Niagara or St.Lawrence for power lost through continuing diversion;

(c) Diversion into Great Lakes of Nipigon waters, counted as Canadian.

(d) Canada to have navigation rights in any Lakes to Mississippi waterway.

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Collateral - Waterways - St Lawrence
C 96785 Waterways

ST. LAWRENCE WATERWAYS CONTROVERSY

1.	Mr. King's Peterborough Speech	June 17, 1930
2.	Mr. Ferguson's Toronto Statement	June 18, 1930
3.	Mr. King's Brandon Statement	July 1, 1930
4.	Mr. Ferguson's Kitchener Speech	July 4, 1930
5.	Mr. Ferguson's Picton Speech	July 7, 1930
6.	Mr. King's Vancouver Statement	July 8, 1930
7.	Mr. Ferguson's Belleville Speech	July 9, 1930
8.	Mr. Ferguson's Morrisburg Speech	July 12, 1930
9.	Mr. King's North Bay Statement	July 18, 1930
10.	Mr. King's Tilbury Speech	July 24, 1930
11.	Mr. King's Stratford Speech	July 24, 1930
12.	Mr. Ferguson's Stratford Speech	July 25, 1930
13.	Mr. King's Cornwall Speech	July 25, 1930

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The Depression + election 1930

Collateral — Waterways - St Lawrence

C 86786

file misc.

In opening the present campaign on behalf of the Conservative Party at Winnipeg on June 9th, Mr. Bennett sought to introduce as one of the issues the subject of the St. Lawrence Waterway. This he did by asking why nothing had been done, and by replying to his own question in the words, "Why? because it was the business of the government to do it, and the government did not choose, they did not dare to do anything." Mr. Bennett later in his address added, "It stays, in the language of the Prime Minister, 'still under negotiation'"

In opening the campaign on behalf of the Liberal Party at Brantford on June 16th, I did not touch on the subject of the St. Lawrence Waterway, but promised to make a statement of the government's position at a subsequent meeting. This I did at Peterborough on the evening following. It was a statement which purposely avoided any controversial features. Neither directly nor indirectly did it seek to reflect on any political party or government. The whole trend of my remarks was along the line of indicating the magnitude of the problem - the vastness of the considerations, financial, constitutional, economic, national and international involved, and to show wherein the effort of the present administration at Ottawa had been to clear up all national difficulties and differences before carrying further the

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necessary international negotiations.

I pointed out that, as between the Dominion and the provinces, we were seeking to proceed with Ontario and Quebec as we had so successfully done in the case of the Maritime Provinces, the Prairie Provinces and British Columbia, and to reach, through conference, an understanding and agreement which would be acceptable to all governments concerned. I went so far as to say that, ~~in this particular~~, matters had progressed so favourably that we were perhaps now at "the meeting of the ways" with regard to this great St. Lawrence question; that the governments of the Dominion and the governments of the provinces were "at last coming together," and that as a consequence, it should be possible for the national governments to get together and make what might be necessary in the way of agreements and convenants to enable this great project to be pushed forward from this time on.

~~Just~~ Because of the importance and magnitude of the considerations involved, and the stage negotiations have reached, I have felt all along that it would be inadvisable to make the St. Lawrence Waterway project a subject of political controversy in the present general elections, and, therefore, in my opening key-note address at Brantford, refrained from dealing with it on that occasion. The question of the St. Lawrence Waterway was not the subject of any real

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discussion in the session of parliament just concluded, and has occasioned ~~of~~ very little in the way of discussion throughout the entire parliament. Until Mr. Bennett sought to introduce it into the realm of political controversy at the present general elections, by his remarks at Winnipeg, he had scarcely so much as referred to it in the course of the past four years. As a consequence of ~~by~~ Mr. Bennett's references at Winnipeg, and particularly because of ~~by~~ the misleading nature of them, I was obliged to make some reply. This I did at Peterborough, but in making reply I was careful to confine myself to a statement of the contentions of the provinces and Dominion respectively, and of the policy the government at Ottawa has, ~~and is~~ been prepared to adopt ~~by agreement~~ as a practical working basis with the provinces, without prejudice to the legal rights of the parties, ~~this being~~ The legal rights of the parties are a matter which the courts alone are able to determine. In order to state the position ~~exactly~~ accurately, I read the exact language used on different occasions in stating the policy of the federal government, a policy, I might add, which I outlined in parliament in the course of a debate on the St. Lawrence Waterway as long ago as ~~on~~ February 28, 1929. ~~This~~ The position as then set forth, has been generally known ever since as the one we were prepared to take in our negotiations with the provinces.

The statement made at Peterborough, and the course of procedure adopted, were for the sole purpose of making a reply

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to Mr. Bennett in a manner which would let the position of the federal government be publicly known, but at the same time avoid any disclosure of the negotiations or conferences between the federal government and the provinces of Ontario and Quebec. Mr. Ferguson, the Premier of Ontario, in his outburst of yesterday, has sought to have it appear that this action constitutes a violation on my part of an agreement not to make public the exchange of correspondence which took place in connection with the conferences between the Dominion and provincial governments.

It is rather significant that Premier Ferguson found it necessary to wait from June 17th to June 30th to take issue with what was said by me at Peterborough; also that he has ~~found it necessary,~~ thought it desirable in order to appear to be stating the position of the Ontario government, to ~~bring in~~ make public all the correspondence which has taken place between the governments as a result of the several conferences, and which he claims was confidential, rather than give to the country, as I did, in brief form a statement of the position of the Ontario government. The fact that Mr. Ferguson has gone to such pains to have the public believe that there is an issue between the provinces and the Dominion with respect to a constitutional phase of the St. Lawrence Waterways problem, only goes to confirm the impression which has been growing since my colleagues and I began our conferences with Mr.

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Ferguson, namely, that he has never really wished to reach an agreement with the Dominion, but has been seeking from the beginning to play party politics with this all important matter, and, in co-operation with Mr. Bennett, thereby to create, if possible, another issue in the present campaign. The "five cent" issue having failed to do all Mr. Ferguson expected of it, he now seeks to manufacture political capital by misconstruing and misrepresenting the position of the federal government with respect to the waterways situation, even at the risk of considerably endangering the ~~immediate~~ further development of the St. Lawrence Waterways project itself.

The public is not concerned with party politics in this great undertaking. What the public wishes to know is the respective attitudes of the provincial government and the federal government, and the differences, if any, there may be between them. I have given a clear statement of the position of the federal government, and am prepared to have the Liberal Party and its attitude judged by that statement. If Mr. Ferguson will be equally concise and direct with regard to the position of the Ontario government, he will assist materially in enabling the public to draw its own conclusions as to any causes there may be for delay. If he is unwilling to do this, and seeks to befog the whole issue in a cloud of words and to

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create imaginary controversies, the public itself will be quick to draw its own conclusions.

The utilization of the greatest waterway in the world to the fullest advantage of the people of Canada presents at once an opportunity and a problem of great magnitude. The Canadian Government has considered it essential to investigate the question with the utmost care. It joined with the United States in a comprehensive inquiry into the engineering aspects, including plans and costs. through the Joint Board of Engineers. It provided for the review of thefinancial and general issues thr through a national Advisory Committee. It next discussed with the United States the international aspects in a series of despatches which were universally recognized in Canada as fully safeguarding every Canadian interest. It sought to secure, as a preliminary to any further action, agreement with the provinces of Quebec and Ontario upon the phases in which they were concerned. It has shown neither undue haste nor undue delay, and has unquestionably succeeded in bringing into clear light for the decision of the people of Canada, the essential factors involved.

Not the least difficulty has been that occasioned by difference of opinion as to the rights of the Dominion and of the

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provinces in navigable waters. The Dominion Government, as trustee for the people of Canada, has ~~maintained~~ set forth what it is advised are the undoubted constitutional rights of the Dominion as to water powers created under works constructed for the improvement of navigation. The governments of Ontario and of Quebec have questioned those rights. In so doing they were doubtless exercising their own right and duty to safeguard any powers accorded to the provinces under the constitution. The Canadian Government accordingly sought to find a solution. It first provided for a reference to the courts. While such questions as were definitely answered were answered favorably to the Dominion contention, the Court found it difficult to decide on other questions because of their necessarily general character. The government next sought to find a solution by conference, in the hope that without prejudice to the legal rights of either party, a practical solution could be found which would be of advantage to all interests concerned. If that hope has not yet been fulfilled, it has been through no lack of good-will or endeavour on the part of the federal authorities.

In his comment on these negotiations, Mr. Ferguson has raised several points of no material bearing on the case, but to which I may briefly refer. He contends in his statement and in his correspondence that in the first conference between

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the Dominion and the provinces, our government offered to recognize the legal right of the provinces to the water power developed in navigable streams, and that we subsequently withdrew this offer.

Those of my colleagues who were present at the conference are all agreed that no such offer was made, and could not have been made. We were not dealing with legal rights. The whole purpose of the Conference was to endeavour to find a working solution in lieu of a legal determination. Mr. Ferguson knew as well as anyone that no Dominion government would have the power, even if it had the will, to renounce rights assigned to the Dominion under the constitution, and that any such offer on its part would be worthless in law. What we did propose was to seek to place the provinces in as good a position for all practical purposes as if their right to develop and utilize the water power in question had been determined.

Resolved ~~Determined~~ that no ground for possible misunderstanding should be permitted to exist, we arranged a further conference and on this occasion, on March 8th, submitted a written memorandum which after some revisions suggested during the Conference, we delivered by letter to the premier of each province, as setting forth the policy which our government was prepared to adopt, as a basis of agreement with the provinces, "without pre-

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judice to the legal rights of the parties".

Mr. Ferguson seeks further to divert attention from the real issue by an absurd interpretation of a phrase in the preamble to the memorandum in question. He declares that, in my speech at Peterboro, I omitted to recite this preamble, and that one phrase it contains, "subject to the observance of any necessary international requirements" has a sinister significance. As already stated, I was not at Peterborough reading from the correspondence, though in stating the Government's position I naturally made use of the ~~exact~~ precise language used to state the Government's position. There was of course no purpose in omitting the preamble, it was not in what I had before me, nor was it omitted with intention, I merely read the substantive proposal of our government, as it had been typed out at my request. One might have thought the phrase in question would go without saying. It in no way related to agreements in contemplation, but solely to treaties in existence. Indeed at one of the conferences, Mr. Ferguson himself, agreed that it was but a statement of obvious fact, namely that in any negotiation with the United States, both countries would necessarily be bound by the provisions of existing treaties. Does Mr. Ferguson imagine that we could come to a decision regarding the international section of the St. Lawrence without taking into account "the necessary international requirements", without reaching an agreement with the United States, and without taking into account any rights or

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obligations involved in existing international agreements? Re- ~~ferring~~ To this phrase, Mr. Ferguson's statement ~~says~~ gives a meaning which he knows very well was not and could not even have been intended. He says: "This clearly means that the federal government in its international negotiations wants to deal with the property of the provinces in any way it sees fit without reference to the provinces. For example, the actual power development could be placed anywhere in any section of the river either on the American or Canadian side, and the province which owns the power would be precluded from being consulted, or having any voice in the matter". This misrepresentation and the bluster which follows are a fair measure of Mr. Ferguson's partisan approach to this question. Has not the Canadian government made it meticulously clear, in its negotiations with the United States, that before proceeding further, it would seek to settle all provincial questions unsolved, settle the constitutional problems in which both provinces were interested and the engineering problems of the international rapids section in which Ontario was particularly interested?

Would any one reading Mr. Ferguson's outburst realize that so far from not being consulted as to the placing of any power development, he had in his possession a report pre-
pared by the Canadian members of the Joint Engineering Board

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(Mr. McLaughlan of the Department of Railways and Canals, Mr. Lefebvre of Quebec, and General Mitchell of Toronto) and by two engineers nominated by the Province of Ontario, Messrs. Gaby and Hogg of the Hydro-Electric Commission, on the best method of developing that very section? Some months ago, in view of the divergence between the Canadian and the United States section of the Joint Board, as to the best plan of development of the international rapids section, and recognizing the interest in this area of the Hydro-Electric Commission of Ontario, which had plans of its own for development, I asked the province of Ontario to nominate engineers to join our nominees in an endeavour to work out an agreed plan. This, after considerable delay on Mr. Ferguson's part in the naming of the Engineers for the Province of Ontario, was done, and a unanimous report has been presented. Yet Mr. Ferguson, with this report in his possession, thinks it consistent with his position as Premier of Ontario, and in the light of our straight-forward dealing ~~of the kind~~ to talk of sinister or ulterior motives on the part of the Dominion Government. I hope Mr. Ferguson will not regard as a violation of any confidence the immediate publication of this report, which under the circumstances I regard as imperative.

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I need not devote any further attention to Mr. Ferguson's diversions. The real question for the people of Canada to decide is whethe we have endeavoured to consult the provinces, and whether the settlement we have proposed is a fair one. The proposal we have submitted to Mr. Ferguson, including its preamble is as follows:

"With due recognition of the paramount rights of navigation and subject to the observance of any necessary international requirements, the Dominion government is prepared to adopt aspractical policy for water power development in navigable waters as follows:

(1) Where a province desires to undertake poweredevelopment in navigable waters, its rightsto do so shall be recognized, conditional on the provision of the necessary navigation requirements.

(2) Should the Dominion Government at any time undertake or authorize the construction of any canal or other work for the improvement of navigation, it would be prepared to make available to an approved provincial agency the surplus water power developed beyond that needed for the operation of the locks and purposes of navigation, on a basis equivalent to that which would govern if the provincial agency had itself undertaken the work as a power development scheme.

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(3) In either case, should the use of Dominion or provincial property be required or the riparian or other property rights of the Dominion or province be interfered with or affected, the acquisition of such property, or the authority to interfere with or affect such rights, could be made the subject of a special agreement in the particular circumstances of each case."

Could anything be simpler or fairer, and more genuinely designed to meet the province? There are two contingencies to consider, first that a province would desire to develop a power scheme in navigable waters and that the Dominion would find it necessary to safeguard the navigation requirements, and second, that the Dominion would take the initiative in developing a navigation shheme and would develop power as a consequence. In both case we have offered to meet the needs of the province. In both cases we have offered to allow the provinces to secure the power, rather than to utilize or distribute it ourselves. In the first case, we agree to recognize the right of the province to make the development, subject only to its providing the necessary navigation requirements. Even Mr. Ferguson recognizes the essential fairness of this proposal. In the second case, we offer to place the province in precisely as good a position, by making available to an approved provincial agency all surplus power on exactly the same basis as that which would have governed

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if the provincial agency had, as in the first case, undertaken the work as a power development scheme. Iffthe first offer is accepted as fair, the second, which is simply the same solution adapted to the case where the Dominion takes the initiative, is equally fair. Let any reasonable man review our conduct of the negotiations, let him compare the basis we have suggested with the vague and meaningless alternative which Mr. Ferguson has put forward under the second paragraph, and I am confident he will conclude that there never was a fairer, simpler or more honest attempt to solve a serious difficulty.

It will also, I think, be apparent that, even to serve party political ends, Mr. Ferguson has had to go pretty far afield to raise, as an additional issue in the present federal campaign, a question of provincial rights.

Far from asking the province of Ontario to "concede the right to permit the Dominion government to confiscate the property of a province and go into the power business", which, Mr. Ferguson seeks to have the people of his province believe was the objective of the Dominion government, it will be apparent to one who reflects for a moment on the negotiations and refers to my own statements in parliament that the whole purpose of these negotiations has been to make clear that the Dominion government had no desire to go into the power business, but was seeking to reach an agreement whereby, apart altogether from what the legal

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rights of the Dominion ~~might~~ may be, the power business ~~would~~ would be left to the provinces.

In conclusion, may I say that I invite all who are interested in the power or navigation developments on the St. Lawrence to review and compare the attitude and approach of Mr. Ferguson and myself on this great national project with all that it involves. Mr. Ferguson has set forth his attitude and approach in the lengthy statement which he has taken ten days to prepare, and which he has requested the editors of Canadian papers to publish in full. Mine were set forth at Peterborough when I spoke, without notes, in the presence of a vast audience. Fortunately, a verbatim stenographic report of what I said was made, though at the time of speaking I had no knowledge that such was ~~the~~ the case. In view of the fact that Mr. Ferguson alleges that what I said at Peterborough is the occasion of his re-entering the federal contest on the waterways issue, perhaps Canadian editors will not be averse to according my Peterborough speech a publicity equal to that to this portion of given the statement issued yesterday by Mr. Ferguson, and thereby enable the public to judge for itself in how far Mr. Ferguson's justification in the allegations he has made.

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(O.D. SKELTON ?) jc
Waterways - St. Lawrence
C 86801
(JAN. 1930 ?) jc

Stages in the St.Lawrence Waterway Project.

1. General public realization of the importance of the project -

(a) from the transportation point of view, the possibility of securing maximum utilization of the finest waterway in the world, directing towards the St.Lawrence a great part of the water-borne traffic of the interior of a vast and wealthy continent, and attracting to the ports of Montreal and Quebec from both directions an increased traffic which will assure the St.Lawrence a predominant position in North American maritime commerce.

(b) from a power standpoint, the utilization of the greatest hydraulic power resource in the world at a moderate cost of development.

2. 1920-22. Enquiry of International Joint Commission.

Acting on a reference from the Governments of Canada and the United States, the Commission issued a comprehensive report expressing general approval of the project for the completion of a deep waterway from Lake Ontario to Montreal, but recommending that before final decision be taken, a further investigation of the engineering featuresshould be made.

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3. 1924-1927. Investigation and Report of the Joint Engineering Board representing Canada and the United States.

The Board reported that construction of the deep waterway was practicable from an engineering standpoint, and set forth schemes of construction with detailed estimates of the costs. The Report of the Board was unanimous except for a difference of opinion between the Canadian and United States sections as to whether a single stage or two stage scheme of development was preferable in the International Rapids Section.

4. 1928. The Canadian National Advisory Committee appointed in 1924 to consider the economic and general aspects of the project, examined the findings of the Joint Board of Engineers and indicated their belief that the project was feasible and that the question of its advisability depended upon the successful solution of a number of financial and economic difficulties and upon further consideration of certain of the engineering features upon which the two sections of the Engineering Board were not agreed. The Committee suggested possible bases of division of costs between the two countries concerned.

5. 1927-1928. Diplomatic correspondence between the Governments of Canada and the United States, in which the Canadian Government

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C 96803

brings the conclusions of the National Advisory Committee to the attention of the Government of the United States and refers to the necessity of securing a settlement of the constitutional difficulties as to the relative rights of the federal and provincial authorities in Canada, and of further consideration of the engineering features of the International Rapids Section. The general transportation situation was reviewed, and the necessity of retaining within the Dominion the whole Canadian share of the power developed was made clear.

also approval of parliament

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6. Efforts to solve the question of the respective constitutional rights of the Dominion and the Provinces as to water powers.

It was first endeavoured to secure a solution by decision of the courts. In 1928 nine questions bearing on this question were submitted to the Supreme Court, and a decision was rendered in the same year. On account of the broad character of the questions, the Court found itself unable to give a decisive finding on a number of points, though any questions definitely answered were answered in favour of the Dominion.

It was next endeavoured to secure a solution by conference and agreement between the Dominion and the two Provinces of Ontario and Quebec, which were primarily concerned. The Dominion Government indicated that it was recognized that neither ~~of~~ the federal nor the Provincial authorities could abandon any rights or powers ~~to~~ claimed ~~exercised~~ under the Constitution, but expressed the belief that it would be possible to work out a practical scheme of development, which would secure in practice the essential objects of the policies of the federal and provincial Governments respectively. Two conferences

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were held, and while definite progress was made, definite agreement has not yet been reached.

7. Solution of the engineering difficulties in the International Rapids Section.

On the invitation of the Canadian Government two engineers representing the Provinces of Ontario were appointed to confer with the Canadian section of the Joint Board of Engineers as to the best method of development in this area. The engineers have presented a unanimous report, which recommends the improvement of the International Rapids Section by means of the Crysler Island two-stage project. This project is recommended because enabling more effective control of ~~flooding~~ the flow of the river, involving less flooding of land and building of embankments, and permitting the commencement of work at the upper stage before beginning the lower. Recommendations also include a number of proposals put forward after consultation with local interests to ensure protection of the communities on the Canadian side of the St. Lawrence in any development undertaken.

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C 96806 M-2341

Memorandum for the Prime Minister: January 7th, 1930.

Mr.Lapointe states that he sees no objection to February 20th as the opening date - in fact it might have some advantages.

As to the conference with Mr.Taschereau and Mr. Ferguson, he thinks January 24th would be as good a date as any. He added that he had not discussed with you the question of the policy that was to be adopted at this discussion, and that in recent conversations, friends of his in Quebec had emphasized the desirability of going slow in the matter.

Mr.Lapointe has an attack of laryngitis. The doctor said that he would require to stay in bed at least three days. He said he hoped to be able to take part in a Council meeting on Friday if one is being held then.

O.S.

Wm SbL 1930

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C 96807 W-1003 Vol. 5 (B)

Waterways - St. Lawrence

Memorandum for the Prime Minister: 20th January, 1930.

Attached is an informal letter of acknowledgment to Mr. Taschereau, and also a draft of a confidential letter. I have found some difficulty in preparing this draft, not knowing what policy the Government wishes to take in the matter. It is perhaps desirable to send something a good deal briefer. I am sending the draft on, however, as a very rough basis of discussion in case you are having a meeting of Council this afternoon. If you are not, there will be an opportunity of discussing it further tonight.

Some answer should go to Mr. Taschereau as early as possible tomorrow in order to reach him before he leaves Quebec.

O. D. SKELTON

W Sch 1930

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W.L.M.K. Waterways - St. Lawrence ✓
Jc. International Joint Commission ✓
Mr. King & the Leadership of the Liberal Party ✓
Dept. of External Affairs ✓
Can. Legations ✓
Canals - Chicago Drainage ✓
Niagara Falls ✓

C 96808

Sgt. St. Lawrence

January 23, 1930.

Interview with Mr. B. Reath Riggs,
Chargé d'Affaires, United States Legation
Ottawa

Mr. Riggs, the Chargé d'Affaires, United States Legation, told me last night that he had had a message direct from the President which he had been asked to give to me orally, and would like to have an appointment at my earliest convenience. I arranged for him to call at Laurier House this morning, which he did at 11.30.

He said that the President had understood from what I had said to Mr. Phillips, that I wished to have the International Joint Commission as the body to deal with the Waterways question. The President thought that, as the matters were primarily financial and technical, this body would not be the best one for the purpose. There was the further reason, which he would give me in the utmost confidence, that the personnel of the United States side of the

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W.L.M.K. Waterways - St. Lawrence ✓
fyc. International Joint Commission ✓
Mr. King & the leadership of the Liberal Party ✓
Dept. of External Affairs ✓
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Canals - Chicago Drainage ✓
Niagara Falls ✓

fyc St. Lawrence

C 86808

January 23, 1930.

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C 96809

Commission was weak, and he thought it would be better to have a Commission of men specially chosen for the purpose. The President did not like the Joint Commission. The first reason was that the International Joint Commission had already a number of matters with which they were dealing, and which would occupy all of their time. The cases before them were about all they could handle. Mr. Riggs enumerated the several references.

I said to Mr. Riggs that he might not be familiar with what I had said to Mr. Phillips as to my reason for thinking of the International Joint Commission. I believed in the St. Lawrence Waterway development, and was anxious to see it furthered. There was, however, at the present time, a strong feeling against the United States arising out of the tariff discussion; that feeling would be accentuated by discussion over the clearances, and, if a Joint Commission were appointed especially to deal with the Waterways development, there would be a note of finality about an action of the kind which would bring the whole question into party politics in a general election which must come next year, and might come during the course of the present year; that any discussion in

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a general election might be harmful alike to the Government and to the project; that I believed more would be accomplished by attempting nothing of a final nature until after a general election. In the meantime, it would be well to keep matters moving in the right direction, but without concluding a definite arrangement. That the International Joint Commission seemed to me a body which would have just the opposite effect of arousing friendly concern. It would serve to lessen concern over the project in the minds of the Canadian people. Mr. McGrath, the Chairman, had the confidence of Premier Ferguson as well as myself. He was familiar with the whole development and had indeed reported in favour of it as a member of the Commission which looked into the question at the outset. That Sir William Hearst was a Conservative, and had been a Premier of Ontario, which left only Mr. Kyte as the one Liberal on the Commission. This would make it impossible for the Conservative party to say that I had turned over the future of the project to the United States. I would be in a position to say that, while the Conservatives might not trust me, that they would trust a former Conservative Prime Minister and Conservative Member of Parliament to see that the Liberal Party did not betray any national trust.

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Mr. Riggs then said that he had been authorized to say further, that if I still felt that the International Joint Commission would be the better body, the President would agree to that body; but would wish to have associated with it in its study of the question, the Ministers of the two legations. I said this was a matter which I thought should be carefully considered, and care ought to be taken to see that the position of the Ministers as diplomatic representatives was not prejudiced in any way by their becoming what, in the public mind, might appear to be representatives of their countries for bargaining purposes; that it was very useful to have them as interpreters of opinion in the old way to their own country, rather than advocates of the views of their own country in dealing with the other; however, that there were ways in which the Ministers might be associated, though this would have to be carefully considered.

I added that I was not sure that any Commission would be needed at this stage. That there were two or three matters that I thought should be cleared up, namely, the Niagara Treaty which had passed the Canadian Parliament but had not yet passed the United States Congress, the Chicago deflection, which seemed to be at the moment in a position most favourable to some final understanding being reached with respect to what was to be finally permitted there.

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and that, with these questions out of the way, the path would be clearer for more in the way of finality on the St. Lawrence Waterways development. I also said that I thought that the engineers of the United States section of the Joint Engineering Board would have to meet with our engineers; that we had been successful in bringing about an agreement between the engineers of the Province and Engineers of the Dominion on what was best from the Canadian point of view, and that the next step would undoubtedly be to get an agreement with the United States engineers.

Mr. Riggs said this suggested the third point which he had been told to mention, namely, that the personnel of the American engineers was being changed. He mentioned three names, one of which was Pilsbury, the others I do not recall, who had been named of the United States engineers, and that these gentlemen would be prepared to meet engineers of the Canadian section at any time. I said this looked to me as though the desire of the President had been not to have the situation embarrassed through continuing in a position some who might be definitely committed in an attitude which might be difficult to change. Mr. Riggs asked if there would be any report of the Conference,

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and I said that it was being called simply to serve as a guide to our administration in making further reply to the United States; that we would require a little time after the Conference to formulate what we would have to say; that I doubted if anything would be given to the press but a brief statement which would be agreed upon by the parties to the Conference.

In the course of his remarks, Mr. Riggs said that there was nothing in which the President had quite the same interest as the St. Lawrence development; that every telegram and paper relating to it bore his own initials. This was remarkable, seeing that in other matters the action of the State Department was of itself regarded as sufficient.

While I was conversing, Mr. Massey arrived by appointment, and I outlined to him what I have here recorded. Mr. Massey told me that it was practically what had been given to him by Mr. Cotton, Assistant Secretary of State, to communicate to Ottawa. Mr. Massey mentioned that he had stated my interest in the Commission arose in part from my belief in that body as an important one and one to which every prestige should be given. I mentioned to Mr. Massey that, while this

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was, as he had said, one of the reasons, the main reason of my suggesting the International Joint Commission rather than establish a new Commission, was that of avoiding a step which might occasion concern, and taking one which I believed would allay concern.

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C 96815 W-1003 Vol. 7 A

PRIME MINISTER'S OFFICE

MEMORANDUM

Re: Taschereau-Ferguson Conference

FOR THE PRIME MINISTER: J Waterways - St. Lawrence

Would you please indicate the time of this conference, and whether or not it is to be reported. Mr. Yates intimated that a stenographic report might be usefull.

Should any of the Ministers be notified?

HARRY BALDWIN
Secretary.

Ottawa,
January 25, 1930

C 96816 W-1003 Vol. 7 A

PRIME MINISTER'S OFFICE

MEMORANDUM J Waterways - St. Lawrence

Ottawa,
January 23, 1930

The Honourable Ernest Lapointe, K.C., M.P.,
Minister of Justice.

The Prime Minister asked me to let you have this morning the attached copy of a memorandum re the Waterways Conference. The memorandum is for Cabinet consideration only in its present form, and will need revision before it can be used as an open document.

H. R. L. Henry
Secretary to
President of the Privy Council.

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C 96817 W-1003
Vol. 5A

PRIME MINISTER'S OFFICE

MEMORANDUM

√ Waterways - St. Lawrence

Thursday
Jan. 23
1930

MR. KING:

I attach the memorandum re Waterways Conference. Pages 4, 5, 6, 7, 10, 11, 13 and 14, which were rewritten and left by Mr. Yates yesterday, have been incorporated in the memorandum.

The replaced pages, numbered as above, are also sent herewith.

Mr. Yates mentioned that this memorandum is for Cabinet consideration only in its present form and would need to be revised if being used as an open document.

As requested by you, I am giving Mr. Lapointe a copy.

H.R.L.H.
H.R.L. HENRY

C 96818 W-1003
Vol. 7A

PRIME MINISTER'S OFFICE

Second
MEMORANDUM

√ Waterways - St. Lawrence

FOR THE PRIME MINISTER:

Mr. Yates suggested that it might be advisable to have a stenographic report of the conference today.

Will you please advise me?

HARRY BALDWIN
Secretary.

Ottawa,
January 24, 1930

G.W. YATES

Waterways - St. Lawrence ✓

C 96819

JANUARY 24, 1930

Yates

WATERWAYS CONFERENCE

January 24,1930.

Draft Outline of Points for Consideration.

I. Importance of Problem.

The St.Lawrence system is one of Canada's greatest assets, and its effective and economical development for navigation and power purposes is one of our most important tasks; the Dominion Government as representative of the interests of the whole people of Canada,desires to co-ordinate its policy as far as possible with that of the provinces having a special interest in certain phases of this development. The present Conference is being held for the purpose of considering the St.Lawrence Waterway question from this angle, and such other developments as may have a bearing upon it.

II. Steps taken in its Investigation.

Inquiries into the most advisable form of the development of the St.Lawrence have extended continuously over the past ten years:

(a) Canadian and United States Governments co-operated in inquiries of (International Joint Commission, (Joint Board of Engineers, followed by diplomatic correspondence.

(b) Each government secured report on feasibility from a National Advisory Committee.

(c) Dominion Government and Government of Province of Quebec took action in partial development of national section (Beauharnois).

(d) Dominion Government and Government of Province of Ontario joined in securing revision of engineering plans for International Rapids section.

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C 96820

III. Project now under Consideration.

The St.Lawrence project now under consideration is that proposed by the Joint Board of Engineers, but (a) modified, as regards the International Rapids Section, by the recommendations of the Joint Board of Engineers, in conference with two engineers representing the Province of Ontario.

Their report recommends the improvement of the International Rapids section by means of the Crysler Island two-stage project. The two-stage project is recommended because enabling more effective control of flow, involving less flooding of land and building of embankments, and permitting commencement of work at the upper stage before beginning the lower. The project is similar to one described in the Report of the Joint Board of Engineers, and accepted as practical by the United States Section. The present recommendation introduces several variations to meet considerations put forward by Canadian interests, as follows:

(a) It is proposed to rehabilitate Morrisburg by raising the low part of the town, instead of protecting it by dykes and drainage works.

(b) The relocation and reconstruction of the village of Iroquois is provided for instead of dyking the part affected, as formerly proposed.

(c) In order to preserve an area of land between Morrisburg and Crysler Island, previously proposed to be flooded, dyking is now provided.

(d) The power houses at Barnhart Island are so located as not to necessitate changing the International Boundary, the power house of each country being located on its own side of the present boundary line.

(Query: When should steps be taken to secure the concurrence of the United States in the proposed modifications referred to above?)

(b) modified as regards the Soulange section, by the Beauharnois development, authorized and now under way. This of course constitutes a departure from the recommended scheme of the Joint Board of Engineers, held to be justified by the advantage secured in the cheapening of the costs of the navigation works.

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C 96821

IV. Feasibility of Project.

The desirability of proceeding with ~~this~~ the St. Lawrence project depends upon a number of factors, including:-

the conclusion as to the engineering and financial feasibility;

the possibility of satisfactory arrangements with the United States;

the possibility of satisfactory arrangements with the Provinces of Ontario and Quebec.

The decision upon this question is one for the Dominion Government to take; the governments of the provinces of Ontario and Quebec cannot be expected, and are not entitled, to make or share that decision, but their views on certain phases of the question may be an essential element in the considerations influencing the Dominion Government's policy.

In considering the feasibility of the project, it is necessary to have regard to both the navigation and the power aspects. They are linked together in the engineering plans, particularly in the international section; the financial feasibility of the navigation project depends in part on whether the power developed can be marketed satisfactorily, and the fact that the United States Government, whose co-operation is essential for any action in the international section, takes the stand that navigation is the primary interest, makes it out of the question to consider power development alone in that area.

From the transportation point of view, the deep-waterway project presents great possibilities of advantage to Canada, ensuring a maximum utilization of the finest waterway in the world, directing towards the St. Lawrence a great part of the water-borne traffic of the interior of a vast and wealthy continent, and attracting to the ports of Montreal and Quebec, from both directions, an increased traffic which will assure the St. Lawrence of a predominant position in North American maritime commerce.

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C 96822

IV. Feasibility of Project (continued)

Navigation:

The advisability of undertaking the project, particularly at an early date, would depend upon satisfactory settlement of the question of the cost, as well as political and other considerations involved in the control of the international section.

The cost of the works contemplated in the present project, which are purely for navigation and which still remain to be undertaken, is computed by the Joint Board of Engineers in round figures as 115,000,000. This is a heavy expenditure, but in considering its reasonableness and its proportion to the benefits resulting to navigation it is necessary to bear in mind -

(a) that by building the Welland Ship Canal, the Dominion has already incurred and paid out of revenue an expenditure of $115,000,000, which amount is about the same as that required to provide the remaining navigation works on both the Canadian and United States side.

(b) that without the completion of the deep waterway to Montreal, the full advantage of the money expended on the Welland Ship Canal cannot be obtained.

The United States is prepared to contribute a very substantial share of the further cost of the international section and to complete the Upper Lakes section in its own territory.

Power:

From the power standpoint the St.Lawrence presents the greatest hydraulic power resource in the world. Its development is entirely possible from an engineering standpoint as already reported by two separate engineering commissions. The cost of development is moderate, and the chief problem is as to the possibility of

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IV.(continued)

marketing economically the power produced, particularly in view of the adoption of the policy of prohibiting the export of power. While this problem is not a simple one, it has to be considered -

(a) that the demand for power in Ontario alone is increasing by at least 100,000 horse power every year.

(b) the power from the St.Lawrence would not be available on account of the magnitude of the project until say five years in the case of the upper works at Crysler Island, and eight years in the case of the Barnhart Island development,after the actual commencement of work.

(c) as noted below, the chief alternative powers located on the Ottawa River, if developed meanwhile, will in all probability be completely absorbed before any power would be available from the international section of the St.Lawrence.

(d) the works common to navigation and power in the Lachine section are relatively of minor importance. The actual development of power in this area could be postponed until a considerable time after the navigation works were constructed. The actual installation of power houses and utilization of power on the Canadian side at Barnhart Island might be postponed if necessary.

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V.Division of Costs.

(a) The United States is evidently prepared to bear a reasonable proportion of the cost and is probably willing to make allowance for the expenditure already incurred by Canada on the Welland Ship Canal.
The division of costs is a matter for negotiation,but it may be taken for granted that the United States would be prepared to meet a proportion varying from half the remaining cost as a minimum to practifally the whole cost of the international section if desired, as well as completing at its own expense the work of deepening the inter-connecting lake channels above. Canada in addition would require to provide the navigation works in the Quebec section,particularly in the Lachine.

(b) Control.

It is assumed that each country would build and control the works lying wholly within its own territory. The Joint Board of Engineers has recommended, as a standard of construction, the dimensions of the navigation works presently obtaining on the Welland Ship Canal, and it is of importance that uniform dimensions be adopted. throughout the entire St.Lawrence development.

In the national section it is essential that control be wholly Canadian. In the international section co-operation will be necessary in the design and location of works both for navigation and power, and in the construction of the same. As already indicated, works lying solely within one or other country would not be subject to joint control or supervision though the right of inspection of the works in the other country should be secured to each. In the event of the United States providing more than one-half the cost of the works in the international rapids section,there would require to be proper provision for

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equality of consideration for Canadian labour, Canadian materials and Canadian supplies.

On completion of the international section, joint control of flow would have to be arranged in the interests not only of Ontario and New York State, but in the interests also of the lower river and Montreal harbour levels. In that connection consideration would require to be given to the question of adequate representation of Ontario and Quebec on any control board.

(c) Location of works.

The canal works necessary at the Crysler Island site can be located on either the United States or Canadian side of the river at about the same cost, and the plan agreed upon by the Dominion and Ontario engineers show the navigation works at Crysler Island on the Canadian side. At Barnhart Island it is considered that the works should be located on the United States side of the river. Recent rock borings have indicated that the additional cost to place the works on the Canadian side would amount to eight million dollars instead of about half of that sum, as previously reported. In addition, it would prevent the retention of the present 14 foot waterway through the town of Cornwall, greatly disturb the industrial and business section of the town, and prevent the use of the present 14 foot locks for ship repair purposes in winter, to the prejudice of the employment situation. The town itself, in the lower section, could be served by the newer and deeper waterway.

(d) Other international waterway questions.

It may be desirable to consider whether the other issues, e.g., Niagara, already covered by a treaty which has been approved by Canada but not yet by the United States, and particularly the Chicago diversion, should be settled at the same time or previously.

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C 96826

VI. Arrangement with Provinces.

In approaching this question, it is assumed that the Dominion maintains its contention as to its constitutional rights as regards power developed in the St.Lawrence. As noted in the summary prepared by the Department of Justice (see Appendix I), the Dominion has undoubtedly (1) exclusive legislative authority to authorize the construction of works in navigable waters for the improvement of navigation, and the incidental development of hydraulic power, and to control the works and power so created under the clauses dealing with treaty rights, public debt and property, trade and commerce, navigation and shipping, inter-provincial works and works declared to be for the general advantage of Canada.

(2) The Dominion has proprietary interest in or beneficial ownership of the water power created under works constructed by the Dominion under Parliamentary authority for the improvement of navigation for the reasons stated in detail in Part II of ~~the~~ Appendix I: ~~that~~ (3) the decision whether navigable waters in any particular locality require to be regulated and if so, how, is a matter wholly within the Dominion authority, and (4) ~~that~~ the Dominion, by reason of its property rights as riparian owner, has proprietary interest in the power made available by works in connection therewith.

While the findings of the Supreme Court were not decisive, any questions definitely answered were answered in favour of the Dominion, and no conclusive bar to its contentions was indicated in any part of the findings.

The rights of the people of Canada, acting through their representatives, the federal parliament and government, in this ~~and similar questions~~ matter are long established and cannot be abandoned. The federal government has no power whatever even if it had the wish, to abandon its constitutional rights. It must act as trustee for the people of all Canada, including

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the people of Ontario and Quebec, as regards all rights which the Constitution assigns to the federal authorities. The provincial governments are in a corresponding position.

In view of this situation, two courses are possible:

(a) To seek further court decisions, either on general questions or on specific questions based on a definite project.

(b) To seek by round-table discussion a policy which will not prejudice any rights claimed by either party, and secure in practice the essential objects of the policies of the Dominion, Ontario and Quebec Governments respectively.

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If it is desired to follow the latter course, it will not be easy to work out an agreed policy which will meet all requirements. As a contribution to a settlement the Dominion might state:

(a) That any agreement reached must be without prejudice to its constitutional rights as they may be later determined.

(b) That navigation interests are paramount, and any works constructed must conform to Dominion navigation requirements.

(c) That the Dominion does not propose to undertake itself to go into the business of the distribution of power.

(d) That it would be prepared to agree that the power to be developed should be made available to an agency satisfactory to each province,

(i) In the case of the International Rapids section, to the Hydro-Electric Power Commission of Ontario;

(ii) In the case of the national section, to an agency agreed on between the Dominion and the Province of Quebec.

The two chief difficulties are:

(1) The question of initiating the works.

(2) The division of the costs.

(1) Initiation.

In the national section the Province of Quebec and the power interests have initiated the works in the Beauharnois development. The initial grant of power came from the Province, and the construction is being undertaken by the power interests, the Dominion merely controlling the work in such a way as to safeguard its navigation rights.

It is difficult to see how a similar policy could be followed in the case of the International Rapids section. If the Ontario Government initiates and constructs the power works, it will not be possible for the Canadian Government to recoup itself for its expenditures on the Welland and elsewhere. The

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only way in which the Dominion can escape an undue share of the total navigation costs is by arranging to have certain works in the international section constructed by, or through money advanced by, the United States, which the Dominion can then transfer to the Province of Ontario on a capital or rental basis, utilizing the amount thus received to offset its heavy expenditures in the Welland and Lachine areas. In other words, the initiative in the construction cannot in this case rest with the Province.

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VII. (2) Division of Costs.

Several bases for division of costs between power and navigation have been suggested. In all cases it is assumed that works solely for power would be borne by the power interests and works solely for navigation be borne by the navigation interests. Works common to power and navigation might be divided (1) on a fifty-fifty basis or (2) in proportion to the respective power and navigation outlays or (3) in proportion to the benefits found on engineering investigation to be derived from the common works by each particular interest. It has however been suggested that the simplest method would be to require power to assume all the common works. In favour of this course it may be urged -

(a) that it puts Ontario and Quebec on the same basis since it is practically the basis that has been adopted in the Beauharnois development.

(b) that Ontario cannot complain as that Province has asked to be allowed to ~~construct~~ proceed with the development of power works without waiting for navigation, which would mean that it would have to construct at its own cost all the work common to both navigation and power.

On the other hand this basis may be criticized as being too onerous to the power users, which is open to argument, or ~~xxxxxxxxx~~ too onerous on the provinces, which is not as good an argument. If, as the Dominion contends, it has certain rights in the power development, it may be urged that in requiring the power interests to contribute certain common works for navigation purposes, it is merely securing a return for its rights, and it is perhaps immaterial whether the rights of the Dominion are recognized by the contribution by power of the common works, or by a process of power rentals.

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Ottawa River Developments.

Both provinces will undoubtedly bring up the question of development on the Ottawa River, ~~the~~ ~~in~~ in fact, it is intimated that Mr.Taschereau is primarily concerned with the Ottawa and, in his own words, intends to talk Carillon only. The provinces may urge that power can be obtained from this source more quickly and more cheaply than from the St.Lawrence and that, from the standpoint of the national interest, it is better to develop powers wholly in Canada and compel United States power users to locate in Canada if they wish to secure the advantages of Canadian power.

It may also be that the provinces consider that their rights on the Ottawa are stronger than their rights on the St.Lawrence and that it would be good tactics to begin at this point. As to priority of development, if there is any conflict between Dominion and Provincial interests, the Dominion in view of the large expenditure it has already made on the St.Lawrence and in view of the international considerations involved, surely has the right to insist on priority for St.Lawrence development.

It may be that within reasonable limits there is no conflict. In other words, ~~that~~ the Dominion might find it possible to agree to the immediate development of some of the powers on the Ottawa, say the Carillon, provided the works are completed and the power marketed before the first power from the St.Lawrence (Crysler Island development) would come upon the market. The Chats Falls development is already under way with the approval of the federal government. It is noted that the Dominion has rights in the Carillon development through navigation works and riparian ownership in a greater measure than in the Chats Falls development.

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An estimate from the water powers branch indicates, (see Appendix 2) undeveloped power on the Ottawa amounting to 430,000 horse power(24 hour power at 80% efficiency). The appendix further indicates the sources from which the Hydro-Electric Power Commission of Ontario expects to secure power to fill in the gap between the present day and the fall of 1935, the earliest possible date for Crysler Island power,(namely , from the Beauharnois, Chats Falls,Carillon Falls and the Lievre River in Quebec).

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an accepted development project such as exists in the case of the St.Lawrence. Unless the 1908 Georgian Bay Canal report is considered still applicable, the first step might be the appointment of Dominion engineers, with Ontario and Quebec representation, to report on the development of the Ottawa, say from Ottawa to Montreal, for navigation and power.

An estimate from the Water Powers Branch indicates (see Appendix 2) undeveloped power on the Ottawa, (exclusive of tributaries) amounting to 861,520 horse power (24 hour power at 80% efficiency). The appendix further indicates the sources from which it is understood the Hydro-Electric Power Commission of Ontario hopes to secure power to fill in the gap between the present day and the fall of 1935, (the earliest possible date for Crysler Island power), namely, 250,000 horse power from the Beauharnois, 100,000 from Chats Falls, 125,000 from Carillon Falls and 125,000 from the Lievre River in Quebec.

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APPENDIX I.

Dominion Rights as to Water-power.

I. That, as to legislative jurisdiction, the Dominion possesses exclusive legislative authority to authorize the construction, operation and maintenance of works in navigable waters for the improvement of navigation and the incidental development of hydraulic power and to exercise exclusive control over the works so erected and the water power created or made available by them, by virtue of the following powers vested in the Dominion by the British North America Act, 1867, viz:

(i) As to works to be constructed in boundary waters in execution of obligations arising under a treaty, the exclusive power conferred upon the Dominion Parliament and Government by sec. 132 to perform the obligations of Canada or of any province thereof arising under a treaty entered into between His Britannic Majesty and a foreign country.

(ii) "The Public Debt and Property" (s. 91, head 1).

(iii)"Navigation and Shipping" (s. 91, head 10).

(iv),"Lines of Steam or other Ships, Railways, Canals, Telegraphs, and other Works and Undertakings connecting the Province with any other or others of the Provinces, or extending beyond the limits of the Province" (s. 91, head (29) and s. 92, head 10 (a).

(v) "Such works as, although wholly situate within the Province are before or after their execution declared by the Parliament of Camada to be for the general advantage of Canada or for the advantage of two or more of the Provinces." (s. 91, head (29) and s. 92 (10) (c)).

II. That, as to the proprietary interest in or beneficial ownership of the water power created or made available by such works constructed bt the Dominion under parliamentary

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authority for the improvement of navigation, the same is vested, not in the Crown in the right of the Province, but in the Crown in the right of the Dominion for the following reasons:

1. The Province whether as owner of the bed of navigable waters or as riparian owner (where it is such) neither has by the general law, nor can have by virtue of legislative enactment, any exclusive property in the water itself as against the Dominion in the exercise of its powers as the supreme conservancy authority in respect of navigation, and loses no proprietary interest in the flow of the water which is not absolutely subordinate to the public right of navigation and to the paramount right of the Dominion to make such use of the water and of the bed for the improvement of navigation as the necessities or interests of navigation and commerce may in its judgment require.

2. The works for the improvement of navigation are national undertakings constructed, operated and maintained at the expense of the whole nation, and the Dominion has the right to develop any water power which has been or can be incidentally created or made available by such works for all purposes of operation thereof, and also has the right, as a legitimate means of helping to meet and recoup such expense, to dispose of, for compensation, any surplus power that may be so created or made available by such improvements of navigation and as an incident of their main purpose.

III. The determination of whether navigable waters in any particular locality require to be regulated, conserved or improved at all, or in a particular mode or to a particular extent, are matters inherently and essentially embraced within the exclusive and paramount

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legislative authority of the Dominion Parliament, and, therefore, entirely within the legislative discretion and judgment of the Dominion Parliament and upon which its decision in the nature of the case must be conclusive and not open to judicial review.

IV. It is necessary for the Dominion to retain the disposition of the water in its own hands in order to preserve at all times a sufficient supply for the purposes of navigation. Works so established and the flow of water controlled by them are undoubtedly subject to the exclusive jurisdiction of the Dominion. At what points in the works the water for power may be withdrawn and the quantity which can be treated as surplus with due regard to navigation, must be determined by the authority which controls the navigation. In such matters there can be no divided empire, and as there is no need of letting any surplus not required from time to time for navigation purposes run to waste, there is nothing objectionable in its being disposed of by the Dominion for compensation.

V. The Dominion has, by reason of its property rights as a riparian owner in respect of such works for the improvement of navigation and the lands acquired therefor, by virtue of its ownership of "Canals with lands and water power connected therewith" transferred to the Dominion by sec. 108 of the British North America Act, 1867, and the First item of the Third Schedule thereto, and of lands since acquired either by purchase or expropriation, the absolute proprietary interest in and beneficial ownership of water power which has been or can be created or made available by such works; and no provincial legislation can be effective to curtail or otherwise prejudicially affect such riparian rights of the Dominion.

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Appendix U.

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POWER SITUATION IN OTTAWA RIVER BASIN.

Ottawa, January 21, 1930.

RIVER	HEAD: FEET:	UNDEVELOPED POWER 24 HR. @ 80% EFFCY. Total	Ontario ½ share	REMARKS
O T T A W A:				
(1) Fourneau	35	42,000	21,000	
(2) Cave	35	42,860	21,430	
(3) Deux Rivieres / Rocher Capitaine / Des Joachims	129	178,080	89,000	
(4) Paquette & Allumette	20	33,340	16,670	
(5) Rocher Fendu	70	131,090	65,000	50,000 h.p.installed
(6) Chenaux	35	65,700	32,850	Quebec side
(7) Chats Falls	485	109,340	54,670	
(8) Little Chaudiere	20	45,940	22,970	
(9) Big Chaudiere	38	-	-	Fully Developed
(10) Hawkesbury / Carillon	59	213,180	106,590	
TOTAL		861,520	430,180	
TRIBUTARIES:				
1. Ontario				
(11) Madawaska		112,800	112,800	All Sites
(12) Petawawa		28,100	28,100	All Sites
TOTAL		140,900	140,900	
2. Quebec				
Gatineau (Regulated Flow)				
(13) Nigger Rapids	65	59,000	-	
(14) Paugan Falls	135	-	-	204,000 installed
(15) Chelsea Falls	95	-	-	136,000 installed
(16) Farmers Rapids	65	-	-	96,000 installed
Lievre				
(17) High Falls	150	-	-	90,000 h.p.being installed
(18) Buckingham	98	-	-	Fully Developed
(19) Rheaume Falls	196	57,400	-	
GRAND TOTAL		1,118,820	571,080	
GRAND TOTAL @ 70% LOAD FACTOR		1,598,000	816,000	

Note.- At 100,000 H.P. per annum, 70% Load Factor, Ontario's half share of the Ontario power plus the Ontario tributaries will last 8 years; without the Ontario tributaries, 6 years.

J. Johnston
J.T.J.

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Ottawa, January 21, 1930.

POWER SITUATION ON INTERNATIONAL REACH OF ST.LAWRENCE RIVER.

River	Summer Head Feet	Undeveloped 24-Hour H.P.@ 80% Efficiency — Total	Undeveloped 24-Hour H.P.@ 80% Efficiency — Canada's Share One-Half	Canadian Installation H.P.
St.Lawrence				
(20) Crysler's Island	24.2	509,000	254,500	296,480
(21) Long Sault	60.4	1,618,000	659,000 (913,500)	803,500

Note.- Flow taken as 231,200 c.f.s. at Crysler's Island and 240,000 c.f.s. at Long Sault.

254
659
913

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Ottawa, January 21, 1930.

ONTARIO POWER SUPPLY.

Power which Ontario hopes to secure and which it considers is necessary to fill in the gap between the present day and the Fall of 1935, i.e., the gap between the present day and the first date upon which it will be practicable to secure power from the St. Lawrence, assuming the Crysler's Island scheme is proceeded with at once.

Source of Power	H.P.	Remarks
1. Contract with Beauharnois Light, Heat & Power Co.	250,000	
2. Chats Falls Ottawa (Total)	200,000	50% Load Factor
3. Carillon Falls Ottawa (One-Half)	250,000	50% Load Factor
4. Possible Contract for power from the Lievre River in Quebec	125,000	
	825,000	

Note.- The above power is all 25 cycle power and is planned for Western Ontario.

There is also a possible development of 90,000 24-hour horse power at several sites on the Madawaska river which Ontario plans to develop at 60 cycles to provide for the needs of Eastern Ontario as the market demand grows.

LOAD GROWTH IN ONTARIO.

The Annual Load Growth in Ontario is now placed at 100,000 H.P. per annum at a 70% load factor or 70,000 H.P. at 100% load factor (i.e. 24 hour power).

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PRIME MINISTER'S OFFICE

MEMORANDUM

Thursday
Jan. 23
1930

MR. KING:

I attach the memorandum re Waterways Conference. Pages 4, 5, 6, 7, 10, 11, 13 and 14, which were rewritten and left by Mr. Yates yesterday, have been incorporated in the memorandum.

The replaced pages, numbered as above, are also sent herewith.

Mr. Yates mentioned that this memorandum is for Cabinet consideration only in its present form and would need to be revised if being used as an open document.

As requested by you, I am giving Mr. Lapointe a copy.

H.R.L.H.

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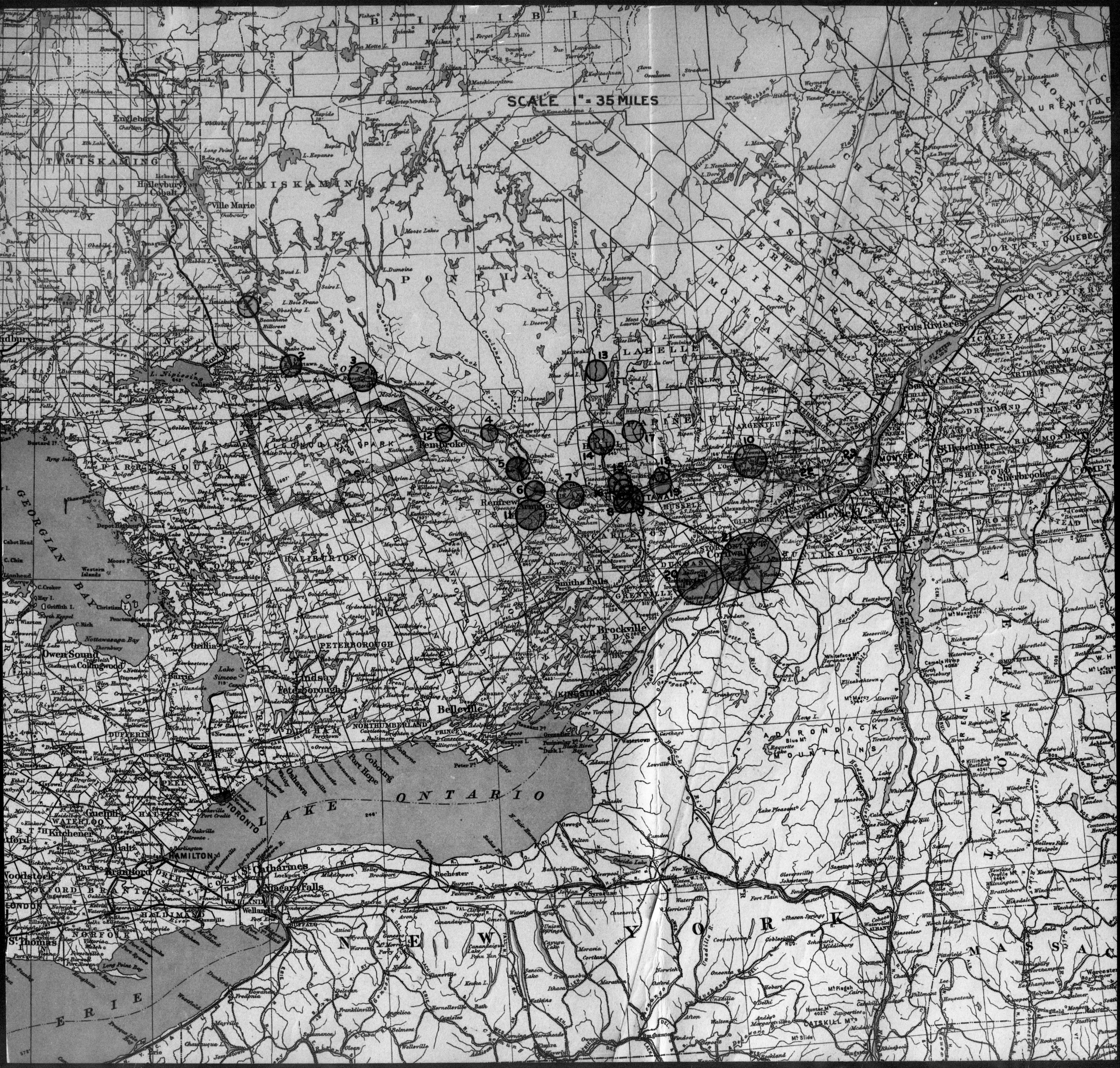

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SCALE 1" = 35 MILES

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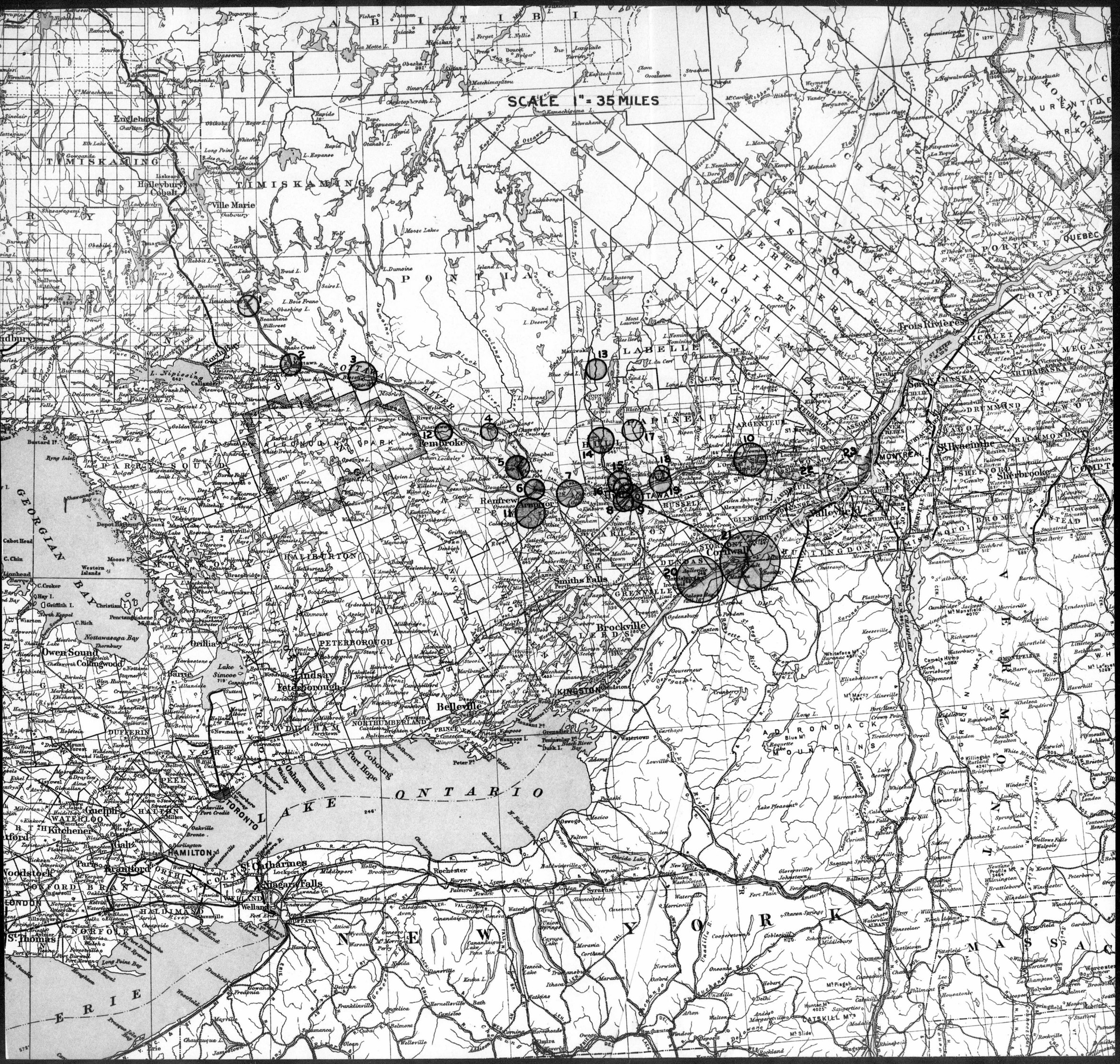

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Collateral - Waterways - St Lawrence (3)
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See P.3

Collateral

WATERWAYS CONFERENCE

January 24,1930.

Draft Outline of Points for Consideration.

I. Importance of Problem.

The St.Lawrence system is one of Canada's greatest assets, and its effective and economical development for navigation and power purposes is one of our most important tasks; the Dominion Government as representative of the interests of the whole people of Canada,desires to co-ordinate its policy as far as possible with that of the provinces having a special interest in certain phases of this development. The present Conference is being held for the purpose of considering the St.Lawrence Waterway question from this angle, and such other developments as may have a bearing upon it.

II. Steps taken in its Investigation.

Inquiries into the most advisable form of the development of the St.Lawrence have extended continuously over the past ten years:

(a) Canadian and United States Governments co-operated in inquiries of (International Joint Commission, (Joint Board of Engineers. followed by diplomatic correspondence.

(b) Each government secured report on feasibility from a National Advisory Committee.

(c) Dominion Government and Government of Province of Quebec took action in partial development of national section (Beauharnois).

(d) Dominion Government and Government of Province of Ontario joined in securing revision of engineering plans for International Rapids section.

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III. Project now under Consideration.

The St.Lawrence project now under consideration is that proposed by the Joint Board of Engineers, but (a) modified, as regards the International Rapids Section, by the recommendations of the Canadian section of the Joint Board of Engineers, in conference with two engineers representing the Province of Ontario.

> Their report recommends the improvement of the International Rapids section by means of the Cryslar Island two-stage project. The two-stage project is recommended because enabling more effective control of flow, involving less flooding of land and building of embankments, and permitting commencement of work at the upper stage before beginning the lower. The project is similar to one described in the Report of the Joint Board of Engineers, and accepted as practical by the United States Section. The present recommendation introduces several variations to meet considerations put forward by Canadian interests, as follows:
>
> (a) It is proposed to rehabilitate Morrisburg by raising the low part of the town, instead of protecting it by dykes and drainage works.
>
> (b) The relocation and reconstruction of the village of Iroquois is provided for instead of dyking the part affected, as formerly proposed.
>
> (c) In order to preserve an area of land between Morrisburg and Cryslar Island, previously proposed to be flooded, dyking is now provided.
>
> (d) The power houses at Barnhart Island are so located as not to necessitate changing the International Boundary, the power house of each country being located on its own side of the present boundary line.
>
> (Query: When should steps be taken to secure the concurrence of the United States in the proposed modifications referred to above?)

(b) modified as regards the Soulange section, by the Beauharnois development, authorized and now under way. This of course constitutes a departure from the recommended scheme of the Joint Board of Engineers held to be justified by the advantage secured in the cheapening of the costs of the navigation works.

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IV. Feasibility of Project.

The desirability of proceeding with ~~this~~ the St. Lawrence project depends upon a number of factors, including:-

the conclusion as to the engineering and financial feasibility;

the possibility of satisfactory arrangements with the United States;

the possibility of satisfactory arrangements with the Provinces of Ontario and Quebec.

The decision upon this question is one for the Dominion Government to take; the governments of the provinces of Ontario and Quebec cannot be expected, and are not entitled, to make or share that decision, but their views on certain phases of the question may be an essential element in the considerations influencing the Dominion Government's policy.

In considering the feasibility of the project, it is necessary to have regard to both the navigation and the power aspects. They are linked together in the engineering plans, particularly in the international section; the financial feasibility of the navigation project depends in part on whether the power developed can be marketed satisfactorily, and the fact that the United States Government, whose co-operation is essential for any action in the international section, takes the stand that navigation is the primary interest, makes it out of the question to consider power development alone in that area.

From the transportation point of view, the deep-waterway project presents great possibilities of advantage to Canada, ensuring a maximum utilization of the finest waterway in the world, directing towards the St. Lawrence a great part of the water-borne traffic of the interior of a vast and wealthy continent, and attracting to the ports of Montreal and Quebec, from both directions, an increased traffic which will assure the St. Lawrence of a predominant position in North American maritime commerce.

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IV. Feasibility of Project (continued)

Navigation:

The advisability of undertaking the project, particularly at an early date, would depend upon satisfactory settlement of the question of the cost, as well as political and other considerations involved in the control of the international section.

The cost of the works between Kingston and Montreal contemplated in the present project, which are solely for navigation and which still remain to be undertaken, is computed by the Joint Board as $115,552,000 for a 27 foot waterway, assuming power works built in the Soulanges and International Rapids sections. This is a heavy expenditure, but in considering its reasonableness and its proportion to the benefits resulting to navigation it is necessary to bear in mind -

(a) that by building the Welland Ship Canal, the Dominion has already incurred and paid out of revenue an expenditure of $115,000,000, which amount is about the same as that required to provide the remaining navigation works on both the Canadian and United States side.

(b) that without the completion of the deep waterway to Montreal, the full advantage of the money expended on the Welland Ship Canal cannot be obtained.

The United States is prepared to contribute a very substantial share of the further cost of the international section and to complete the Upper Lakes interconnecting works.

Power:

From the power standpoint the St.Lawrence presents one of the greatest hydraulic power resource in the world. Its development is entirely possible from an engineering standpoint as already reported by two separate engineering commissions. The cost of development is moderate, and the chief problem is as to the possibility of

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IV (continued)

marketing economically the power produced, particularly in view of the adoption of the policy of prohibiting the export of power. While this problem is not a simple one, it has to be considered -

(a) that the demand for power in Ontario alone is increasing by at least 100,000 horse power every year.

(b) the power from the St.Lawrence would not be available on account of the magnitude of the project until say five years in the case of the upper works at Crysler Island, and eight years in the case of the Barnhart Island development, after the actual commencement of work.

(c) as noted below, the chief alternative powers located on the Ottawa River, if developed meanwhile, may be completely absorbed before any power would be available from the international section of the St.Lawrence if it is assumed that Ontario is to receive only its proportion of the power.

(d) the works common to navigation and power in the Lachine section are relatively of minor importance. The actual development of power in this area could be postponed until a considerable time after the navigation works were constructed. The actual installation of power houses and utilization of power on the Canadian side at Barnhart Island might be postponed if necessary.

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V. Division of Costs.

(a) The United States is evidently prepared to bear a reasonable proportion of the cost and is probably willing to make allowance for the expenditure already incurred by Canada on the Welland Ship Canal.

The division of costs is a matter for negotiation, but it may be taken for granted that the United States would be prepared to meet a proportion varying from half the remaining cost as a minimum to practically the whole cost of navigation and power in the international section, if desired, as well as completing at its own expense the work of deepening the inter-connecting lake channels above. The Dominion, in addition, would require to provide the navigation works in Quebec the bulk of which are in the Lachine section.

(b) Control.

It is assumed that each country would build and control the works lying wholly within its own territory. The Joint Board of Engineers has recommended, as a standard of construction, the dimensions of the navigation works presently obtaining on the Welland Ship Canal, and it is of importance that uniform dimensions be adopted, throughout the entire St. Lawrence development.

In the national section it is essential that control be wholly Canadian. In the international section co-operation will be necessary in the design and location of works both for navigation and power, and in the construction of the same. As already indicated, works lying solely within one or other country would not be subject to joint control or supervision though the right of inspection of the works in the other country should be secured to each. In the event of the United States providing more than one-half the cost of the works in the international rapids section, there would require to be proper provision for

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equality of consideration for Canadian labour, Canadian materials and Canadian supplies.

On completion of the international section, joint control of flow would have to be arranged in the interests not only of Ontario and New York State, but in the interests also of the lower river and Montreal harbour levels. In that connection consideration would require to be given to the desirability of affording Ontario and Quebec an adequate voice on any control board.

(c) Location of works.

The canal works necessary at the Crysler Island site can be located on either the United States or Canadian side of the river at about the same cost, and the plan agreed upon by the Dominion and Ontario engineers shows the navigation works at Crysler Island on the Canadian side. At Barnhart Island it is considered that the works should be located on the United States side of the river. Recent rock borings have indicated that the additional cost to place the works on the Canadian side would amount to eight million dollars instead of about half of that sum, as previously reported. In addition, it would prevent the retention of the present 14-foot waterway through the town of Cornwall, greatly disturb the industrial and business section of the town, and prevent the use of the present 14-foot locks for ship repair purposes in winter, to the prejudice of the employment situation. The town itself, in the lower section, would be served by the newer and deeper waterway.

(d) Other international waterway questions.

It may be desirable to consider whether the other issues, e.g., Niagara, already covered by a treaty which has been approved by Canada but not yet by the United States, and particularly the Chicago diversion, should be settled at the same time or previously.

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VI. Arrangement with Provinces.

In approaching this question, it is assumed that the Dominion maintains its contention as to its constitutional rights as regards power developed in the St.Lawrence. As noted in the summary prepared by the Department of Justice (see Appendix I), the Dominion has undoubtedly (1) exclusive legislative authority to authorize the construction of works in navigable waters for the improvement of navigation, and the incidental development of hydraulic power, and to control the works and power so created under the clauses dealing with treaty rights, public debt and property, trade and commerce, navigation and shipping, inter-provincial works and works declared to be for the general advantage of Canada.

(2) The Dominion has proprietary interest in or beneficial ownership of the water power created under works constructed by the Dominion under Parliamentary authority for the improvement of navigation for the reasons stated in detail in Part II of ~~the~~ Appendix I; ~~that~~ (3) the decision whether navigable waters in any particular locality require to be regulated and if so, how, is a matter wholly within the Dominion authority, and (4) ~~that~~ the Dominion, by reason of its property rights as riparian owner, has proprietary interest in the power made available by works in connection therewith.

While the findings of the Supreme Court were not decisive, any questions definitely answered were answered in favour of the Dominion, and no conclusive bar to its contentions was indicated in any part of the findings.

The rights of the people of Canada, acting through their representatives, the federal parliament and government, in this ~~and similar questions~~ matter are long established and cannot be abandoned. The federal government has no power whatever even if it had the wish, to abandon its constitutional rights. It must act as trustee for the people of all Canada, including

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the people of Ontario and Quebec, as regards all rights which the Constitution assigns to the federal authorities. The provincial governments are in a corresponding position.

In view of this situation, two courses are possible:

(a) To seek further court decisions, either on general questions or on specific questions based on a definite project.

(b) To seek by round-table discussion a policy which will not prejudice any rights claimed by either party, and secure in practice the essential objects of the policies of the Dominion, Ontario and Quebec Governments respectively.

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the people of Ontario and Quebec, as regards all rights which the Constitution assigns to the federal authorities. The provincial governments are in a corresponding position.

In view of this situation, two courses are possible:

(a) To seek further court decisions, either on general questions or on specific questions based on a definite project.

(b) To seek by round-table discussion a policy which will not prejudice any rights claimed by either party, and secure in practice the essential objects of the policies of the Dominion, Ontario and Quebec Governments respectively.

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C 96851

If it is desired to follow the latter course, it will not be easy to work out an agreed policy which will meet all requirements. As a contribution to a settlement the Dominion might state:

(a) That any agreement reached must be without prejudice to its constitutional rights as they have been or may be later determined.

(b) That navigation interests are paramount, and any works constructed must conform to Dominion navigation requirements.

(c) That the Dominion does not propose to undertake itself to go into the business of the distribution of power.

(d) That it would be prepared to agree that the power to be developed should be made available to an agency agreed on between the Dominion and each of the two provinces.

The two chief difficulties are:

(1) The question of initiating the works.

(2) The division of the costs.

(1) Initiation.

In the national section the Province of Quebec and the power interests have initiated the works in the Beauharnois development. The initial grant of power came from the Province, and the construction is being undertaken by the power interests, the Dominion merely controlling the work in such a way as to safeguard its navigation rights.

It is difficult to see how a similar policy could be followed in the case of the international rapids section. If the Ontario Government initiates and constructs the power works, it will not be possible for the Canadian Government to recoup itself for its expenditures on the Welland and elsewhere. The

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C 96852

best way in which the Dominion can escape an undue share of the total navigation costs would seem to be by arranging to have certain works in the international section constructed by, or through money advanced by, the United States, which works the Dominion could transfer to the Province of Ontario on a capital or rental basis, utilizing the amount thus received to offset its heavy expenditures in the Welland and Lachine areas. In other words, the initiative in the construction cannot in this case rest with the Province.

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C 96853

(2). Division of Costs.

Several bases for division of costs between navigation and power have been suggested. In all cases it is assumed that works solely for power would be borne by the power interests and works solely for navigation be borne by the navigation interests. Works common to power and navigation might be divided (1) on a fifty-fifty basis or (2) in proportion to the respective power and navigation outlays or (3) in proportion to the benefits found on engineering investigation to be derived from the common works by each particular interest. It has however been suggested that the simplest method would be to require power to assume all the common works. In favour of this course it may be urged -

(a) that it puts Ontario and Quebec on the same basis since it is practically the basis that has been adopted in the Beauharnois development.

(b) that Ontario cannot complain as that Province has asked to be allowed to ~~construct~~ proceed with the development of power works without waiting for navigation, which would mean that it would have to construct at its own cost all the work common to both navigation and power.

On the other hand this basis may be criticized as being too onerous to the power users, which is open to argument, or ~~excessive~~ too onerous on the provinces, which is not as good an argument. If, as the Dominion contends, it has certain rights in the power development, it may be urged that in requiring the power interests to contribute certain common works for navigation purposes, it is merely securing a return for its rights, and it is perhaps immaterial whether the rights of the Dominion are recognized by the contribution by power of the common works, or by a process of power rentals.

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C 96854

Ottawa River Developments.

Both provinces will undoubtedly bring up the question of development on the Ottawa River, in fact, it is intimated that Mr. Taschereau is primarily concerned with the Ottawa, and more particularly with the Carillon situation. The provinces may urge that power can be obtained from this source more quickly and more cheaply than from the St. Lawrence and that, from the standpoint of the national interest, it is better to develop powers wholly in Canada and compel United States power users to locate in Canada if they wish to secure the advantages of Canadian power. It may also be that the provinces consider their rights on the Ottawa to be stronger than their rights on the St. Lawrence and that it would be good tactics to begin at this point.

Two questions are involved - the right to the power developed and the order of development.

On the first point, the Dominion has undoubted rights in any power developed at Carillon, if developed in connection with a navigation scheme, and has a further claim based upon its partial riparian ownership. These rights were recognized in the scheme of development proposed under Mr. Meighen's government in 1926, whereby the Dominion, Quebec and Ontario were each to be granted one-third the water power rental. In the case of the Chats development, no immediate navigation development was contemplated and the Dominion had little riparian ownership, so that it contented itself with the protection of any future navigation projects by requiring construction at certain levels.

As to the order of development, it is contended, first, that power can be developed more cheaply on the Ottawa than on the St. Lawrence and should therefore be utilized first. It must not be forgotten, however, that the Ottawa River, at least from Ottawa to Montreal, will one day be developed for navigation (whether at 14,16 or 20 foot), and that the necessity of providing for such navigation works should be considered in computing development

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C 96855

costs. Further, if there is any advantage of cheapness as regards the Ottawa, and any conflict of Federal and Provincial interests in the development of the St. Lawrence, it may surely be contended that the Dominion, in view of the large expenditure already made on the deep waterway project, has the right to insist on priority for its schemes. As to the argument that Canada should seek to give industries located in Canada an advantage over industries located in the United States by preventing that country from securing cheap St. Lawrence power as long as possible, it may be replied (1) that it is not certain that our hydro-electric power is cheaper than United States steam power, (2) that undue delay in the St. Lawrence development may result in our having to bear a much larger share of the cost, and (3) that the most effective method of encouraging Canadian industry is to bring cheap power and cheap transportation together on the St. Lawrence practically at tidewater, as the waterway project ensures.

It may be, however, that within reasonable limits there is no conflict. In other words, the Dominion might find it possible to agree to the immediate development of some of the powers on the Ottawa, say the Carillon, provided the works were completed and the power marketed before the first power from the St. Lawrence (Crysler Island development) would come upon the market. The Chats Falls development is already under way with the approval of the federal government. The terms might be either a division of rentals, or an arrangement such as adopted for the St. Lawrence, namely, the power to bear the costs of works other than for navigation solely. There would be difficulty in reaching a definite conclusion in the absence of

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an accepted development project such as exists in the case of the St.Lawrence. Unless the 1908 Georgian Bay Canal report is considered still applicable, the first step might be the appointment of Dominion engineers, with Ontario and Quebec representation, to report on the development of the Ottawa, say from Ottawa to Montreal, for navigation and power.

An estimate from the Water Powers Branch indicates (see Appendix 2) undeveloped power on the Ottawa, (exclusive of tributaries) amounting to 861,520 horse power (24 hour power at 80% efficiency). The appendix further indicates the sources from which it is understood the Hydro-Electric Power Commission of Ontario hopes to secure power to fill in the gap between the present day and the fall of 1935, (the earliest possible date for Crysler Island power), namely, 250,000 horse power from the Beauharnois, 100,000 from Chats Falls, 125,000 from Carillon Falls and 125,000 from the Lievre River in Quebec.

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C 96857 W-1003
Vol 5B

✓ Waterways - St. Lawrence

Memorandum for the Prime Minister

March 6,1930 I enclose copy of a telegram from Mr. Massey regarding the St. Lawrence Waterway Improvement above Prescott. I have sent a copy to Mr. Hunter.

O.D.S.

O. D. SKELTON

Ottawa, 7th March,1930.

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O. D. SKELTON

Ottawa, 7th March,1930.

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C 96858 W-1003
Vol. 5 B

PRIME MINISTER'S OFFICE

✓ Waterways - St. Lawrence

MEMORANDUM

Friday,
March 14,
1950

DR. SKELTON:

Mr. Bennett has informed Mr. Elliott that he proposes to ask the following question this afternoon:

> Whether the United States Government is making any contribution towards the deepening of the St. Lawrence from Lake Ontario to Prescott.

Mr. King wants you to prepare a reply, and to bring it to him at Room 312 at about five minutes to three this afternoon.

H.H.

Secretary.

HARRY BALDWIN

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O.D. SKELTON TO WLMK

C 96859 W-1003 2 of 7

Memorandum for the Prime Minister: 8th March, 1930

Used in Government at beginning of Conference with Premiers of Provinces

Water Power Conference. ✓ Waterways - St. Lawrence

Attached for convenience are several copies of the recent correspondence with Messrs. Taschereau and Ferguson:

Mr. Taschereau's letter of February 4th, enclosing draft.
Your reply of February 15th, enclosing revised draft.
Mr. Taschereau's letter of February 19th.

It is not quite clear from Mr. Taschereau's last reply what his difficulty is. Taking his letters of the 4th and 19th together, he seems to take the view that nothing but a statement that the federal government recognizes the full proprietary rights of the provinces in the beds, banks and waterpowers of all navigable rivers, subject to federal control of navigation, would satisfy him, and that anything short of this would mean that the provinces had abandoned the fundamental rights for which they had been contending. This view appears to misinterpret the conclusions of the last conference, and if insisted upon would make any agreement impossible.

No comment is made on the specific proposals for settlement. One could quite understand exception being taken to the wording of these proposals, or a request for a fuller and more precise statement being made. On page 3 of the Dominion

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draft of February 15th, the question might be raised, for example, as to what mutatis mutandis means. The preceding sentence might be taken to imply that in say the Lachine development, the cost of the navigation canal itself, which is of practically no value to power, should be borne by the power agencies. It is possible also that a statement to the effect that the Dominion Government did not itself propose to market power might be desired. Until it is known, however, whether Mr. Taschereau's objection is based on his demand for renunciation of federal constitutional rights or on the wording of the statement of practical policy, it does not seem possible to offer any alternative suggestions for phrasing the latter.

It might be considered whether at the bottom of page 2 of the draft some such paragraph as the following might be inserted to make the proposals more acceptable to the provinces:

> While the Dominion Government, like the Governments of the Provinces, has no power to waive its constitutional rights, it is prepared to recommend, as set forth in the paragraphs which follow, a practical policy for waterpower development which it considers will place a province undertaking a power development in navigable waters in as good a position as if it had been recognized

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as the owner of the waterpower in question and free to undertake the development subject to the provision of the necessary navigation requirements. Similarly in the event of the Province undertaking a Navigation development

In the present circumstances, Mr. Ferguson's letter to you of May 3, 1928, is of interest, in which he urges the Canadian Government to allow the province to proceed immediately with hydro-electric development on the St. Lawrence to avert a serious power crisis, and refers to the fact that Ontario has been obliged to buy power outside in view of the long delay in the St. Lawrence undertaking.

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C 96862

~~[illegible]~~ Discussed at [illegible] before noon, copies given parties & considering [illegible] [illegible] March 7.-30

Subject to its paramount rights in matters of Navigation

~~While~~ the Dominion Government, ~~like the Governments~~ of the Provinces, ~~has no power to waive its constitutional rights, it~~ is prepared to ~~recommend~~ adopt a practical policy for waterpower development which it considers will place a province undertaking a power development in navigable waters in as good a position as if it had been recognized as the owner of the waterpower in question and free to undertake the development subject to the ~~provision of the necessary navigation~~ requirements of navigation. Similarly, should the Dominion Government at any time undertake or authorize the construction of any canal or other work for the improvement of navigation, it would be prepared to make available to an approved provincial agency the surplus water power developed beyond that needed for the operation of the locks and purposes of navigation, on a basis equivalent to that which would govern if the provincial agency had itself undertaken the work as a power development scheme. In either case, should the use of Dominion property be required or the riparian or other property rights of the Dominion be interfered with or affected, the acquisition of such property, or the authority to interfere with or affect such rights, could be made the subject of a special agreement in the particular circumstances of each case.

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With due recognition of the paramount rights of navigation and subject to the observance of any necessary international requirements, the Dominion government is prepared to adopt a practical policy for water power development in navigable waters as follows:

(1) Where a province desires to undertake power development in navigable waters, its right to do so shall be recognized, conditional on the provision of the necessary navigation requirements.

(2) Should the Dominion Government at any time undertake or authorize the construction of any canal or other work for the improvement of navigation, it would be prepared to make available to an approved provincial agency the surplus water power developed beyond that needed for the operation of the locks and purposes of navigation, on a basis equivalent to that which would govern if the provincial agency had itself undertaken the work as a power development scheme.

(3) In either case, should the use of Dominion or Provincial property be required or the riparian or other property rights of the Dominion or Province be interfered with or affected, the acquisition of such property, or the authority to interfere with or affect such rights, could be made the subject of a special agreement in the particular circumstances of each case.

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C 96864

2

1st draft after [illegible], from which 2nd draft prepared after consultation with ministers & officials of Govt. Service &c.

With due recognition of the paramount right~~s~~ of ~~the Dominion in~~ navigation ~~and of the interest of the provinces in the development of water power,~~ and subject to the observance of any necessary international requirements, the Dominion government is prepared to ~~recommend~~ adopt a practical policy for water power development in navigable waters as follows:

(1) Where a province desires to undertake power development in navigable waters within the province, its right to do so shall be recognized, conditional on the provision of the necessary navigation requirements.

(2) Should the Dominion Government at any time undertake or authorize the construction of any canal or other work for the improvement of navigation, it would be prepared to make available to an approved provincial agency the surplus water power developed beyond that needed for the operation of the locks and purposes of navigation, on a basis equivalent to that which would govern if the provincial agency had itself undertaken the work as a power development scheme.

(3) In either case, should the use of Dominion property be required or the riparian or other property rights of the Dominion be interfered with or affected, the acquisition of such property, or the authority to interfere with or affect such rights, ~~could~~ be made the subject of a special agreement in the particular circumstances of each case.

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C 96865

With due recognition of the paramount rights of navigation and subject to the observance of any necessary international requirements, the Dominion government is prepared to adopt a practical policy for water power development in navigable waters as follows:

(1) Where a province desires to undertake power development in navigable waters, ~~within the province~~, its right to do so shall be recognized, conditional on the provision of the necessary navigation requirements.

(2) Should the Dominion Government at any time undertake or authorize the construction of any canal or other work for the improvement of navigation, it would be prepared to make available to an approved provincial agency the surplus water power developed beyond that needed for the operation of the locks and purposes of navigation, on a basis equivalent to that which would govern if the provincial agency had itself undertaken the work as a power development scheme.

(3) In either case, should the use of Dominion or provincial property be required or the riparian or other property rights of the Dominion or provincial be interfered with or affected, the acquisition of such property, or the authority to interfere with or affect such rights, could be made the subject of a special agreement in the particular circumstances of each case.

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draft despatch

With due recognition of the paramount rights of navigation and subject to the observance of any necessary international requirements, the Dominion government is prepared to adopt a practical policy for water power development in navigable waters as follows:

(1) Where a province desires to undertake power development in navigable waters within the province, its right to do so shall be recognized, conditional on the provision of the necessary navigation requirements.

(2) Should the Dominion Government at any time undertake or authorize the construction of any canal or other work for the improvement of navigation, it would be prepared to make available to an approved provincial agency the surplus water power developed beyond that needed for the operation of the locks and purposes of navigation, on a basis equivalent to that which would govern if the provincial agency had itself undertaken the work as a power development scheme.

(3) In either case, should the use of Dominion property be required or the riparian or other property rights of the Dominion be interfered with or affected, the acquisition of such property, or the authority to interfere with or affect such rights, could be made the subject of a special agreement in the particular circumstances of each case.

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C 96867

Ottawa, 8th March, 1930.

Dear Mr. Taschereau,

Referring to the recent Conferences which have taken place between the Premiers of Quebec and Ontario and a Committee of the Dominion Cabinet, which were held for the purpose of endeavouring to reach a practical basis of agreement regarding the development of water powers in navigable waters, with a view to avoiding the necessity of endeavouring to secure a judicial determination of such rights, I am now in a position to state that our government is prepared to adopt a policy which it is thought will produce the desired result and which is set out in the memorandum which is attached hereto.

I should be glad if you would let me know at your convenience whether the policy as enunciated above is satisfactory to your Government.

Yours sincerely,

The Honourable L.A. Taschereau,
Premier of the Province of Quebec.

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CANADA

C 96868

Ottawa, 8th March, 1930.

Dear Mr. Taschereau,

Referring to the Conferences which have taken place between the Premiers of Quebec and Ontario and a Committee of the Dominion Cabinet, which were held for the purpose of endeavouring to reach a practical basis of agreement regarding the development of water powers in navigable waters, I enclose herewith a memorandum setting forth the policy which our government is prepared to adopt as a basis of agreement with the provinces, without prejudice to the legal rights of the parties.

I should be glad if you would let me know at your convenience whether an agreement in accordance with the terms of the memorandum will be satisfactory to your Government.

Yours sincerely,

(W. L. Mackenzie King)

Prime Minister

The Honourable L.A. Taschereau,
Premier of the Province of Quebec.

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Copy of [illegible] enclosed with letter to Mr. Jordan March 8. 1930

C 96869

With due recognition of the paramount rights of navigation and subject to the observance of any necessary international requirements, the Dominion government is prepared to adopt a practical policy for water power development in navigable waters as follows:

(1) Where a province desires to undertake power development in navigable waters, its right to do so shall be recognized, conditional on the provision of the necessary navigation requirements.

(2) Should the Dominion Government at any time undertake or authorize the construction of any canal or other work for the improvement of navigation, it would be prepared to make available to an approved provincial agency the surplus water power developed beyond that needed for the operation of the locks and purposes of navigation, on a basis equivalent to that which would govern if the provincial agency had itself undertaken the work as a power development scheme.

(3) In either case, should the use of Dominion or Provincial property be required or the riparian or other property rights of the Dominion or Province be interfered with or affected, the acquisition of such property, or the authority to interfere with or affect such rights, could be made the subject of a special agreement in the particular circumstances of each case.

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C 96870

Ottawa, 8th March, 1930.

Dear Mr. Taschereau,

Referring to the Conferences which have taken place between the Premiers of Quebec and Ontario and a Committee of the Dominion Cabinet, which were held for the purpose of endeavouring to reach a practical basis of agreement regarding the development of water powers in navigable waters, I enclose herewith a memorandum setting forth the policy which our government is prepared to adopt as a basis of agreement with the provinces, without prejudice to the legal rights of the parties.

I should be glad if you would let me know at your convenience whether an agreement in accordance with the terms of the memorandum will be satisfactory to your Government.

Yours sincerely,
W. L. MACKENZIE KING

The Honourable L.A. Taschereau,
Premier of the Province of Quebec.

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With due recognition of the paramount rights of navigation and subject to the observance of any necessary international requirements, the Dominion government is prepared to adopt a practical policy for water power development in navigable waters as follows:

(1) Where a province desires to undertake power development in navigable waters, its right to do so shall be recognized, conditional on the provision of the necessary navigation requirements.

(2) Should the Dominion Government at any time undertake or authorize the construction of any canal or other work for the improvement of navigation, it would be prepared to make available to an approved provincial agency the surplus water power developed beyond that needed for the operation of the locks and purposes of navigation, on a basis equivalent to that which would govern if the provincial agency had itself undertaken the work as a power development scheme.

(3) In either case, should the use of Dominion or Provincial property be required or the riparian or other property rights of the Dominion or Province be interfered with or affected, the acquisition of such property, or the authority to interfere with or affect such rights, could be made the subject of a special agreement in the particular circumstances of each case.

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Confidential for the present

C 96872

Ottawa, 8th March, 1930.

Dear Mr. Ferguson,

Referring to the Conferences which have taken place between the Premiers of Ontario and Quebec and a Committee of the Dominion Cabinet, which were held for the purpose of endeavouring to reach a practical basis of agreement regarding the development of water powers in navigable waters, I enclose herewith a memorandum setting forth the policy which our government is prepared to adopt as a basis of agreement with the provinces, without prejudice to the legal rights of the parties.

I should be glad if you would let me know at your convenience whether an agreement in accordance with the terms of the memorandum will be satisfactory to your Government.

Yours sincerely,

W. L. Mackenzie King
Prime Minister

The Honourable G. Howard Ferguson,
Premier of the Province of Ontario.

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C 96873

Ottawa, 8th March, 1930.

Dear Mr. Ferguson,

Referring to the Conferences which have taken place between the Premiers of Ontario and Quebec and a Committee of the Dominion Cabinet, which were held for the purpose of endeavouring to reach a practical basis of agreement regarding the development of water powers in navigable waters, I enclose herewith a memorandum setting forth the policy which our government is prepared to adopt as a basis of agreement with the provinces, without prejudice to the legal rights of the parties.

I should be glad if you would let me know at your convenience whether an agreement in accordance with the terms of the memorandum will be satisfactory to your Government.

Yours sincerely,
W. L. MACKENZIE KING

The Honourable G. Howard Ferguson,
Premier of the Province of Ontario.

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C 96874

COPY

Ottawa, 17th April, 1928

My dear Mr.Ferguson,

I am sending you under separate cover twenty copies of the St.Lawrence Waterway papers which were tabled today.

You will recall that in 1920 the Governments of Canada and the United States joined in asking the International Joint Commission to enquire into the feasibility of a deep St.Lawrence waterway. The question has therefore been formally before both countries for eight years. Notwithstanding this lapse of time, we have considered it essential that in a matter of such importance to Canada the question should be examined from all angles before a policy was formulated.

You will note that our Government deferred a reply to the United States proposals of April,1927, until the National Advisory Committee had considered the question. Its report was made in January and in the same month we transmitted the substance of the Committee's proposals to the United States Government, in order to ascertain its views. The correspondence which has followed makes clear, on general lines, the attitude of that Government. With this information and the reports of the Joint Board of Engineers and the National Advisory Committee before us, we now have concrete proposals to serve as a basis of further consideration.

In our view, as the correspondence indicates, the next step should be conferences with the Governments of the Provinces of Ontario and Quebec. I hope that it will prove convenient for you to take part in such a discussion, as to which I shall write you more definitely at the close of the session.

Yours sincerely,

(sgd) W.L.MACKENZIE KING.

The Honourable G.H.Ferguson,K.C.,LL.B.,
Prime Minister of the Province of
Ontario,
Toronto,Ontario.

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C 96875

COPY

OFFICE OF
THE PRIME MINISTER & PRESIDENT OF THE COUNCIL
ONTARIO.

TORONTO,
APR. 23,
1928.

Dear Mr. King:

I have your letter of the 17th inst. I shall be glad to hear from you further, after the close of your Session, with regard to the proposed conference.

Yours sincerely,

(Signed) G.H. FERGUSON.

The Right Honourable W.L. Mackenzie King,
Prime Minister of Canada,
Ottawa, Ont.

07248.

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C 96876

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OFFICE OF THE PRIME MINISTER

Province of Quebec.

April
30th
1928.

The Right Honourable W. L. MacKenzie King,

Prime Minister of Canada,

Ottawa.

Dear Mr. Prime Minister,

I am in receipt of your letter of the 17th April advising me that in your view the next step should be conferences with the Government of the Dominion, and that of the Provinces of Quebec and Ontario in regard to the St. Lawrence waterway project.

Needless to say that our government is at your entire disposal, and will be glad to take part in such conferences at any time and place convenient to your Government.

Yours sincerely,

(Signed) L.A. TASCHEREAU.

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C 36877

COPY

Office of
The Prime Minister & President of the Council
Ontario

Toronto,
May 3,
1928.

My dear Mr. King:

In further reply to your letter of the 17th of April, in which it is suggested that before any further steps are taken with regard to the St. Lawrence problem there should be a conference with the Provinces of Ontario and Quebec, may I point out to you some of the features involved in this situation on which the Government of this Province have, after long and mature consideration, reached certain conclusions:

Some four or five years ago, this Government, through its Electrical Agency, the Hydro Electric Power Commission of Ontario, filed with the proper department at Ottawa plans for the development of power on the International section of the St. Lawrence River. We requested the approval of these plans and at intervals since that time have urged that early action be taken towards such approval. We still await a favourable reply. The Government of Ontario feels that the power problem is the most pressing, and is quite separate and distinct from the question of international navigation project. No matter what may be the outcome of the negotiations for the canalization of the St. Lawrence, it would appear that many years must elapse before the project can be completed. In the meantime, this Province will be facing a very critical situation in the matter of power supply. I venture to suggest that proper steps could be taken to safe-guard navigation in any power development scheme without in any way interfering with the larger plan of improved water route.

I am

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I am writing to urge your Government most strongly that your Department give approval to the plans filed with you, and permit this Government, through the Hydro Electric Power Commission or otherwise, to take up directly with either the State or Federal Authorities, or any private corporation that may have the power rights on the American side, the subject of power development at once. Ontario, as I have already said, requires immediate action to save her from a serious crisis so far as power supply is concerned, and industrial and commercial development that is dependent thereon.

As you are doubtless aware, we have been forced to buy power outside of Ontario because of the long delay in the solution of the St. Lawrence undertaking.

As you are doubtless aware, Ontario has almost three hundred millions invested in this great public ownership enterprise, and when your Government indicated that they questioned Ontario's right to the water power there was too much at stake to permit of delay in having the issue settled. This huge undertaking could not be jeopardized, nor could we continue investing further large sums of public money without knowing exactly what the legal position is and what security we have in our power rights.

It was for this reason that the Government urged upon your Government that steps should be taken to have the issue determined by the Courts. It was felt that it would expedite the determination of the question and would be much preferable to legal action that might be taken over some particular development by either the Federal or Ontario Government against the other.

The fact that you have submitted certain questions to the Courts, which are now awaiting a hearing, need not, in our opinion, necessarily delay development by the Province of Ontario. We could push our development, protect navigation, and if the Courts decide in our favour we will have saved a great deal of time

and made

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C 96879

and made available an amount of power, the delay over which will mean many millions of dollars for this Province.

Should the issue be decided against us, the position for whatever negotiation may be necessary with the Federal Authorities will not in any way be affected. We can reach whatever arrangement is to be arrived at just as readily and quickly if electricity is being already generated and the Province is continuing to expand as a result thereof, as if no steps had been taken towards such development.

May I urge upon you, Mr. Prime Minister, the serious nature of this question to the Province, and the necessity for immediate and favourable action on your part. I shall be very glad to hear from you at an early date.

With kind regards,

Yours sincerely,

(Sgd.) G.H. Ferguson

The Right Honourable W.L. Mackenzie King,
Prime Minister of Canada,
Ottawa, Ont.

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C 96880

COPY Ottawa, 14th August, 1928.

My dear Mr.Ferguson,

Your letter of May 3rd, setting forth certain conclusions reached by the government of the province of Ontario on the St.Lawrence waterway situation, was duly received and considered by my colleagues and myself. I deferred a reply on account of your absence from Canada, but as I am about to leave Canada for some weeks also, it seems desirable to inform you of our views without further postponement.

I note that you regard the early development of the power resources of the international section of the St.Lawrence as essential for the industrial and commercial development of the province.

This objective, which you emphasize so strongly, can be attained only through an adequate solution of the problems of engineering and finance, of constitutional authority and of international adjustments which are involved.

Consideration of the development of power from the St.Lawrence cannot be separated, you will agree, from consideration of the conservation and development of this great national asset for the paramount purposes of navigation and commerce. Whatever methods and agencies of development and whatever order of priority and time-schedule may be found most expedient, sound business principles make it imperative to survey the engineering and financial problems as a whole and to make certain, before a final decision as to any step is reached, that it will fit in with any further steps found to be advisable.

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Nor can we overlook the difficulties as to jurisdiction involved by the division of authority under our federal system. So marked has been the divergence of view as to legislative control and proprietary interest in connection with many phases of water power development that the representatives of the province of Ontario at the recent Dominion-Provincial Conference joined in a request to the Dominion to submit a case to the Supreme Court of Canada. This has been done, after consultation with provincial representatives, and the case will be heard at an early date. While it is not necessary to postpone all further action until the respective rights of the Dominion and the provinces have been judicially determined, it is obvious that the results of this appeal to the courts, undertaken at the request of the provinces and with the full co-operation of the federal government, may affect very materially the view of either authority as to the feasibility of the various methods of construction and finance.

The development of the power resources of the international section of the St.Lawrence to which you refer, cannot of course be effected except in agreement with the United States. Any negotiations to this end must take into account the view expressed by the Government of the United States, as set forth in the correspondence with the Canadian Government published recently, that the St.Lawrence project is to be considered primarily from the standpoint of its value in "affording a common highway and transportation outlet for the population in the interior of the continent". On the Canadian side, consideration must be given to the bearing of any project upon navigation as well as upon power, and to national as well as provincial ends. Any international arrangements for these purposes fall within the authority of the Dominion. This duty cannot be delegated, but it would be the earnest wish of the Canadian Government to discharge it with the fullest regard for the special provincial as well as the general national interests involved.

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C 96882

The investigation into the St. Lawrence waterway made by the Joint Board of Engineers, representing both the United States and Canada, was an indispensable step to a solution of the international aspects, and has thrown much helpful light on the whole problem. It was, however, not found possible for the Canadian and United States engineers to agree upon the best method of development of the international rapids section. Before any definite action could be taken in this section, it would be necessary to reconcile these divergent views. As a first step, the Canadian Government believes that a conference should be held between the Canadian members of the Joint Board and engineers representing the province of Ontario. This conference should consider the most effective and economical method of developing the international rapids section, with full safeguarding of the interests of the purely national section of the river. I have therefore much pleasure on behalf of the Canadian Government, in inviting the Government of the Province of Ontario to nominate engineers to collaborate with the Canadian members of the Joint Board with a view to reaching in this way a comprehensive and speedy solution of the engineering difficulties.

As to the hydro-electric power requirements of Ontario in the immediate future, it will be recalled that in accord with the wishes of the government of the Province and of the Hydro-Electric Power Commission, and following an enquiry and interim report by an international board, negotiations are at present under way with the United States as to effecting an increased experimental development of power from Niagara, under conditions ensuring the maintenance and betterment of the scenic values of Niagara.

I trust that in the way indicated we may find it possible to co-operate effectively for the advancement of the interests of the Province of Ontario and of the Dominion as a whole.

Yours sincerely,

W.L.MACKENZIE KING.

The Honourable G.Howard Ferguson, K. C., LL.B.,
Premier of Ontario,
Toronto, Ontario.

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C 96883

COPY

Ottawa, 4th January, 1929

My dear Mr. Ferguson,

You will recall that on August 14th, in replying to a letter in which you emphasized the desirability of early steps being taken for the development of power on the international section of the St. Lawrence, I referred to the necessity, as a first step, of reconciling the divergent views as to the best engineering method of developing this section. I stated that in the view of our government it was desirable to arrange a conference between the Canadian members of the Joint Board of Engineers and engineers representing the Province of Ontario to consider the most effective and economical method of developing the international rapids section with full safeguarding of the interests of the purely national section, and that we therefore had pleasure in inviting the Government of the Province of Ontario to nominate engineers for this purpose.

In conversation in Toronto last month, you stated that you expected to be in a position to reply shortly. As our engineering staff will very soon be fully occupied with the preparation of plans for the regular work of the year, we should be greatly obliged if you could let us know at your earliest convenience if your Government is prepared to co-operate in the conference suggested, and if so, to inform us of the names of the engineers it is your intention to appoint.

In connection with the growing need of the Province of Ontario for power, I referred in my previous letter to the negotiations under way with the United States for effecting

an increased

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an increased development at Niagara. As Mr. Stewart has probably advised you, the negotiations were completed through a Convention signed here on January 2nd, providing both for the maintenance of the scenic beauty of Niagara and for an additional diversion of water on each side of the Niagara of ten thousand c.s.f. during the winter season. This agreement will be submitted for the approval of Parliament early in the coming session. It will provide for Ontario a large additional amount of power, available at an early date and at low cost. It has been a pleasure to co-operate with the Province in this very effective arrangement.

Yours sincerely,

(Sgd.) W.L.Mackenzie King

The Honourable G. Howard Ferguson,

Premier of Ontario,

Toronto,

Ontario.

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C 96885

COPY

Office of
The Prime Minister & President of the Council
Ontario

TORONTO,
Feb. 20,
1 9 2 9.

Dear Mr. King:-

When your letter of the 4th of January reached my office I was confined to my apartment and wasn't permitted to leave there until the opening of the Session. Since then, as you will understand, the task of getting the work of the Session under way together with catching up with the arrears of work has occupied my whole time. This must be my explanation for the delay, for which I hope you will accept my apologies.

I have had the opportunity of discussing with the Chairman of the Hydro Commission the subject matter of your letter, and the view of the Commission is that the Province should co-operate in the solving of this problem.

On their recommendation I suggest that Mr. F.A. Gaby, the Chief Engineer of the Hydro Commission, and Dr. Hogg, the Hydraulic Engineer of the Commission, should represent the Province in its deliberations.

If the proper official will write direct to the Hydro, these gentlemen will be available at any time.

Yours sincerely,

(Sgd.) G.H. Ferguson

Rt. Hon. W.L. Mackenzie King,
Prime Minister of Canada,
O t t a w a.

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C 96886

COPY

Ottawa, 22nd February, 1929

My dear Mr. Ferguson,

I am in receipt of your letter of February 20th, in answer to my enquiries as to a conference between the Canadian members of the Joint Board of Engineers and engineers representing the Province of Ontario to consider the most effective method of developing the international rapids section of the St. Lawrence.

I can quite understand how in view of your illness, from which I am very glad to see that you are now recovering, and the pressure of your public duties, it was not possible to make an earlier reply.

I am pleased to note that on the recommendation of the Hydro-Electric Commission, the Government of the Province of Ontario has decided to co-operate in the solving of this problem, and that you have nominated Mr. F.A. Gaby, the Chief Engineer of the Hydro Commission, and Dr. Hogg, the Hydraulic Engineer of the Commission, to represent the Province in this connection.

I am confident that the co-operation between the Dominion and the Province of Ontario thus arranged will result in clearing up the engineering difficulties and prepare the way for further consideration of the problem of the development of the St. Lawrence.

Mr. D.W. McLachlan, Chairman of the Canadian Section of the Joint Board of Engineers, will, in accordance with your suggestion, communicate direct with the Hydro-Electric Commission.

Yours sincerely,

(Sgd.) W.L. Mackenzie King

The Hon. G.H. Ferguson,
Prime Minister of Ontario,
Toronto,
Ontario.

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C 96887

Ottawa, 25th February, 1929

My dear Mr. Taschereau,

You may recall that in April of last year, in transmitting copies of the St. Lawrence waterway papers which had been tabled in the House of Commons, I stated that, as the correspondence indicated, it appeared advisable that the question should be made the subject of a conference with the Provinces of Quebec and Ontario.

The question of the further development of the St. Lawrence for navigation and power purposes has been under public consideration since 1920, when the governments of Canada and the United States requested the International Joint Commission to report upon the feasibility of a deep St. Lawrence waterway. In that time, it has been examined from many angles. The engineering aspects of the whole problem have been studied by the engineers appointed by the Commission and by the Joint Engineering Board, while special phases have received consideration by provincial and by private engineers. The economic aspects have been reviewed by

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the Commission and more recently by the National Advisory Committee, while the international position has been discussed in correspondence between the United States and Canadian Governments.

There remained the constitutional difficulties involved in differences of opinion as to the limits of federal and of provincial authority. In conformity with the wishes of the Governments of Quebec and Ontario, the Canadian Government decided to seek a judicial determination of these difficulties, and accordingly submitted certain questions to the Supreme Court in April, 1928. The case was argued in October, and the finding of the Court rendered this month. While some points have been clarified, the Court found itself unable to give definite and conclusive answers to a number of the most important questions.

In view of this outcome, the Canadian Government has concluded that the most satisfactory method of proceeding would be to endeavour, through a conference with the Governments of Quebec and Ontario, as the provinces chiefly concerned in the power phases of the situation, to reach a common understanding. We believe that it would thus be possible to work out a policy of St. Lawrence development which would safeguard alike the interest of

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the provinces in the provision of additional power, and all the national interests involved.

I should therefore be obliged if you could inform me whether the Government of Quebec would be prepared to participate in such a conference, to be held as soon as possible after the close of the present federal session. I am writing to the same effect to the Prime Minister of Ontario.

Yours sincerely,

The Honourable L.A. Taschereau,
Prime Minister, Province of Quebec,
Quebec.

Further correspondence followed as to date of conference.

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For the Prime Minister's signature. C 96890

Ottawa, 9th January, 1930.

My dear Mr. Ferguson,

I have received the report of the conference between the Canadian Section of the Joint Board of Engineers, Messrs. McLachlan, Mitchell and Lefebvre, and the engineers representing the Province of Ontario, Messrs. Gaby and Hogg, which was arranged to deal with certain technical differences as to the best method of development of the international section of the St. Lawrence Waterway.

The report, I observe, is unanimous, and embodies the general recommendations of the members of the conference. I am informed that it will be supplemented by an appendix containing plans and estimates, and that it is hoped that these will be available shortly.

I have pleasure in forwarding a copy of the report for your consideration, and should be glad to have your views as to publication.

Yours sincerely,

The Hon. G. Howard Ferguson,
Premier of the Province of
Ontario,
Toronto, Ontario.

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C 96891

OFFICE OF THE PRIME MINISTER
Province of Quebec

Quebec, February 4th, 1930

Rt.Hon.W.L.Mackenzie King, C.M.G.,
Prime Minister of Canada,
Ottawa.

My dear Premier,

At the end of the conference respecting the St. Lawrence water-powers and canals it was understood that the Honourable Mr.Ferguson and myself would send you a draft of the letter embodying the decision which had been reached at the conference and which you would send us if you agreed with the tenour of the draft.

I now enclose you this draft which has been prepared jointly by Mr.Ferguson and myself and which we trust you will find in accordance with the views expressed by us all.

Yours faithfully,

(sgd) L.A.TASCHEREAU.

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C 96892

Dear Mr.

The question of proprietary rights in the beds and banks of the navigable rivers of the Provinces of Ontario and Quebec has been in the past the subject of many conflicting opinions and this fact may have prevented the development of hydraulic powers and thus retarded industrial expansion.

This Government has felt that it would be in the interest of Canada as a whole as well as of the individual provinces if these difficulties could be finally settled, and it was with the hope of a satisfactory adjustment that I invited the Prime Ministers of the Provinces of Ontario and Quebec to the conference which was held in Ottawa on the 24th ultimo.

You will recall that at the conclusion of the conference the committee of the Federal cabinet expressed the desire to submit the conclusions reached to a full cabinet before I should announce a final decision.

This having been done I am authorized to state that the Federal government recognises the full proprietary rights of the Provinces in the beds and banks and waterpowers of all navigable rivers subject, of course, to the right of control of navigation by the Federal authority.

I understand that this declaration is in accordance with the agreement arrived at, at the conference which met with the approval of the representatives of the various governments attending.

Yours very truly,

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C 96893

(C O P Y)

Ottawa, February 15, 1930.

Honourable L. A. Taschereau,
Premier of Quebec,
Quebec, Quebec.

My dear Mr. Taschereau:

I am in receipt of your letter of February 4, enclosing a draft of a letter prepared by Mr. Ferguson and yourself as embodying the conclusions of the recent Waterpower Conference.

I brought the draft to the attention of those of my colleagues who took part in the Conference. We observe that there has apparently been a misapprehension of our views. The statement in the draft that "the federal government recognizes the full proprietary rights of the provinces in the beds and banks and waterpowers of all navigable rivers" does not represent the view we put forward. It is a position which we could not possibly take, as it amounts to a renunciation of the Dominion's legal position, which we have no authority to make, any more than the province could renounce its legal claims. Our whole purpose, as I am sure you will agree, was to find a practical solution which would make it possible to go forward with waterpower and navigation development on a basis satisfactory to the provinces and to the Dominion, without prejudice to the legal rights of either.

I enclose in the form of a draft letter an expanded statement setting forth the conclusions which we understand were reached at the Conference. I hope that you will find that it meets your understanding as well. I am sending the revised draft to Mr. Ferguson also.

Yours sincerely,

Similar letter to
Mr. Ferguson

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C 96894

(C O P Y)

Ottawa, February 15, 1930.

The Honourable L. A. Taschereau,
Premier of Quebec,
Quebec, Que.

Dear Mr. Taschereau:

I have brought to the attention of my colleagues in Council the views expressed in the recent meeting between the Premiers of Quebec and Ontario and a Committee of the Dominion Cabinet, in which an effort was made to reach by conference a solution of the difficulties regarding water powers in their relation to navigation, which it has become apparent, cannot readily be settled by judicial determination. I am now able to state the position of our government, which is as follows.

In dealing with applications for approval of power development works under the Navigable Waters Protection Act (not involving the use of Dominion property or riparian rights or the expenditure of Dominion moneys), it has not been the practice of the Dominion Government to require any payment to the Dominion or other recognition of Dominion rights in respect of the water power thereby developed. The Dominion has contented itself with seeing to it that the interests of navigation were protected. The intention of the Government is and has been to pursue the same policy with regard to present or future developments.

The differences of opinion which have arisen in recent years regarding the legal aspects of the matter are due to an assertion on the part of certain of the provinces that where the Dominion, in the exercise of its right to create works for the improvement of navigation, and by the expenditure of its own moneys, brings into development water

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powers which are not required for the operation of the navigation works, such powers are the property of the province or provinces in which the work is situate. In the opinion of the law officers of the Crown in the right of the Dominion this contention could not be accepted, and the matter has been the subject of a reference to the Supreme Court of Canada, with no definite decision being given on the point. We believe, however, that quite apart from considerations of strict legal rights, it is possible to reach a satisfactory agreement.

It is the policy of our Government to co-operate with the provinces in the development of water powers, and to recognize accordingly the right of the provincial government to develop or to authorize the development of water power in the province so long as the interests of navigation are protected to the satisfaction of the Dominion, and the cost of constructing such works as are necessary to meet the requirements of navigation, exclusive of locks and appurtenant works, is borne by the province or company undertaking the power development. Should the Dominion Government at any time undertake or authorize the construction of any canal or other work for the improvement of navigation, the same principle, mutatis mutandis, would apply. In either case, should the use of Dominion property be required or the riparian or other property rights of the Dominion be interfered with or affected, the acquisition of such property, or the authority to interfere with or affect such rights, could be made the subject of a special agreement in the particular circumstances of each case.

It will be observed that the principle underlying these proposals is that the cost of locks and appurtenant works for navigation alone shall be a charge upon the Dominion, but that the cost of building dams or channels, required for power purposes, but built to prescribed navigation dimensions, shall be borne by the body developing and marketing the power. This is the policy which has been adopted in the recent development

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of the Soulanges section of the St. Lawrence.

With respect to the international section of the St. Lawrence it is understood that the navigation requirements would be those set out in the Report of the International Joint Board of Engineers, with such modifications as may be determined from time to time. In any power development on this section of the St. Lawrence, as to which negotiations with the United States Government are essential, the Dominion Government would be prepared to facilitate a settlement in accordance with the above principles.

It is hoped that this enunciation of policy will make it possible to proceed with the development of essential water powers by agreement with the respective provinces without the necessity of having the strict legal rights of the respective governments judicially determined, and without prejudice to such rights on either side.

Yours sincerely,

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C 96897

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OFFICE OF THE PRIME MINISTER
Province of Quebec.

QUEBEC, February 19th, 1930

Rt.Hon.W.L.Mackenzie King, C.M.G.,
Prime Minister of Canada,
O t t a w a.

My dear Premier,

I am in receipt of your letter of the 15th instant, enclosing for my consideration a draft letter which you propose sending to me if accepted and I note that you state that you are sending a draft to Mr.Ferguson also with, I presume, the same object in view.

You say in your letter that you and your colleagues have observed that there has been expressed in the draft sent you by Mr.Ferguson and myself as embodying the conclusions of the recent Waterpower Conference a misapprehension of your views and of the Members of your Cabinet. You particularly point out in this connection the statement in the draft that "the Federal government recognises the full proprietary rights of the provinces in the beds and banks and waterpowers of all navigable rivers".

On the other hand, Mr.Ferguson and myself believe that these expressions joined with the words "subject of course to the right of control of navigation by the Federal authorities", which are contained in the draft accompanying my letter of the 4th instant, are the exact words which were used by you at the Conference in summing up the result of our discussion.

As I read your draft, it seems to me that the very question upon which it is absolutely necessary that we should have an understanding remains open. To accept it would be to expose ourselves to the charge that we have abandoned the fundamental rights for which we have been contending.

I must assure you that I deeply regret that we have been unable to view in the same light this matter which is of so great inportance.

Yours faithfully,

(sgd.) L.A.TASCHEREAU.

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C 96897

OFFICE OF THE PRIME MINISTER
Province of Quebec.

QUEBEC, February 19th, 1930

Rt.Hon.W.L.Mackenzie King, C.M.G.,
Prime Minister of Canada,
O t t a w a.

My dear Premier,

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I must assure you that I deeply regret that we have been unable to view in the same light this matter which is of so great inportance.

Yours faithfully,

(sgd.) L.A.TASCHEREAU.

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C 96898

(C O P Y)

Office of the Prime Minister,
Province of Quebec.

Quebec, February 20th, 1930.

Right Hon. Mr. W. L. Mackenzie King,
Prime Minister of Canada,
O t t a w a.

Dear Mr. Premier,

I wrote to you yesterday in regard to water developments.

I have no objection, if you think it advisable, to make this letter a personal one.

Yours sincerely,

(Sgd.) L. A. Taschereau.

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C 96899

(C O P Y)

Office of
The Prime Minister & President of the Council
Ontario.

Toronto, Feb. 24, 1930.

Dear Mr. King:

I have before me your letter of the 15th instant in which you were good enough to enclose for the consideration of this Government a draft form of letter purporting to set forth the result of the water power conference held in Ottawa on January 24th.

I greatly regret that I find myself unable to concur in the view expressed in this draft form regarding the agreement finally and unanimously reached at that meeting.

You will recall that after a lengthy discussion of the subject, the conclusion was definitely arrived at that we should confine ourselves to a definition on broad lines that would make clear the field of jurisdiction to be occupied by the respective governments, and that the federal and provincial authorities would undertake to recognize and observe such declaration.

Having reached this conclusion, consideration was given to the form in which such declaration should be made, and indeed the very words in which it should be couched was a matter that was given careful consideration.

A great many suggestions were made, and eventually it was agreed that the federal authorities should undertake to recognize the proprietary rights of the provinces in the water powers, subject to the federal authority to protect navigation.

In the/

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In the letter of the 4th instant, which it was understood Mr. Taschereau and I should address to you, we made use of the language which we both concurred accurately expressed the agreement reached, in the very words in which you, as Chairman, properly summed up the result of the day's deliberations.

You will forgive me for expressing considerable surprise to find that the draft of the letter which you propose as embodying the expressed view of the meeting leaves this important question in the position in which it was before that meeting took place.

This Province has always held the view, based upon the advice of leading counsel, that water power is one of the natural resources, that is, the property of the province, and representing the people of Ontario, it is the bounden duty of the Government to urge upon the federal authority the full recognition of this fundamental right of the Province.

Let me assure you that I deeply regret that your Government takes the view that the Province is not entitled to the rights for which it is contending and must continue to urge.

Yours very truly,

(Sgd.) G. H. FERGUSON.

The Right Honourable W.L.Mackenzie King,
Prime Minister of Canada,
Ottawa, Ontario.

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C 96901

(C O P Y)

Ottawa, 8th March, 1930.

Dear Mr. Ferguson,

Referring to the Conferences which have taken place between the Premiers of Ontario and Quebec and a Committee of the Dominion Cabinet, which were held for the purpose of endeavouring to reach a practical basis of agreement regarding the development of water powers in navigable waters, I enclose herewith a memorandum setting forth the policy which our government is prepared to adopt as a basis of agreement with the provinces, without prejudice to the legal rights of the parties.

I should be glad if you would let me know at your convenience whether an agreement in accordance with the terms of the memorandum will be satisfactory to your Government.

Yours sincerely,

(Sgd.) W. L. MACKENZIE KING.

Prime Minister.

The Honourable G. Howard Ferguson,

Premier of the Province of Ontario,

W.L. Mackenzie King Papers

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C 96902

Ottawa, 8th March, 1930.

Dear Mr. Taschereau,

Referring to the Conferences which have taken place between the Premiers of Quebec and Ontario and a Committee of the Dominion Cabinet, which were held for the purpose of endeavouring to reach a practical basis of agreement regarding the development of water powers in navigable waters, I enclose herewith a memorandum setting forth the policy which the Dominion government is prepared to adopt as a basis of agreement with the provinces, without prejudice to the legal rights of the parties.

I should be glad if you would let me know at your convenience whether an agreement in accordance with the terms of the memorandum will be satisfactory to your Government.

Yours sincerely,

W.L. MACKENZIE KING

The Honourable L.A. Taschereau,
Premier of the Province of Quebec.

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(COPY)

With due recognition of the paramount rights of navigation and subject to the observance of any necessary international requirements, the Dominion government is prepared to adopt a practical policy for water power development in navigable waters as follows:

(1) Where a province desires to undertake power development in navigable waters, its right to do so shall be recognized, conditional on the provision of the necessary navigation requirements.

(2) Should the Dominion Government at any time undertake or authorize the construction of any canal or other work for the improvement of navigation, it would be prepared to make available to an approved provincial agency the surplus water power developed beyond that needed for the operation of the locks and purposes of navigation, on a basis equivalent to that which would govern if the provincial agency had itself undertaken the work as a power development scheme.

(3) In either case, should the use of Dominion or Provincial property be required or the riparian or other property rights of the Dominion or Province be interfered with or affected, the acquisition of such property, or the authority to interfere with or affect such rights, could be made the subject of a special agreement in the particular circumstances of each case.

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C 96904

COPY

OFFICE OF THE PRIME MINISTER

Province of Quebec.

Quebec, April 24th, 1930.

Right Honourable W.L. Mackenzie King

Prime Minister of Canada

O t t a w a.

Dear Mr. Premier,

I duly received your letter of April 11th.

I have very carefully considered with my colleagues your communication of March the 8th, enclosing a memorandum setting forth the policy which your Government was prepared to adopt as the practical basis of an agreement regarding the development of water-powers in navigable rivers.

I regret to say that we have come to the conclusion that the terms of such an agreement are not acceptable to the Province of Quebec.

After the first conference we held at Ottawa, Honourable Mr. Ferguson and myself prepared the draft of a letter which, we believed, embodied the agreement which we thought had been arrived at. But, apparently, from what was said subsequently, there had been a misunderstanding. We left Ottawa with the impression that, subject to the paramount power by the Dominion over navigation, it was agreed that the propriety rights in the rivers belonged to the Provinces and the water-power developments would be left to them.

Your last memorandum, in regard to clause No. 2 is, in our opinion, contrary to the provisions of the British North America Act. I enclose you copies of opinions from Messrs. Lafleur, Lanctôt, St. Laurent and Tilley, which clearly set forth our point of view. They entirely confirm Sir John Simons' former opinion, of which I am also enclosing a copy.

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We admit the paramount control of navigation by the Dominion, but cannot concede that water-powers developed by works intended to help navigation could become the property of the Dominion should we fail to pay the cost of such developments, calculated as if they have been effected by the Provinces. We take the view that water-powers, within a province, are solely the property of the Province and their development can only be undertaken at such a cost and on such conditions as we think proper. In other words, these developments are entirely propriety rights within the Province.

Let us reverse the situation. Suppose that a province would, by the construction of some works, within its jurisdiction, create a navigable stream, can it be contended seriously that the province would acquire control over such stream unless the Dominion would reimburse the amount which it cost it to construct these works?

I may add that so far as the Province of Quebec is concerned, we shall be ready to carry out the agreement on the lines set forth in the draft agreement submitted to you by the Honourable Mr. Ferguson and myself, or on similar lines.

Yours sincerely,

(Signed) L.A. TASCHEREAU

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COPY C 96906

Lafleur, MacDougall, Macfarlane & Barclay
Advocates Barristers

Cable address
"FLEURA L
215 St.James St.

Montreal, April 19th, 1930.

Charles Lanctôt, Esq., K.C.,
Assistant Attorney General,
Quebec, P.Q.

Dear Sir,

re: Water Powers.

Since our last conference I have further considered the memorandum submitted by the Dominion Government suggesting a practical policy for water power development in navigable waters, and I am still of opinion that the proposal cannot be accepted by the Province of Quebec.

The second paragraph of this memorandum provides as follows:

> "Should the Dominion Government at any time undertake or authorize the construction of any canal or other work for the improvement of navigation, it would be prepared to make available to an approved provincial agency the surplus water power developed beyond that needed for the operation of the locks and purposes of navigation, on a basis equivalent to that which would govern if the provincial agency had itself undertaken the work as a power development scheme".

The legal objection to this is that it assumes the right of the Dominion Government to develop water-power in the course of construction of navigation works.

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In my opinion the water-powers, being the exclusive property of the Province, cannot be developed at all by the Dominion.

Of course, in building navigation dams and canal locks the Dominion cannot help storing water and creating potential water-power, but the development and utilization of this is exclusively within the power of the Province.

This being so, the proposed basis of contribution appears to me to be fundamentally erroneous.

I could understand the Province being charged with the extra cost of the structure over and above what it would have cost if built for navigation purposes only.

But, according to the Dominion's proposal, the basis would be that which would govern if the Province had built the work as a power development scheme. Presumably it would cost as much to build a power dam as to build a navigation dam, and the Province would, if it wished to avail itself of the potential water-power, be called upon to pay practically the whole cost of the navigation work.

Moreover, the Province would have no control over the expenditure which might be made by the Dominion. It might be upon such a scale (e.g. for the making of a dam across the St. Lawrence) as to make the participation of the Province impossible.

Then, are we to infer that, if the Province found itself unable to contribute on the basis proposed, the Dominion would nevertheless proceed to carry out a power development incidental to the navigation works?

In my opinion that would be entirely unconsti tutional.

Believe me,
Yours sincerely,
(signed) E. LAFLEUR.

DL/B.

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In my opinion that would be entirely unconsti tutional.

Believe me,
Yours sincerely,
(signed) E. LAFLEUR.

DL/B.

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C 96908

ST-LAURENT, GAGNE, DEVLIN & TASCHEREAU
Barristers and Solicitors

71 St.Peter Street,

Quebec, April 26th, 1930

Charles Lanctot, Esq., K.C.,
Deputy Attorney General,
Parliament Building,
Quebec, Que.

Dear Sir,

I have considered the following clause which has been suggested as expressing a practical policy to be adopted by the Dominion and the Provincial Governments for water power development in navigable waters:

> Should the Dominion Government at any time undertake or authorize the construction of any canal or other work for the improvement of navigation, it would be prepared to make available to an approved provincial agency the surplus water power developed beyond that needed for the operation of the locks and purposes of navigation, on a basis equivalent to that which would govern if the provincial agency had itself undertaken the work as a power development scheme.

I am of opinion that this clause is objectionable from a provincial viewpoint and would imply the surrender, to some considerable degree, of property and legislative rights which belong to the Provinces.

I have the honour to be, Sir,

Yours very truly,

(s) LOUIS S.ST.LAURENT.

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C 36909

(C O P Y)
F.

O P I N I O N

Re WATER-POWER at the CARILLON RAPIDS
in the OTTAWA RIVER.

- - - - - - -

The question of the ownership of navigable rivers and their beds was definitely settled in favour of the provinces by the decision of the Privy Council in the Fisheries Case (1898) A.C. 700.

It follows that the potential water powers resulting from the difference in level of the bed of the river are also provincial property, and that the provinces have the exclusive right of developing these water powers or of permitting their utilization by others under lease or otherwise.

The only exception is in respect of water powers connected with the canals in existence at the time of Confederation, which were transferred to the Dominion by the third schedule of the British North America Act.

This exclusive right of the provinces to develop their own water powers is however restricted by the legislative power of the Dominion over navigation, and must be exercised subject to the provision of the Navigable Waters Protection Act (R.S.C., ch. 115) which requires the plans for the construction of any dam in a navigable river to be approved by the Governor-inCouncil.

But this control of the Dominion over navigation must in turn be restricted to what is reasonably necessary for the protection of navigation. It does not justify the construction of works which needlessly interfere with the right of the Provinces to develop their water powers. And the Dominion cannot under the guise of legislating for the protection of navigation appropriate the water powers which are the exclusive property of the provinces.

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Conversely the provinces are at liberty to develop and utilize their water powers to the fullest extent, provided there is no interference with navigation. If a plan of development of the power derivable from the Carillon rapids is submitted which adequately provides for navigation, it would be the duty of the Governor-in-Council to approve it.

Montreal, 13th September, 1927.

(Signed) E. Lafleur

A. Geoffrion

W. N. Tilly

W.L. Mackenzie King Papers

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C 96911

WATER POWERS IN THE NAVIGABLE RIVERS OF CANADA

- - - - - - - - - -

OPINION of Sir John Simon.

I have had the advantage of a consultation with Mr. Lanctot, and I understand he would like me to write an opinion expressing my own view on the very important question which appear to be involved in connection with water power on the Carrillon Rapids in the Ottawa River.

I do not myself know the Locus in quo, and I have no plans or details before me, so that the views I will try to express are necessarily based on general considerations.

I have read the Joint Opinion of Mr. Lafleur, Mr. Geoffrion and Mr. Tilly of September 13th last and wish respectfully to express my entire agreement with what they say.

Speaking for myself, I should have been inclined to approach the problem as follows:-

1. First of all, it seems to me useful to clear one's mind as to what one means by water-power. The expression occurs in the first item of the 3rd Schedule of the B.N.A. Act 1867 which runs "Canals, with lands and water power connected therewith", but I am not aware that the phrase is to be found anywhere else in the Act. It may be observed as significant that the addition of the words "and water power connected therewith" is not to be found when you come to the second item "public Harbours" or the fifth item "rivers improvements". This seems to me to assist one in reaching the conclusion that the only water power which is the property of the Dominion is such as arises by impounding water in, for example, lock of a pre-federation canal, the subsoil of which belongs to the Dominion. No doubt if the Dominion within the lawful exercise of its power, acquires after 1867 on full compensation terms a portion of the bed of a river and

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the water above it, it will enjoy all the rights of ownership which attach to such a purchase. But that is quite a different thing from saying that the Dominion, merely because it has a legislative power with respect to navigation, can by exercising this legislative power, and without any operation of purchase, claim to be the owner of some new water-power.

2. Water-power, I apprehend, merely means the dynamic force which can be developed owing to the fact that a head of water exists which enables power to be developed when the head is reduced. It does not really involve the conception of water power as though it was a specific subject of proprietory ownership. What is owned, is the land over which the water is piled up, and it may be the water itself, if indeed the water is a subject of proprietory right. But this is the only sense in which there can be property in water power; it is really analagous to the property in "wind power" which in a sense belongs to an owner of a windmill which is situated in a position to be driven with the wind; or property in "sun-power", if a man owns a salt-pan in a place where evaporation can be effected. The real question therefore is, whether when the Dominion exercises its legislative power with respect to navigation, it thereby acquires any property in the bed below the body of water it deals with. I am clearly of opinion that it does not.

3. As is pointed out in the Joint Opinion which I have had the advantage of studying, the Dominion cannot, by purporting to legislate on the subject of navigation needlessly interfere with the right of the Province to develop its water powers which attach to it in virtue of provincial ownership of navigable rivers and their beds. Conversely, the Provinces cannot, I apprehend, claim to develop and utilise their water power to the fullest possible extent without having regard to the overriding Dominion interests in navigation. There remains, however, to be considered a possible intermediate position. Suppose that the Dominion, in the bona fide exercise of its power to legislate with respect to navigation, brings into existence, e.g. by dredging or

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impounding the flow, a head of water which did not previously exist. Can the Province claim that the disposal of the resultant dynamic force which this head of water creates is a purely provincial matter and that the Dominion in spite of its expenditure on a purely Dominion topic, has nothing to do with it? It may be argued that such a case, if it arose, would fall within the principle that what is necessarily incidental to the exercise of a Dominion power must be treated as within the Dominions sphere. But I am inclined to think that if the Dominion desires to act as a proprietor of these water rights and therefore to be at liberty to sell them, the Dominion itself must acquire from the Province the submerged land upon which the head of water is erected and thus must base its claim not on a head of legislative power but on something entirely different, viz, a proprietory interest.

JOHN SIMON

Temple, E.C. 4
8th December 1927.

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C 36914

COPY

Office of the Prime Minister
and President of the Council
Ontario

Toronto,
April 28,1930

Dear Mr.King,

The Government of Ontario have given fullest consideration to the memorandum regarding power development submitted by you in your letter to me of the 8th of March, and have had the benefit of the advice of a number of eminent counsel with respect thereto. Counsel are unanimous in the opinion that to assent to your proposals would in effect mean the abandonment of the constitutional proprietary right of the Province in its water powers.

You will recall that at the first conference held on the 24th of January last, the Provinces contended that we should lay down a broad declaration of principle to be followed by both the federal and provincial authorities. It was agreed that Ontario and Quebec should submit to you a letter embodying this declaration for your approval, and that Mr.Taschereau and I should endeavour to agree as to the form of such letter so that duplication might be avoided.

Subsequently,on the 4th of February, the suggested draft was submitted to you by the provinces jointly.

Later,under date of the 15th of February,you wrote me stating there was some misapprehension of what undoubt-

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C 96915

edly appeared to be the unanimous conclusion of the conference, and you outlined in some detail, in a draft letter, what you regarded as the real view of the Dominion Ministers.

Frankly, I was greatly surprised at what appeared to me to be a complete change of attitude on the part of your government with regard to the subject. I consulted the Attorney General who accompanied me at the conference and found we were in entire accord as to the conclusions reached at the conference.

On February 24th I wrote you expressing my astonishment and pointing out that in drafting the letter embodying the result of the discussion, Mr.Taschereau and I had been particularly careful, in our effort to avoid misunderstanding, to use the very words in which you as Chairman had summed up the result of our discussions.

When at your request we met again on Saturday, the 8th of March, you submitted a memorandum putting in concrete form the views outlined in your letter of the 15th of February.

After considerable discussion it was agreed that the provinces were entitled to an opportunity of fully considering what we regarded as an entirely new presentation of the situation.

As intimated in the opening of this letter, we find ourselves unable to concur in the suggestion that the property

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of water powers, undoubtedly belonging to the provinces, should be appropriated and administered by the Federal authority.

Being anxious, however, to see the early improvement of navigation in the St.Lawrence River, and with the desire to expedite such work, the Province of Ontario is prepared to co-operate with the Federal authority in carrying out a proper navigation scheme. With that end in mind I enclose you herewith a memorandum setting forth the view of this Province, which, in the opinion of this Government, will conserve the rights of both the federal and provincial authority and at the same time remove any cause for delay on account of the power question in undertaking the immediate improvement of the river.

Yours very truly,

(signed) G.H.FERGUSON

The Right Honourable
W.L.Mackenzie King,
Prime Minister of Canada,
Ottawa, Ontario.

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C 96917

Office of the Prime Minister and President of the Council
Ontario.

MEMORANDUM referred to and enclosed in letter
dated 28th April,1930,from
Mr.Ferguson to Mr.King.

Subject to any paramount jurisdiction given by the British North America Act to the Parliament and Government of Canada, the Dominion Government and the Province of Ontario are prepared to adopt as a practical policy for water power development in navigable waters as follows:

(1) Should a province or two provinces acting together desire to undertake or authorize power development in navigable waters, the right to do so shall be recognized by the Dominion authority conditional on the provision of the necessary navigation requirements, the cost of any works to improve navigation not required for the development of power to be borne by the Dominiom.

(2) Should the Dominion desire to undertake or authorize any works within its jurisdiction for the improvement of navigation which could conveniently be carried on contemporaneously with the development of power, it will so notify the province or provinces concerned. Whereupon such province or provinces will be prepared to undertake the development of such water power where necessary to facilitate the navigation plans.

(3) In either case,should the use of dominion or provincial property be required, or the riparian or other property rights of the Dominion or the Province be interfered with or affected, the acquisition of such property, or the authority to interfere with or affect such rights can be made the subject of a special agreement in the particular circumstances of each case.

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C 96918

Ottawa, May 6, 1930.

Hon. L. A. Taschereau,
Premier of Quebec,
Quebec, Que.

My dear Mr. Taschereau:

I am in receipt of your letter of April 28 regarding navigation and power development. I shall take the first opportunity of bringing it before my colleagues, and shall then communicate with you further,

Yours sincerely,

(Sgd.) W. L. MACKENZIE KING

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C 86919

Ottawa, May 6, 1930.

Hon. G. Howard Ferguson, K.C., LL.B.,
Premier of Ontario,
Toronto.

My dear Mr. Ferguson:

I am in receipt of your letter of April 28 regarding navigation and power development. I shall take the first opportunity of bringing it before my colleagues, and shall then communicate with you further.

Yours sincerely,

(Sgd.) W. L. MACKENZIE KING

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C 96920

PRIME MINISTER'S OFFICE

MEMORANDUM

✓ Waterways - St. Lawrence

For the Prime Minister

Is it your wish that the Deputy Minister of Railways and Canals, Mr. V. I. Smart, should be allowed to see the correspondence which has taken place between you and the Premiers of Ontario and Quebec?

Secretary

HARRY BALDWIN

7-5-30

MAY 7, 1930.

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Collateral - Waterways St Lawrence
~~Collateral~~ - ~~Waterways~~ ~~St Lawrence~~
C 96921

WATER POWERS

Rt. Hon. W.L. Mackenzie King at Peterboro, Ontario, June 17, 1930.

"'We are quite prepared to establish a working basis in order to enable us each to get on with the work.' We said: 'You can have the power to develop, conditional on navigation requirements, we will treat you as if you owned the power. Go on with your plans. All we say is that you should submit your plan to us so that we can make sure that they fit in with the navigation requirements of the general development."

The Dominion Government had made its proposal to the provinces of Ontario and Quebec, but it had not yet been accepted. The provinces felt they had a legal claim for more than was offered. However, after July 28, a lot of the troubles would be over. "This election will be over, and I don't think there will be so much trouble getting together with the provinces". Just at the present time, there did not seem to be any indication of the way being clearer further in so far as the St. Lawrence waterways were concerned."

(Ottawa Journal
June 18, 1930)

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C 96922

OFFICE OF THE PRIME MINISTER

MEMORANDUM

Elections-Gen Elec 1930-Issues ✓

FOR DR. SKELTON: Waterways - St Lawrence ✓

Kyle E. B.

Please advise United States of report reached between Dominion and Provincial engineers on International Rapids Section, and take necessary steps to arrange conference between United States engineers and Dominion engineers.

I shall probably refer to this matter again in the course of the campaign, so would like to be kept advised of progress.

W.L.M.K.

Ottawa, June 18, 1930.

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WLMK.

C 96923

JULY 1, 1930.

Waterways - St. Lawrence

Statement issued by
The Right Honourable W. L. Mackenzie King
To the Canadian Press at Brandon, Manitoba,
July 1, 1930

In opening the present campaign on behalf of the Conservative Party at Winnipeg on June 9th, Mr. Bennett sought to introduce as one of the issues the subject of the St. Lawrence Waterway. This he did by asking why nothing had been done, and by replying to his own question in the words, "Why? because it was the business of the government to do it, and the government did not choose, they did not dare to do anything." Mr. Bennett later in his address added, "It stays, in the language of the Prime Minister, 'still under negotiation!"

In opening the campaign on behalf of the Liberal Party at Brantford on June 16th, I did not touch on the subject of the St. Lawrence Waterway, but promised to make a statement of the government's position at a subsequent meeting. This I did at Peterborough on the evening following. It was a statement which purposely avoided any controversial features. Neither directly nor indirectly did it seek to reflect on any political party or government. The whole trend of my remarks was along the line of indicating the magnitude of the problem -

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the vastness of the considerations, financial, constitutional, economic, national and international involved, and to show wherein the effort of the present administration at Ottawa had been to clear up all national difficulties and differences before carrying further the necessary international negotiations.

I pointed out that, as between the Dominion and the provinces, we were seeking to proceed with Ontario and Quebec as we had so successfully done in the case of the Maritime Provinces, the Prairie Provinces, and British Columbia, and to reach, through conference, an understanding and agreement which would be acceptable to all governments concerned. I went so far as to say that matters had progressed so favourably that we were perhaps now at "the meeting of the ways" with regard to this great St. Lawrence question; that the government of the Dominion and the governments of the provinces were "at last coming together", and that as a consequence, it should be possible for the national governments to get together and make what might be necessary in the way of agreements and covenants to enable this great project to be pushed forward from this time on.

Because of the importance and magnitude of the considerations involved, and the stage negotiations have reached, I have

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felt all along that it would be inadvisable to make the St. Lawrence Waterway project a subject of political controversy in the present general elections, and, therefore, in my opening key-note address at Brantford, refrained from dealing with it on that occasion. The question of the St. Lawrence Waterway was not the subject of any real discussion in the session of parliament just concluded, and has occasioned very little in the way of discussion throughout the entire parliament. Until Mr. Bennett, by his remarks at Winnipeg, sought to introduce it into the realm of political controversy at the present general elections, he had scarcely so much as referred to it in the course of the past four years.

As a consequence of Mr. Bennett's references at Winnipeg, and particularly because of the misleading nature of them, I was obliged to make some reply. This I did at Peterborough, but in making reply I was careful to confine myself to a statement of the contentions of the provinces and Dominion respectively, and of the policy the government at Ottawa has been prepared to adopt as a practical working basis with the provinces, without prejudice to the legal rights of the parties. The legal rights of the parties are a matter which the courts alone are able to determine. In order to state the position accurately, I read the exact language

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C 36926

used on different occasions in stating the policy of the federal government, a policy, I might add, which I outlined in parliament in the course of a debate on the St. Lawrence Waterway as long ago as February 28, 1929. The position as then set forth has been generally known ever since as the one we were prepared to take in our negotiations with the provinces.

The statement made at Peterborough, and the course of procedure adopted, were for the sole purpose of making a reply to Mr. Bennett in a manner which would let the position of the federal government be publicly known, but at the same time avoid any disclosure of the negotiations or conference between the Dominion and provincial governments.

It is rather significant that Premier Ferguson found it necessary to wait from June 17th to June 30th to take issue with what was said by me at Peterborough; also that he has thought it desirable, in order to appear to be stating the position of the Ontario government, to make public all the correspondence which has taken place between the governments as a result of the several conferences, and which he claims was confidential, rather than give to the country, as I did, in brief form, a statement of the position of the Ontario government. The fact that Mr. Ferguson has gone to such pains to have the public believe that there is an issue between

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the provinces and the Dominion with respect to a constitutional phase of the St. Lawrence Waterways problem, only goes to confirm the impression which has been growing since my colleagues and I began our conferences with Mr. Ferguson, namely, that he has never really wished to reach an agreement with the Dominion, but has been seeking from the beginning to play party politics with this all important matter, and, in co-operation with Mr. Bennett, thereby to create, if possible, another issue in the present campaign. The "five cent" issue having failed to do all Mr. Ferguson expected of it, he now seeks to manufacture political capital by misconstruing and misrepresenting the position of the federal government with respect to the waterways situation, even at the risk of considerably endangering the further development of the St. Lawrence Waterways project itself.

The public is not concerned with party politics in this undertaking. What the public wishes to know is the respective attitudes of the provincial government and the federal government, and the differences, if any, there may be between them. I have given a clear statement of the position of the federal government, and am prepared to have the Liberal Party and its attitude judged by that statement. If Mr. Ferguson will be equally concise and direct with regard to the position of the Ontario government, he will assist materially in enabling the public to draw its own

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used on different occasions in stating the policy of the federal government, a policy, I might add, which I outlined in parliament in the course of a debate on the St. Lawrence Waterway as long ago as February 28, 1929. The position as then set forth has been generally known ever since as the one we were prepared to take in our negotiations with the provinces.

The statement made at Peterborough, and the course of procedure adopted, were for the sole purpose of making a reply to Mr. Bennett in a manner which would let the position of the federal government be publicly known, but at the same time avoid any disclosure of the negotiations or conference between the Dominion and provincial governments.

It is rather significant that Premier Ferguson found it necessary to wait from June 17th to June 30th to take issue with what was said by me at Peterborough; also that he has thought it desirable, in order to appear to be stating the position of the Ontario government, to make public all the correspondence which has taken place between the governments as a result of the several conferences, and which he claims was confidential, rather than give to the country, as I did, in brief form, a statement of the position of the Ontario government. The fact that Mr. Ferguson has gone to such pains to have the public believe that there is an issue between

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conclusions as to any causes there may be for delay. If he is unwilling to do this, and seeks to befog the whole issue in a cloud of words and to create imaginary controversies, the public itself will be quick to draw its own conclusions.

The utilization of the greatest waterway in the world to the fullest advantage of the people of Canada presents at once an opportunity and a problem of great magnitude. The Canadian Government has considered it essential to investigate the question with the utmost care. It joined with the United States in a comprehensive inquiry into the engineering aspects, including plans and costs, through the Joint Board of Engineers. It provided for the review of the financial and general issues through a national Advisory Committee. It next discussed with the United States the international aspects in a series of despatches which were universally recognized in Canada as fully safeguarding every Canadian interest. It sought to secure, as a preliminary to any further action, agreement with the provinces of Quebec and Ontario upon the phases in which they were concerned. It has shown neither undue haste nor undue delay, and has unquestionably succeeded in bringing into clear light for the decision of the people of Canada, the essential factors involved.

Not the least difficulty has been that occasioned by

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difference of opinion as to the rights of the Dominion and of the provinces in navigable waters. The Dominion Government, as trustee for the people of Canada, has set forth what it is advised are the undoubted constitutional rights of the Dominion as to water powers created under works constructed for the improvement of navigation. The governments of Ontario and of Quebec have questioned those rights. In so doing they were doubtless exercising their own right and duty to safeguard any powers accorded to the provinces under the constitution. The Canadian Government accordingly sought to find a solution. It first provided for a reference to the courts. While such questions as were definitely answered were answered favourably to the Dominion contention, the Court found it difficult to decide on other questions because of their necessarily general character. The government next sought to find a solution by conference, in the hope that without prejudice to the legal rights of either party, a practical solution could be found which would be of advantage to all interests concerned. If that hope has not yet been fulfilled, it has been through no lack of good-will or endeavour on the part of the federal authorities.

In his comment on these negotiations, Mr. Ferguson has raised several points of no material bearing on the case, but to

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which I may briefly refer. He contends in his statement and in his correspondence that in the first conference between the Dominion and the provinces, our government offered to recognize the legal right of the provinces to the water power developed in navigable streams, and that we subsequently withdrew this offer.

Those of my colleagues who were present at the conference are all agreed that no such offer was made, and could not have been made. We were not dealing with legal rights. The whole purpose of the Conference was to endeavour to find a working solution in lieu of a legal determination. Mr. Ferguson knew as well as anyone that no Dominion government would have the power, even if it had the will, to renounce rights assigned to the Dominion under the constitution, and that any such offer on its part would be worthless in law. What we did propose was to seek to place the provinces in as good a position for all practical purposes as if their right to develop and utilize the water power in question had been determined.

Resolved that no ground for possible misunderstanding should be permitted to exist, we arranged a further conference and on this occasion, on March 8th, submitted a written memorandum which after some revisions suggested during the Conference, we delivered by letter to the Premier of each province, as setting forth the

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policy which our government was prepared to adopt, as a basis of agreement with the provinces, "without prejudice to the legal rights of the parties".

Mr. Ferguson seeks further to divert attention from the real issue by an absurd interpretation of a phrase in the preamble to the memorandum in question. He declares that, in my speech at Peterborough, I omitted to recite this preamble, and that one phrase it contains, "subject to the observance of any necessary international requirements" has a sinister significance. As already stated, I was not at Peterborough reading from the correspondence, though in stating the Government's position I naturally made use of the precise language used to state the Government's position. There was of course no purpose in omitting the preamble, it was not in what I had before me, nor was it omitted with intention, I merely read the substantive proposal of our government, as it had been typed out at my request. One might have thought the phrase in question would go without saying. It in no way related to agreements in contemplationbut solely to treaties in existence. Indeed at one of the conferences, Mr. Ferguson himself, agreed that it was but a statement of obvious fact, namely that in any negotiation with the United States, both countries would necessarily be bound by the provisions of existing

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treaties. Does Mr. Ferguson imagine that we could come to a decision regarding the international section of the St. Lawrence without taking into account "the necessary international requirements", without reaching an agreement with the United States, and without taking into account any rights or obligations involved in existing international agreements? To this phrase, Mr. Ferguson's statement gives a meaning which he knows very well was not and could not ever have been intended. He says: "This clearly means that the federal government in its international negotiations wants to deal with the property of the provinces in any way it sees fit without reference to the provinces. For example, the actual power development could be placed anywhere in any section of the river either on the American or Canadian side, and the province which owns the power would be precluded from being consulted, or having any voice in the matter." This misrepresentation and the bluster which follows are a fair measure of Mr. Ferguson's partisan approach to this question. Has not the Canadian government made it meticulously clear, in its negotiat ons with the United States, that before proceeding further, it would seek to settle all provincial questions unsolved, settle the constitutional problems in which both provinces were interested, and the engineering problems of the international rapids section in

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which Ontario was particularly interested?

Would any one reading Mr. Ferguson's outburst realize that so far from not being consulted as to the placing of any power development, he had in his possession a report prepared by the Canadian members of the Joint Engineering Board (Mr. McLaughlan of the Department of Railways and Canals, Mr. Lefebvre of Quebec, and General Mitchell of Toronto) and by two engineers nominated by the Province of Ontario, Messrs Gaby and Hogg of the Hydro-Electric Commission, on the best method of developing that very section? Some months ago, in view of the divergence between the Canadian and the United States section of the Joint Board, as to the best plan of development of the international rapids section, and recognizing the interest in this area of the Hydro-Electric Commission of Ontario, which had plans of its own for development, I asked the province of Ontario to nominate engineers to join our nominees in an endeavour to work out an agreed plan. This, after considerable delay on Mr. Ferguson's part in the naming of the Engineers for the Province of Ontario, was done, and a unanimous report has been presented. Yet Mr. Ferguson, with this report in his possession, thinks it consistent with his position as Premier of Ontario, and in the light of our straight-forward dealing to talk of sinister or ulterior motives

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on the part of the Dominion Government. I hope Mr. Ferguson will not regard as a violation of any confidence the immediate publication of this report, which under the circumstances I regard as imperative.

I need not devote any further attention to Mr. Ferguson's diversions. The real question for the people of Canada to decide is whether we have endeavoured to consult the provinces, and whether the settlement we have proposed is a fair one. The proposal we have submitted to Mr. Ferguson, including its preamble is as follows:

"With due recognition of the paramount rights of navigation and subject to the observance of any necessary international requirements, the Dominion government is prepared to adopt a practical policy for water power development in navigable waters as follows:

(1) Where a province desires to undertake power development in navigable waters, its right to do so shall be recognized, conditional on the provision of the necessary navigation requirements.

(2) Should the Dominion Government at any time undertake or authorize the construction of any canal or other work for the improvement of navigation, it would be prepared to make

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available to an approved provincial agency the surplus water power developed beyond that needed for the operation of the locks and purposes of navigation, on a basis equivalent to that which would govern if the provincial agency had itself undertaken the work as a power development scheme.

(3) In either case, should the use of Dominion or provincial property be required or the riprarian or other property rights of the Dominion or province be interfered with or affected, the acquisition of such property, or the authority to interfere with or affect such rights, could be made the subject of a special agreement in the particular circumstances of each case."

Could anything be simpler or fairer, and more genuinely designed to meet the province? There are two contingencies to consider, first that a province would desire to develop a power scheme in navigable waters and that the Dominion would find it necessary to safeguard the navigation requirements, and second, that the Dominion would take the initiative in developing a navigation scheme and would develop power as a consequence. In both cases we have offered to meet the needs of the province. In both cases we have offered to allow the province to secure the

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power, rather than to utilize or distribute it ourselves. In the first case, we agree to recognize the right of the province to make the development, subject only to its providing the necessary navigation requirements. Even Mr. Ferguson recognizes the essential fairness of this proposal. In the second case, we offer to place the province in precisely as good a position, by making available to an approved provincial agency all surplus power on exactly the same basis as that which would have governed if the provincial agency had, as in the first case, undertaken the work as a power develppment scheme. If the first offer is accepted as fair, the second, which is simply the same solution adapted to the case where the Dominion takes the initiative, is equally fair. Let any reasonable man review our conduct of the negotiations, let him compare the basis we have suggested with the vague and meaningless alternative which Mr. Ferguson has put forward under the second paragraph, and I am confident he will conclude that there never was a fairer, simpler or more honest attempt to solve a serious difficulty. It will also, I think, be apparent that, even to serve party political ends, Mr. Ferguson has had to go pretty far afield to raise, as an additional issue in the present federal campaign, a question of provincial rights.

Far from asking the province of Ontario to "concede the right to permit the Dominion government to confiscate the property

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of a province and go into the power business", which Mr. Ferguson seeks to have the people of his province believe is the objective of the Dominion government, it will be apparent that the whole purpose of our negotiations has been to make clear that the Dominion government has no desire to go into the power business, but has been seeking to reach an agreement whereby, apart altogether from what the legal rights of the Dominion may be, the power business will be left to the provinces.

In conclusion, may I say that I invite all who are interested in the power or navigation developments on the St. Lawrence to review and compare the attitude and approach of Mr. Ferguson and myself on this great national project with all that it involves. Mr. Ferguson has set forth his attitude and approach in the lengthy statement which he has taken ten days to prepare, and which he has requested the editors of Canadian papers to publish in full. Mine were set forth at Peterborough when I spoke, without notes, in the presence of a vast audience. Fortunately, a verbatim stenographic report of what I said was made, though at the time of speaking I had no knowledge that such was the case. In view of the fact that

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Mr. Ferguson alleges that what I said at Peterborough is the occasion of his re-entering the federal contest on the waterways issue, perhaps Canadian editors will not be averse to according to this portion of my Peterborough speech a publicity equal to that given the statement issued yesterday by Mr. Ferguson, and thereby enable the public to judge for itself in how far Mr. Ferguson is justified in the allegations he has made.

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C 36940 Collateral - Waterways - St. Lawrence

[1930?]

PRINTED IN CANADA

FORM 103

CANADIAN PACIFIC RAILWAY COMPANY

Toronto July 8- All consideration put forward by the engineers against an all Canadian development of the St. Lawrence must now give way th the soverign necessity of preserving control of any canal system devised for the international section of the river Premier G. Howard Fergson declared tonight commenting on the report made public at Ottawa one most important question has not touched at all by this report. The Premier said that was the question of water power ownership which he contended that the provinces are sole owners has made an issue in the present election campaign. He found no fault with the engineers he merely remarked that the point was not touched and put the responsibility on Premier King as he has in several recent speaches "if Premier King really intended to go on with the development of the St. Lawrence he would settle that question" Mr Ferguson asserted but of course this report does not touch on that phase of the question.

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WLMIC C 96941 JULY 8, 1930
Waterways - St. Lawrence ✓
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STATEMENT ISSUED TO THE CANADIAN PRESS BY RIGHT HONOURABLE W. L. MACKENZIE KING AT VANCOUVER JULY8, 1930

I have seen to-day the Canadian Press Report of Premier Ferguson's speech at Kitchener on July 4th. I observe that Mr. Ferguson devoted the greater part of his time to assailing the Dominion Government on its position as to development of water powers in navigable streams and has heroically announced his intention to stand on guard in defence of provincial rights against a wholly mythical attack. His speech is merely a repetition of his press statement of June 30, and requires no further comment.

The public will need no assistance in judging the policy of the Canadian Government from the record of its action and the correspondence as already made public. That record makes it clear beyond doubt that the Dominion Government has right along made an earnest effort to reach a solution of the question on a fair and enduring basis.

First, instead of "going into the power business" itself, the Dominion has indicated that it would be prepared to agree that a province or provincial agency should secure and utilize the power whether the development be made by the province or by the Dominion. Second, the Dominion has set

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forth an eminently clear, fair and practical basis for facilitating utilization of power by the province. In the first case, where the province desires to undertake power developments in navigable waters its right to do so will be recognized conditionally on the provision of the necessary navigation requirements. This proposal has been substantially accepted. In the second case, where the Dominion, in the discharge of its power and duty of improving navigation, initiates a work which results in the development of power, it has indicated its readiness to make the surplus water power available to the provincial agency on precisely the same basis as in the first case.

Our offer in this regard is as follows: "Should the Dominion Government at any time undertake or authorize the construction of any canal or other work for the improvement of navigation, it would be prepared to make available to an approved provincial agency the surplus water power developed beyond that needed for the operation of the locks and purposes of navigation on a basis equivalent to that which would govern if the provincial agency had itself undertaken the work as a power-development scheme."

Mr. Ferguson's alternative is as follows: "Should the Dominion desire to undertake or authorize any works within

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its jurisdiction for the improvement of navigation which could conveniently be carried on contemporaneously with the development of power, it will so notify the province or provinces concerned. Whereupon such province or provinces will be prepared to undertake the development of such water power where necessary to facilitate the navigation plans of the Dominion." It is only necessary to place these two statements side by side to judge which is the more clear, the more consistent and the more reasonable.

Third, we have made every effort to co-operate in the solution of the engineering problems involved, particularly in the development of the St. Lawrence. Mr. Ferguson professes to fear that the Domion Government is proposing to enter into negotiations with the United States on the St. Lawrence development without consulting the provinces and thus as he states "placing the actual power development anywhere in any section of the river, either on the American or the Canadian side".

So far is this from being the case that, as already stated, the Dominion Government took the initiative in asking the provincial government to nominate engineers to co-operate with the Canadian Section of the Joint Board in

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revising the plans for the International Rapids Section of the St. Lawrence. In other words, they were asked to report on precisely this question - "where should the actual powere development be placed". They presented a unanimous report. That report, which was sent to Mr. Ferguson six months ago, together with the plans and estimates which have been since received from the engineers conference draft are now before the public and speak for themselves.

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C 96945

For release morning of July. 19th.
Statement by Prime Minister
Waterways - St. Lawrence

JULY (19th 1930)

JULY 19, 1930

Mr. Ferguson has sought to befog the great issues of national policy now before the country and to excuse his unprecedented partisan campaign, by harping on imaginary provincial grievances, and trying to invent some excuse for raising a cry of provincial rights. He has not been able to bring forward one single substantial ground of complaint.

The plain fact is that there never has been a national government in Canada so careful to recognize provincial rights and so anxious to co-operate with the provinces in the settlement of outstanding issues, as the present government. Our record speaks for itself: settlement of the Maritime provinces claims; settlement of the natural resources problem of the prairie provinces; settlement of the British Columbia lands question; and a fair and generous offer for settlement of the issue as to navigation and water power development in which the central provinces are particularly interested.

The federal government is the national government, the government of every Canadian, a government which, within its own field of power, represents the people of Ontario as fully and as directly as the provincial government represents them within its field of activity.

Mr. Ferguson has particularly sought to make an issue of the St. Lawrence Waterway. He has complained of delay on the part of the Dominion. I yield to no one in my conviction of the tremendous possibilities of that development. It is so important that it is absolutely essential to consider every angle thoroughly. May I quote from a statement by Sir Adam Beck:

> "Only by viewing this St. Lawrence project in the light of all the essential factors may a sound policy be determined. When all the factors - physical, economical, financial, national and international - have been assembled, and when to each has duly been assigned its proper weight, then only will it be possible to form a judgment respecting which particular scheme, or combination of schemes, would result in the greatest benefits to the citizens of both countries. Undoubtedly the Welland Canal project which involves an expenditure of upwards of $60,000,000 will be a factor for special consideration because this improvement cannot adequately be availed of until deep-channel navigation is actually opened through to the sea. The development of water power on the St. Lawrence river will facilitate the attainment of this end."

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The Dominion Government has endeavoured to assemble all these factors, without undue delay and without undue haste. The engineering, the financial, the international aspects have all been considered. A constitutional difficulty, occasioned by provincial claims as to water power rights in navigable streams arose. We have sought a solution before the courts, we have sought a solution by friendly conference.

We have stated definitely that we do not ourselves wish to go into the power business. We have made an offer which will ensure that whether the initiative in the development of the St. Lawrence or any other navigable stream comes from the Dominion or from the province the power will be available for the province on a definite basis which provides for a fair allocation of ~~kk~~ costs as between navigation and power and for full consideration of the riparian rights possessed by either the Dominion or the province.

If a settlement has not yet been effected, if this essential factor in the determination and decision of St. Lawrence policy has not yet been established, the fault certainly does not rest with the government which has made every effort to find a solution and has put forward a fair and reasonable offer.

In striving to make his point as to delay on the part of the Dominion, Mr. Ferguson declares:

> "To say that Ontario has retarded plans for the St. Lawrence development is not borne out by the facts, because it is a matter of general public knowledge that it is six years since the Ontario Hydro Commission, with the authority of the Provincial Government, filed its plans for St. Lawrence development at Ottawa for approval, and this government has been urging action by Ottawa ever since."

Mr. Ferguson speaks as though Ontario at that time had filed a definite plan or proposal with respect to the St. Lawrence. He could have stated with truth that the Ontario Hydro-Electric Power Commission had filed four plans in all dealing with the development of the international section of the St. Lawrence - three on the occasion to which Mr. Ferguson refers, and the fourth plan subsequently. The first three schemes were submitted about the time the enlarged Joint Board of Engineers was being appointed by the federal governments of the two countries, as recommended by the International Joint

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Commission, to conduct a wider enquiry into the proposals for a deepwater development of the St. Lawrence. When the Ontario Hydro-Electric Power Commission came to examine, by borings, the effect of the fourth plan, it was found to be untenable for physical reasons, and permitted to drop. As to the three plans originally filed, the chairman of the Canadian Section of the Joint Board of Engineers arranged early in 1926 for a meeting between the International Board and the engineers of the Commission with a view to clarifying the position as to the various schemes which the Commission had drawn up. It was found impossible to get a definite expression from the Ontario Hydro-Electric Power Commission at that time with regard to the several Ontario proposals. Had it been possible to clarify the situation then, the subsequent and more recent conferences with the provincial ~~premiers~~ engineers, initiated again by the Federal Government, would not have been necessary, and several years might have been gained from the standpoint of engineering agreement as between the province and the Dominion.

When the engineering agreement finally reached was made public by the Dominion Government last week, Mr. Ferguson, speaking at Belleville, is reported as saying that "after laying it away on a shelf for some months, Premier King has seen fit to give out the engineers' report on the St. Lawrence Waterway". Taking a clue also from Premier Ferguson's attitude, the Montreal Gazette of July 10th had the following to say:

> "The report is a little more than six months old, and there seems to be no valid reason why it could not have been given to the public at any time since the first of the year. In the ordinary course, the provincial government would wait for this to be done by Ottawa, but it is characteristic of the extreme hesitancy and secretiveness of Mr. King and his associates in regard to the whole St. Lawrence question, that nothing has ever been said or published by or on behalf of the Dominion Cabinet, respecting this issue, until the compulsion of some special incentive has come into play."

The plain fact is that any delay in the publication of the Dominion-Ontario engineering agreement has been due to Mr. Ferguson himself. On January 9, 1930, within a week after receiving the report, I wrote Mr. Ferguson, forwarding him a copy for his consideration and stating that I would be glad to have his views as to publication. More than six months have elapsed, and I have not yet received a reply to that letter. And yet Mr. Ferguson speaks of my "laying the report away on the shelf!"

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Incidentally, I note that Mr. Ferguson considers that the report makes clear that the problems of power and navigation are entirely separate. In some cases they are physically separable, but they are not separable from an economic or from an international standpoint. No development in the International Section of the St. Lawrence could economically be undertaken until the relations of power and navigation and of the Dominion and the province had been worked out and no work, either for navigation or for power in this section, can be begun except by an international agreement with the United States which has repeatedly indicated that its primary interest is the improvement of navigation.

Again, Mr. Ferguson professes to be disturbed by fear of Ontario's position being prejudiced by the Dominion Government in the negotiations with the United States which would be necessary. He has declared that the Dominion wishes to be free to place the power development anywhere it pleases on the St. Lawrence, on the American or on the Canadian side, without consulting the province.

Preposterous, a more

It would be impossible to imagine a more trumped-up assertion. Look at the actual facts, the record of policy in the past. Take Niagara, where the power secured formed the basis of the whole development of the Hydro-Electric Commission in Central and Western Ontario. The negotiations with the United States for power development on that river were carried out by the Laurier Government and took shape in the Boundary Waters Treaty of 1909. Sir James Whitney was premier of Ontario at that time - a sturdy patriot, and at least as zealous for Ontario's rights as Mr. Ferguson. The division of flow at Niagara, as then arranged, was entirely satisfactory to Ontario.

The only complaint that has been heard about the division has come from certain United States politicians who seem to feel that Canada secured undue advantage in the arrangements made. If Canada did secure undue advantage, Ontario has been the beneficiary and the Laurier Government the negotiators. But it was not only in Laurier's day that the same interest and the same desire for co-operation was shown. It became necessary recently to reconsider the question of saving and improving the crest line of the Falls at Niagara, at the same time rendering available a temporary increase of

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diversion for power purposes on both sides of the line. The present government arranged with the United States Government for the study of the question by the International Niagara Board, and when its report was received, signed a treaty embodying its recommendations. That treaty received the approval of the Canadian Parliament, and is at present before the United States Senate. At every stage in that proceeding we consulted with the province of Ontario and the Hydro-Electric Commission, and the resulting agreement had their fullest approval, ~~and~~ as well it might. It would be more befitting for Mr. Ferguson to express some appreciation of the co-operation offered by the Dominion Government in that actual and very recent negotiation on matters involving water power, rather than to invent wholly hypothetical charges about future negotiations.

So again with the St. Lawrence, it is only necessary to recall the negotiations with the United States which have already taken place. The exchange of correspondence was published at the time, and I venture to say there was not one exception in Canada to the view that the Canadian Government had amply safeguarded every national and provincial interest in that exchange. Certainly there was no complaint on that score from the federal opposition at the time or even from Mr. Ferguson. So today: the report of the Conference between the Dominion engineers and the Ontario Hydro-Electric engineers which was made public last week, shows that on the invitation of the federal government an effort was made, and a successful effort, to secure agreement as to the best engineering plan for developing the international rapids section, an agreement which will of course form the basis of any proposals put forward by Canada in negotiations with the United States.

Mr. Ferguson has brought into the discussion the plans filed at Ottawa by the Ontario Hydro-Electric Power Commission six years ago on behalf of the Ontario Government. They were the same three schemes "A", "B", and "C" as were filed by Ontario with the International Joint Commission in 1921, when the latter body was making its investigation of the St. Lawrence proposals of ten years ago. These plans and the reports and estimates on which they were based, and the late Sir Adam Beck's covering letter to the International Joint Commission, were published by the Ontario Hydro-Electric Power Commission in 1925, shortly after the appointment of the enlarged Joint Board of Engineers by the United States and Canada, and in view of Mr. Ferguson's responsibility, together with Mr. Bennett's, for the "Canada alone" policy of the Conservative Party as adopted

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at the Winnipeg Convention in 1927, it is of interest at this time to call attention to some features of this report. While principally concerned with power, Sir Adam Beck was prepared to give due consideration to the claims of navigation, and in his formal statement to the International Joint Commission of November 12, 1921, he was careful to explain that:

> "This statement deals with the subject of power, but in order to avoid any misapprehension and to anticipate any suggestion that due consideration has not been given to the claims of navigation in the St. Lawrence River, the Commission desires at the outset to emphasize that full account has been taken of the needs of navigation and in all plans for the proposed development of the water power of the St. Lawrence River provision has been made for the physical needs of whatever navigation improvements the International Joint Commission may recommend.
>
> "The economics of the improvement of navigation in the St. Lawrence is a phase of the problem which the International Joint Commission has taken special means to determine, and consequently the Hydro-Electric Power Commission has not specially dealt with this subject. The Commission's researches, however, have conclusively demonstrated that Hydro-electric development of the St. Lawrence River can be carried out in such manner as to justify its development from the standpoint of power production alone, while at the same time providing that the physical structures required for power shall embrace all features necessary to safeguard the present and future requirements of improved navigation."

The plans accompanying this report were those afterwards filed with the Federal Department of Public Works by Mr. Ferguson's government, and all three shcemes provided for a navigation channel that sought impartially the most suitable route regardless of the international boundary. The plans visualized the seeming necessity for alterations in the boundary line so that Canadian power sites planned for more advantageous location on the United States side of the line might be within Canada and under Canadian control. In one of the schemes, and the least costly, a lock was even placed on the United States side of the river at Waddington. In presenting these plans to the International Joint Commission, the

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late Sir Adam Beck argued for the exportation to the United States of electrical energy from the International Section of the St. Lawrence, under strict government control, and with proper provision for progressive reclamation of all exported power as and when the need arose for its use in Canada. As is well known, the present Ottawa Government is on record as unalterably opposed to the export of power from the St. Lawrence, but it may well be imagined what an outcry would have been made had our government undertaken a power export policy in relation to the St. Lawrence project. These matters are mentioned now only because Mr. Ferguson has sought to make capital against the Federal Government in the matter of these very plans, consideration of which has been so greatly retarded by Ontario that it has only recently been possible, after repeated efforts by the Federal authorities, to secure agreement so far as the engineering plans are concerned.

I ask every Canadian interested in this question to study the facts for himself and to review the correspondence between the Canadian and United States Governments, the correspondence between the Dominion and Ontario, and the engineers' reports. I have every confidence that the verdict of every fair minded elector will be that here as elsewhere the Dominion Government has sought to maintain the national interests and to co-operate with the provinces concerned.

As for Mr. Ferguson, I need only quote the conclusion of my friend the Right Honourable George Graham, one of the finest and shrewdest observers in public life and one who knows both the St. Lawrence question and Mr. Ferguson from the ground up. Speaking at Belleville on July 14th, Senator Graham declared: "I say if there is no development on the St. Lawrence, there is one man responsible, and that man is Howard Ferguson, Premier of Ontario."

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Collateral - Waterways
C 96952 St Lawrence

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RT. HON. ERNEST LAPOINTE

"For the first time Parliament is committed by this bill to a deep waterway scheme. I do not suppose there was any way of taking over a canal situated entirely in one province—I am glad that my right hon. friend agrees with me—and making it for the general advantage of Canada without linking it up with this other great national undertaking. Obviously this bill commits us to the development of a deep waterway system from the great lakes through the waters of the St. Lawrence."

I thank you, Mr. Chairman, and the members of the committee for the courtesy extended to me. I have perhaps trespassed too much upon the time of the committee, but this is a matter of vital interest and I have tried to deal with it as best I can without hrting the feelings of anyone."

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Coel - Waterways - St Lawrence Waterways

C 86953

[1932]

THE ST. LAWRENCE WATERWAYS.

This paper is divided into three parts:

1. A brief on the opportunity of proceeding with the completion of the St. Lawrence Waterways at the present time.

2. Pros and Cons. Main reasons advanced for and against the project - followed by comments.

3. The treaty. - Some disturbing points in it.

ADJUTOR SAVARD.

* * * *

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C 96954

- I -

Should We Build The St. Lawrence Waterways ?

The purpose of this brief is not to discuss the main question upon which there is wide divergence, but to consider its opportunity at the present time and under the present conditions.

Were the Liberals to oppose the inception of such a gigantic enterprise as the St. Lawrence Waterways at the present time as being inopportune and unadvisable, they would be on solid ground and their attitude would remain justifiable and logical.

Speaking in the House of Commons on April 11th, 1928, Mr. Mackenzie King, then Prime Minister, reminded the Canadian people that the St. Lawrence project was one of the largest undertakings with which this country had ever been faced or was ever likely to be faced. The same view, he recalled, has been expressed by both sides of the House. We should, therefore, proceed with the utmost caution and with no undue haste.

Mr. King added:

> " I believe it would be prejudicial to the ultimate success of any project of this character were steps to be taken prematurely which would give rise to doubt or to fear in the minds of the people of any section of Canada as to the wisdom of the course which was taken.
>
> " If the project, as I believe it to be, is one which will come in the course of time, and which has very much even now to commend it if certain economic considerations can be satisfactorily met, then it will be made all the more certain of accomplishment by being advanced cautiously, step by step, but always in the right direction. "

Conducting the first negotiations for Canada, Mr. Vincent Massey, then Canadian Minister in Washington, pointed out in an official letter that public opinion in Canada was opposed to the export of hydro power. "It follows", added Mr. Massey, "that it is most important that in any arrangement which may be considered, the development of power on the Canadian side should not exceed the capacity of the Canadian market to absorb it."

In the light of present conditions, there are to be found in these two statements, serious reasons for opposing the Treaty just concluded between Canada and the United States.

That the undertaking is premature can easily be seen through the reaction in different parts of the country.

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There is "fear" and "doubt" in the minds of the population of the Province of Quebec, as expressed openly by Mr. Taschereau, the Premier, Quebec's objections were summed up by Mr. Taschereau recently. "We are opposed to the Project", he said, "for the following reasons:-

"1. Because it gives the United States a million horse-power of which they are in pressing need when, if they were deprived of this, they would quickly come to this Province and establish here, as they have already done in Lake Saint John, in the Saint Maurice District and in the Eastern Townships."

"2. It will add millions to Canada's debt when citizens are already taxed possibly more than they can bear."

"3. This project gives the Province of Ontario 1,000,000 horse-power on conditions infinitely superior to those of other Provinces, seeing that this enormous quantity of power would go to the Hydro, which is not taxed, whereas our electricity companies are heavily taxed and the Federal authorities have refused to put them on the same footing as the Ontario Hydro."

"4. If this waterway ever become useful to navigation, competition to railways, which are at the end of their tether at present, would be established."

"It is true, as Mr. Duranleau states, that the Province of Quebec will not be called upon to pay for any part of the works that would be carried out in the international section of the river, but Mr. Duranleau forgets that Canada would have to pay millions and that the Province of Quebec furnishes one-third of the revenue of the Dominion, and our citizens accordingly would be taxed to pay for the work whether they liked it or not.

" Mr. Duranleau forgets further, that if the canalization of the river is to be completed, that portion of it in the Province of Quebec would have to be constructed, and this is what we would be asked to pay for. The United States would not be interested in this portion, and Ontario having already paid for her section of the work, would certainly refuse to join with us.

" The whole project seems to me to be incomprehensible and I cannot think that the representatives of the Province of Quebec would give their consent to it."

Mr. Taschereau wound up by saying:-

" No matter what Government may be at Ottawa, whether Mr. King is head of it, or Mr. Bennett, or Mr. Lapointe, or anyone else, I say without hesitation that I will be against it, and if there is a Liberal Government at Ottawa I will not hesitate to separate from them on this project embodied in the Treaty between Hoover and Bennett. I love my country and Province better than my Party, and who commits this national crime, no matter what his name or party may be, will find me in his path."

There is "doubt" and "fear" in the Maritime Provinces, if we are to believe the newspapers from that part of the country. It is felt, evidently, that those provinces will not receive any direct benefit from the St. Lawrence navigation and power project, and there is even fear that they will be injured by this great development. True, one paper, the Halifax Herald, says that the people of Nova Scotia are neither for nor against the seaway, for

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the reason that the people down there do not know enough about the commercial and economic aspects of the project to form conclusions at this date. But another newspaper, the Halifax Chronicle, says that Nova Scotia is "from Missouri" as far as this project is concerned. It declares that it would mean competition in transportation that would further cripple the hard-pressed railways, that the country cannot now afford the money, and that "the proposal presents many dangers for Nova Scotia industry." And the Saint John Telegraph-Journal, doubting whether the advantage of the New Welland Canal will justify the cost, says that "the use of this canal as a section of the base upon which an even more expensive scheme will be built - the St. Lawrence deep waterway - will not be realized without strenuous opposition on the part of a large number of Canadian citizens."

Ontario, Manitoba and Saskatchewan are interested parties. The Manitoba Free Press claims the St. Lawrence improvement will directly benefit half of the population of Canada residing in these three provinces. Even at that, the West appears somewhat lukewarm, to say the least. To prove it, we have the testimony of the Edmonton Journal on July 19th, 1932: "Though the advocates of the waterway have had much to say about the benefits that have accrued to the West", writes the Journal, "this part of the Dominion has had very little direct interest in the undertaking. In Alberta, there has been practically none, as we have looked westward in seeking cheaper facilities for the shipment of our products to world markets. But we are nevertheless much concerned as Canadians, in the course on which the federal government has now entered."

The Edmonton Journal had more to say about it:

> " The long controversy over the St. Lawrence waterway project", we read, "is far from being ended by the signing of the treaty. It will be intensified and there is no certainty as to the outcome.
>
> "How powerful is the opposition that Mr. Hoover has to overcome before he can secure ratification of the document was described by the 'Journal's' Washington correspondent. That which Mr. Bennett has to face is no less formidable. His position in parliament is so strong that it is not likely to refuse to endorse the legislation that he will propose at the next session. But the effect of the step which he has taken will have, when he appeals to the electors is quite a different matter. There are those who believe that the pact has quite as tragic possibilities for his government as had that of 1911 for the administration of Sir Wilfrid Laurier.
>
> " Some of the Premier's best friends have been exceedingly critical of what they regard as his undue precipitancy in seeking an agreement on the question with American authorities. They have held that there is no need of arranging for the launching of the enterprise at this

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> time, with so many vital national interests involved, it was desirable to postpone action. But he has brushed their advice aside . . . "

British Columbia, for definite reasons cannot take any great interest in the project. Other parts of the West, for these same reasons, might turn the same way.

The object of constructing the St. Lawrence Canals is supposed to be to lessen the cost of the movement of heavy freight from Western Canada to the markets of the world. There are limitation to the class of freight which can be moved. Dairy products would not likely go out that way because time is often the essential factor in the movement of these commodities. The main item is wheat. Certain developments have occurred during the last few years which alter very materially the situation in regard to that. Vancouver is now an important shipping market. It takes a large portion of the crop of Alberta and Saskatchewan. With the possibilities of developing our trade with the Orient a firm belief with those who know about it, the chances are that Vancouver will draw more and more as a shipping centre.

Then, there is Churchill which may be expected, within a few years, to move a considerable quantity of wheat.

We must remember that the United States would have ceased years ago to be an important factor in the wheat market of the world had it not been for the War with consequent high prices and the stimulation of production of wheat. In addition to that we know that prohibition in the United States, where beer consumption had formerly taken a large portion of the barley crop, altered the agricultural situation by diverting farm lands from the production of barley to the production of wheat. A normal change was so prevented by outside circumstances, and this explains why the United States went on producing wheat longer than it otherwise would. But we may anticipate that, within a relatively few years, the United States wheat production will probably be under consumption. Our neighbour will then become an importing nation, of wheat at least, in so far as the superior grades are concerned so as to improve the standard of the flour. This wheat must come from Canada. The Canal, then,would not be a material factor in the marketing of our wheat.

Growing indifference on the part of the West is therefore to be foreseen, if it is not already noticeable.

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Neither can we ignore the feeling in the United States as it will affect the whole scheme and make it appear untimely, if at all feasible at the present time. Serious opposition has cropped up in many parts of the States. To limit ourselves we may quote from the New York Times which says that "the treaty is likely to cast a wide shadow." It adds:

> "New York has already indicated that she will jealously guard her own interests, both legal and economic. In the absence of an understanding between the State and the Federal Government, their respective rights might have to be settled by the Supreme Court. As to allocation of costs between the two, Secretary Kellogg once wrote that he regarded it as a'"fundamental economic principle", that the beneficiaries of any power developed in the improvement of the international section of the river'" should pay ultimately their fair share of the cost of its production, whether the agency constructing the works be a corporation, a state or province, or a national government"'. Just what that 'fair share' may be has yet to be determined.
>
> " Nor is New York the only commonwealth concerned. The lake states, while more interested in the waterway than in electricity as such, will naturally wish to have the cost of the improvement reduced to the lowest point by the sale of power. In his recent letter to Governor Roosevelt, President Hoover indicated that when these and other 'domestic problems' come up for discussion he will be glad to consult with the Governor of New York State and other Governors."

"Doubt" and "fear", as we have seen in the above, are not to be found only in certain sections of Canada, but in many parts of the United States as well. This being an acknowledged fact, how then could one explain the "undue precipitancy" on the part of those who are acting for the two people concerned ? Unless it be in view of some definite advantage to be secured immediately, not through the launching of the enterprise itself, since that could not be done before many, many months, at any rate, but by the mere announcing that a treaty had been signed.

The forthcoming elections in the United States provide the only plausible explanation for the agreement having been rushed through at this time. Hence the pressure that became evident within the last months prior to the official announcement, and which was supported by a skilful play of propaganda in furtherance of the waterways plan. "As things are", says the Montreal Gazette, "Mr. Hoover will obtain therefrom considerable political advantage. It has been a primary interest with him to open up direct access to the sea for midwestern farmers and shippers, and he will be able to claim their support in the coming election on the strength of having something accomplished, something done, in fulfilment of pledges he had given in this regard."

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Should there be any doubt left, we might refer to a statement issued some months ago by thirty-seven members of Congress, radicals in the two old parties, independents and farm-laborites, which shows what possible advantage may be gained by anyone claiming such an achievement as the St. Lawrence waterways and the inherent development of power.

> "We regard the power question in its economic, financial, industrial and social aspects as one of the most important issues before the American people in this campaign of 1932. Its political significance cannot be overestimated and must challenge the attention of those interested in any progressive movement or measure. The reason is plain. The combined utility and banking interests, headed by the power trust, have the most powerful and widely organized political machine ever known in our history. This machine co-operates with other reactionary economic, industrial and financial groups. It is strenuously working to control the nomination of candidates for the presidency and the congress by both dominant political parties."

There is no gainsaying that the St. Lawrence waterways, as the project appears now in the minds of most people, is largely a power enterprise. The point was well taken, therefore, in Mr. Massey's official letter at the time of the initial negotiations.

> " There is a definite danger of over-production of hydro-electric power", writes the Financial Times in its issue of September 16, 1932, "if the St. Lawrence development is carried through before a market is found for the power from Beauharnois, Abitibi and other developments which are being brought to completion at a time when there has been a decided check in the expansion of power demand. Power can only be regarded as a commodity, the market for which is governed by the law of supply and demand, and what has happened in our newsprint, wheat, and other markets, can happen in the case of power, if there is reckless over-production."

The Toronto Star, even though favorable to the project, is concerned too about the over-production of power: "The Hydro is reticent about the power situation. But not unlikely it already has 100,000 horsepower on its hands that it is not able to sell and large new blocks of power are about to be thrust upon it, under contract, by the Beauharnois, MacLaren and Killam interests. Last year the Hydro suffered a serious loss of revenue and had to cut down its allowance for obsolescence and contingencies by about two million dollars. Conditions are less favorable this year and the whole Hydro enterprise plainly, is passing through a period of stress in which heavy losses will be sustained."

The only way out will be for us to sell to the United States a portion of our surplus power from the St. Lawrence development. It is even suggested that Canada might find this necessary in order to finance a part of her waterway obligation. Such a course would place Canada in the incongruous position of having provided the benefits and exploitation of which would almost exclusively be enjoyed by the American people.

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The case is clear. The time is not ripe for launching Canada into the grave risk of such a gigantic enterprise. There is serious apprehension about it in different sections of the country, not to mention the antagonistic feeling in many states of the Union. Then there is the inevitable surplus of power which will add to the problems of Canada.

Mr. Bennett, therefore, could not possibly conciliate his action with the resolution adopted by the Conservative Convention in Winnipeg which, before choosing him as the party leader, went on record as of the opinion that "the St. Lawrence canal system as an all-Canadian project should be developed in the national interest and when conditions are warranted."

Mr. Bennett has stated that the principle of that resolution was embodied in the treaty. But this will take some explaining for the project is certainly not an all-Canadian one. This hardly needs to be argued. And everything we have said above goes to prove that conditions are not warranted.

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- II -

Pros and Cons.

The main reasons for proceeding with the Great St. Lawrence Waterway project are given below, followed by counter arguments which might prove the venture to be inadvisable at this time.

1. Cheap transportation. An estimated saving of $3\frac{1}{4}$ to $3\frac{1}{2}$ cents per bushel on the movement of wheat.

2. Development of 2,200,000 horse-power of hydro-electric energy.

3. The Welland Canal made to fill its full purpose by the opening of the gate-way to the sea.

4. Greater realization of our undeveloped assets with the help of our neighbours brought nearer by the waterway.

5. Political advantages for the government fathering the scheme. Great employment of labour and large purchasing of materials.

6. Proposed panacea to the West for all its ills. Every harbour on its route will see itself a potential ocean port.

7. Stimulus to business, relief to unemployment and a step toward prosperity.

8. Stupendous engineering feat, proved to be possible, the accomplishment of which made flattering to this proud generation.

To these reasons can be opposed the following arguments against the completion of the St. Lawrence Waterway at the present time:

1. Surplus of transportation. It is already Canada's greatest problem. Why aggravate it ? The Royal Commission on Transportation has just brought attention on our tremendous debt and other liabilities due to that very cause. Its recommendations are to the effect of curtailing our facilities as being the only means of salvation.

2. Surplus of electric energy. A serious condition which has been commented upon in the first part of this brief.

3. Our financial position. Canada's mounting obligations and decreasing revenues make the financing of her share of the development and maintenance costs of this great undertaking a very serious national question.

4. Estimated cost of unforseseen contingencies much too low, as shown by past experience. The Welland Canal cost $130,000,000. instead

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of the estimated $50,000,000. The same happened with the Grand Trunk Pacific, the National Transcontinental and gave birth to our national debt as it stands today.

5. Our forced partnership with the United States, in this venture, may be looked on with some misgivings in the light of past experience.

6. Our national interests might be threatened under the shock of circumstances.

7. This freshwater route will be closed for five or six months of the year.

8. Uneconomical and unpractical - according to a recognized authority, Sir Alexander Gibb - for ocean going vessels to run regular schedules throughout this inland waterway.

9. Canada and the United States will benefit un the proportion of their population. The ratio is 12 to 1. Traffic will follow accordingly. On a 50-50 basis, therefore, Canada would only be contributing to the prosperity of American industry, agriculture and shipping.

10. Danger of co-partnership being implied by the inclusion of the cost of the Welland Canal in the adjustment of the costs of the St. Lawrence Waterway.

11. The economic advantages for Canada most problematic. The actual value of the enterprise can only be gauged by effective operation.

Comments

The construction of the Welland Canal has given us a through route from Fort William to Prescott. The large boats can now go through the Welland Canal and land their grain at Prescott. This increases the facilities for the movement of grain and this can take place now as rapidly as the terminal at Montreal can handle it. In fact, the only material saving would be the cost of one additional transfer of the grain. But the modern methods of loading and unloading grain make that a very small factor. Against that added cost, moreover, must be set off certain other items which are of no mean importance. Even when the St. Lawrence canals are deepened it may be doubted if the larger size of boats will be allowed to make the trip to Montreal, especially in view of the fact that the return cargo will not in any case be large. Certainly ocean steamers, except to a limited extent, will not make the hazardous trip. Ship-owners would rather avoid the lugging through a canal. Anything which is to be

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gained from a transportation standpoint could be gained much more cheaply by the adoption of some other plan. Were the government, for instance, to shoulder the cost of the construction of the railroad running from Prescott to Montreal. This railroad would have to carry the grain if it went by rail.

Canals are superior to railways in transportation because the track, that is the canal, is constructed by the government and its use by the boat is free of toll. If you could make a similar position and make the railroad track free to the organization which is providing the transportation you would then have a parallel situation.

Nothing resembles more the competition between the truck and the railway. Within its sphere of activity, that is on a relatively short haul, a truck can probably haul many kinds of commodities today at lower prices than the railways can. But it is so because the railway must pay for the track and the truck pays only, through its licenses, for a very small proportion of the cost of the track.

The construction of the canal will be a burden, even with the present reduced estimates. Can we afford it in our actual financial situation ? Especially when there are other alternatives ? One must remember that the Canadian Government expenditures are equal to the Canadian exports. How can we go beyond ?

The threat is made that because we have built the Welland Canal the United States now have an alternative route by way of Oswego. It is very doubtful that such a plan could ever be made to work through the territory. But should the Americans attempt to deepen that canal route, and succeed in making it useful, then we could perhaps, in later years, go on with the St. Lawrence Canals.

But with the Tory policy of limiting importations why a canal at all ? Why should we start a device which is supposed to increase the volume of imports and exports when the policy of the Conservative government has been constantly aiming at reducing imports, thereby restricting the movement of trade which is essentially reciprocal.

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The Treaty.

The treaty was signed in Washington on July 17th by Major the Honourable W. D. Herridge, Canadian Minister to the United States, for Canada, and Honourable H. L. Stimson, Secretary of State, for the United States.

Its purpose is to ensure the completion of the St. Lawrence Waterway project, to regulate the work of construction and to establish an International Joint Commission of ten members, five to be appointed by each government.

The treaty deals only with that section of the St. Lawrence river which constitutes the boundary between the State of New York and the Province of Ontario, and which is known as the international section of the St. Lawrence river. In this section, which is 115 miles long, there is a drop of 85 feet in the river. The treaty provides for the building of two dams, one concentrating a head of 25 feet at Crysler Island and the other concentrating a head of 60 feet at Barnhart Island. The national or Quebec section of the St. Lawrence river will be developed by the Dominion with Canadian labour and materials.

The Prime Minister, in his explanatory statement, gave the cost for Canada as $38,071,500. This total is made up of $32,320,000.required in the International Rapids section on account of property damages, rehabilitation works and the lock navigation canal at Crysler Island, plus $82,954,000. for the locks and canals in the wholly Canadian section lying within the Province of Quebec, less $67,202,500. paid by Ontario to the Dominion on account of power works in the International section - giving a total net cost to Canada of $38,071,500. This total may be decreased by $4,233,000. if the necessity of a guard lock in the Beauharnois Canal is eliminated. This would reduce the total cost to Canada $33,838,500.

The statement adds that Canada has been credited with the cost of the new Welland Ship Canal, a total of $128,000,000.

The total net cost to the United States is made up of $65,100,000. for channel deepening and other necessary works in the Upper Lakes section, plus $178,561,000. in the International Rapids section, giving a total cost to the United States of $243,661,000. It is understood from the State Department in Washington that a reduction of about $8,500,000. will be effected

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in the Upper Lake channels, due to savings already achieved or expected. The above total for the United States includes the cost of the United States' power works.

It is pointed out that the above figures do not include the cost of installing the power house machinery or equipment necessary for the development of power in the International Rapids section, as this is to be financed independent of the treaty, in the case of Canada, by Ontario.

It is not intended here to give a thorough analysis of the terms of the treaty. But one cannot help being amazed at the fact that it sounds so decidedly favourable to Canada. The implication is that Mr. Hoover had to have a treaty at all costs, and also that the United States was anxious to have power at almost any cost.

The estimates of the cost appear extraordinarily low. It seems too good to be true. Yet we have the Prime Minister's assurance that these estimates are based upon the calculation of eminent engineers, that they represent the results of careful scientific study and that they are agreed to by American experts. Experts could only challenge these figures. But the general feeling among the public is that the estimated cost is too low.

As to the division of the cost on a 50-50 basis, there is serious ground therein to worry. Especially with the added provision that the cost of the Welland Canal is to be considered as part of Canada's contribution to the cost of the whole enterprise.

The authors of the treaty took great pains to escape criticism on that point. Canada's sovereignty is referred to in many articles of the treaty, notably Articles V and VI. They sound like a plea "pro domo".

Article V specifies that the construction of works under the Treaty shall not confer upon either parties' proprietary rights, or legislative, administrative or other jurisdiction in the territory of the other, and that the works constructed under the provisions of the treaty shall constitute a part of the territory of the country in which they are situated.

Article VI grant to either parties the right eventually to construct purely national facilities for navigation. And for this purpose they may utilize such water as may be necessary for the operation thereof.

Still Canadian opinion is concerned about it, as we see it reflected in the press. Americans, it is feared have come to think that they have the right of co-ownership in the St. Lawrence which they shall never

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renounce hereafter. Especially in view of the fact that they are shouldering part of the cost of the construction of the Welland Canal. That they should make such a deduction would only be too natural. Canada's future generations may hold us into account for having alienated our greatest property.

Article IX is less favourable to Canada and might give rise to serious opposition. It releases each party from responsibility for any damage or injury to persons or property in the territory of the other, which may be caused by any action authorized or provided for by the treaty. Canada, therefore, becomes liable for works on the International section, executed in Canadian territory, and financed by American funds as provided by Article III. This implies the building of dams, the most serious undertaking of all and liable to cause the greatest damage. Canada, thereby, shoulders a material responsibility which might exceed her contribution to the whole enterprise.

Then there is the matter of tolls. The case has been summed up by the Halifax Chronicle in a striking editorial entitled: "Something for Nothing at Our Expense". It is worth quoting fully:

> " The treaty made by Premier Bennett with the United States proposes to plunge Canada into a new vast canal expenditure, and American ships are given the right to use the St. Lawrence Waterway on the same terms as our ships, which means free of tolls. The ships travel free and the taxpayers of Canada from Sydney to Victoria pay their charges.
>
> " Now by what stretch of the imagination can anyone conceive it to be justice that the taxpayer of Saskatchewan or British Columbia or Nova Scotia should pay the cost of canals for the shipping of Central Canada ? If a ship from British Columbia uses the Panama Canal it pays tolls for it. The United States built the canal and it charges toll to every ship, American or otherwise, passing through the canal and the tolls pay the full charges and a profit on the United States' investment. Like the Suez Canal, the Panama Canal pays for itself. The Canal cost $273,000,000. and last year through the tolls it paid all expense and returned a profit of $7,000,000. besides on the investment.
>
> " Canada has some hundreds of millions invested in canals,and the country not only builds them, but keeps them up, and Canada, being such a generous country, gives free passage to the ships, charging no tolls at all. This is rather astonishing until one realizes that the whole of the canals in Canada except the St. Peter's canal lie in Central Canada. So the benefit accrues to Central Canada, the canals are free and the rest of the country pays the shot. Now what difference is there between going free on a canal and going free on a railway train ? We pay for the railway service, but Central Canada gets canal service for nothing - and we pay their bills.
>
> " Surely there is no measure of justice in this. If Ottawa is determined to put the St. Lawrence Waterway through, then as a preliminary, let this whole canal policy be opened up and placed on a different basis. Let the canals pay their way, and let the Waterway, if it is built, carry itself. "

The last point to be brought out is the privileged situation of the Province of Ontario. It should be argued in legal form, and we suggest

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the great use that could be made with telling effect of a brief on that subject.

Briefly stated, though, and in simple terms, it seems that when the Dominion Government carries on a development of the sort intended for the use and benefit of the whole country, the Government should be entitled to recoup itself, out of water power made available, at least to the extent of the cost involved. There are judicial decisions to support that view.

In the case of the St. Lawrence Waterways, such rights as the Dominion may have in that respect are scrapped. And that for the benefit of the one Province of Ontario.

Then, finally, the Dominion Government's contribution to the St. Lawrence Waterways is about $38,000,000. while that of Ontario is $68,000,000. But the benefits accruing to the Dominion at large are limited to navigation, while Ontario is getting a million horse-power in the bargain. The cost seems ridiculous in comparison of what the Province of Ontario is getting.

* * *

A somewhat sinister interpretation, lately, was given to the St. Lawremce Waterways treaty.

Appearing before a Senate sub-committee on foreign relations, James Rogers, Assistant-Secretary of the State Department of the United States, made a rather startling statement to the effect that the treaty provided for the use of the St. Lawrence by the United States in case of war between America and Great Britain, adding that no provision was to be found in the treaty to meet the eventuality of war between Canada and the United States.

Mr. Rogers was the representative of the United States State Department in charge of the negotiations leading to the treaty signed last July.

The Montreal Standard, December 3rd, has the following comments to make on the above:

> " High Tories and Imperialists shudder at the picture of Mr. Bennett signing a treaty achnowledging the right of the United States to use the St. Lawrence during a war with Britain, and then rushing into the Imperial Conference to reconstruct the Empire on the basis of tariffs, and forge new bonds of union between Canada and the Motherland.

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" Good Liberals slyly suggest that if Secretary Rogers' interpretation is correct, Mr. Bennett has sabotaged the haughty arguments with which he used to assail Mr. King's doctrine of autonomy.

" Naughty Liberals assert that if Rogers is right not only has the great work of Mr. King, the realization by the Dominion of equality of status, been sabotaged, but the position of the Crown itself: for, they say, if Rogers is right, His Majesty's Government in Canada has signed a treaty santioning the use of territorial waters of one of His Majesty's Dominions by an enemy engaged in war against His Majesty's country of Great Britain. "

This will require some explaining. Supercilious as they are, our own treaty-makers seemed to have made light of our national honor. Every Canadian will resent it.

* * *

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Collateral - Waterways - St Lawrence
C 96969

MR. MACKENZIE KING - ~~Draft~~ PROPOSED RESOLUTION:

1932-33
Series

That, in the opinion of this House, before any treaty between the Government of the United States of America and the Government of Canada, for the completion of the St. Lawrence Waterway, is ratified, such treaty shall receive, by statute, the approval of Parliament.

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C 969'70

P.C. 504

PRIVY COUNCIL
CANADA

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 1st day of March, 1932.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency
The Governor General in Council:

WHEREAS Sections 1 and 2 of Chapter 19 of the Statutes of Canada, 1931, provide as follows:—

"1. The Order in Council P.C. 422, dated the eighth day of March, 1929, as amended by Order in Council P.C. 1081, dated the twenty-second day of June, 1929, and the Agreement between the Beauharnois Light, Heat and Power Company, Limited, and His Majesty the King, dated the twenty-fifth day of June, 1929, are hereby annulled.

"2. The Beauharnois Light, Heat and Power Company, Limited, its successors or assigns, in so far as it may be within the competence of Parliament, is hereby granted the right to divert from Lake St. Francis up to but not exceeding 53,072 cubic second feet of water of the flow of the River St. Lawrence, to be returned to Lake St. Louis and to be used for the development of hydro-electric power between the two said points, in such manner, upon such terms and conditions and with such limitations and reservations as may be prescribed by Order of the Governor in Council."

AND WHEREAS Section 4 of the said Chapter 19 of the Statutes of Canada, 1931, provides that said Act shall come into force on a day to be fixed by Proclamation of the Governor in Council;

AND WHEREAS by Proclamation of the Governor in Council the first day of March, 1932, has been fixed as the day on which the said Act, namely, Chapter 19 of the Statutes of Canada, 1931, shall come into force;

AND WHEREAS Sections 1 and 2 of Chapter 20 of the Statutes of Canada, 1931, provide as follows:—

"1. The Canal now being constructed by the Beauharnois Light, Heat and Power Company, Limited, a body corporate, incorporated under the laws of the province of Quebec, between Lake St. Francis and Lake St. Louis, on the south side of, or in or along the St. Lawrence River, and the works on lands or lands covered with water, excavations, embankments, retaining structures, remedial works, dams, locks and other works appurtenant to said canal, now executed or hereafter to be executed, are hereby declared to be works for the general advantage of Canada.

"2. The Governor in Council is hereby authorized from time to time to make any orders, rules or regulations which may be deemed necessary or convenient with respect to any diversion of waters of the St. Lawrence River by said company or appertaining or relating to the protection of the paramount rights and interests of navigation in and through said canal and connecting waters, and from time to time to rescind, revoke, amend or vary the same or any existing orders, rules or regulations."

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AND WHEREAS it is expedient to prescribe in what manner, upon what terms and conditions and with what limitations and reservations Beauharnois Light, Heat and Power Company shall exercise the rights granted to it by Section 2 of the said Chapter 19 of the Statutes of Canada, 1931;

AND WHEREAS it is also expedient to make orders, rules and regulations with respect to the diversion of waters of the St. Lawrence River by the said Company and appertaining or relating to the protection of the paramount rights and interests of navigation in and through the said canal and connecting waters;

THEREFORE His Excellency the Governor General in Council, under the authority of Chapter 19 of the Statutes of Canada, 1931, which provides that the Governor in Council may prescribe the manner in which, and the terms and conditions, with reservations and limitations, upon which the Beauharnois Light, Heat and Power Company may divert 53,072 cubic second feet of water of the flow of the River St. Lawrence for the development of hydro-electric power, and under the authority of Chapter 20 of the Statutes of Canada, 1931, which authorizes the Governor in Council to make orders, rules and regulations which are deemed necessary or convenient, with respect to such diversion of water, for the protection of the paramount rights and interests of navigation, is pleased, on the recommendation of the Right Honourable R. B. Bennett, the Prime Minister, to order and it is hereby ordered as follows:—

1. That in this Order in Council, unless the context otherwise requires,

(1) "the Company" means the said Beauharnois Light, Heat and Power Company, which is incorporated by 2 Edward VII (1902) chapter 72, as amended by 1 George V (1910) chapter 77 and 18 George V (1928) chapter 113, and 20 George V (1930) chapter 136, of the Acts of the legislature of the province of Quebec, its successors or assigns.

(2) "works" means the canal now being constructed or to be constructed by the Company and the hydraulic and hydro-electric works on lands or lands covered by water, excavations, embankments, walls, bridges, retaining structures, remedial, control, compensating and regulating works and dams, sluices, gates and other water passages, locks and all other works and dams connected with or appurtenant to the said canal, now constructed or hereafter to be constructed by the Company.

(3) "Minister" means the Minister of Railways and Canals.

(4) "His Majesty" means His Majesty in the right of the Dominion of Canada.

2. That the improvement of inland navigation by the development of a deep waterway, which is now in progress, from Lake Superior to the sea, through the Great Lakes and connecting waters and in part in, over or along the St. Lawrence River, requires that the canal now being constructed or to be constructed by the Company should be made available for navigation for vessels of such size and draught as may use the Welland Ship Canal upon its completion.

3. That on or before the 15th day of April, 1932, the Company shall submit to the Minister, for approval by the Governor in Council, plans and descriptions of the sites of the works, and general plans and/or descriptions of the works constructed or to be constructed, all in a form satisfactory to the Minister.

4. That the Company shall from time to time during the progress of construction of the works submit to the Minister, for his approval, such detailed construction plans and/or detailed descriptions of the works or of parts thereof and such programs of construction as the Minister may require and obtain his approval thereof in writing.

5. That the Company, before making any change in the sites or in the general plans and/or descriptions of the works which have been approved by the Governor in Council under the provisions of paragraph 3, or in the works constructed or under construction in pursuance thereof, shall submit plans and/or descriptions of any such proposed change to the Minister and obtain approval thereof by the Governor in Council.

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6. That the determination of any question which may arise in respect of any approval of the Minister or of the Governor in Council shall be governed by full recognition of the paramount rights and interests of navigation.

7. That the Company's works which may be approved, as aforesaid, or which may hereafter be so approved, shall be so designed, constructed and operated as at no time to raise the natural level of water in the River St. Lawrence above the international boundary, or in any way contravene the terms of the Boundary Waters Treaty of 1909, or the Treaty of Washington of 1871.

8. That the works shall be located, constructed and operated by the Company in conformity with the requirements of the paramount rights and interests of navigation on the St. Lawrence River as determined by Order of the Governor in Council; and the diversion of water for power purposes by the Company from the St. Lawrence River shall not at any time exceed the maximum quantity which has been approved by the Parliament of Canada.

9. That, notwithstanding any such approval as aforesaid, the Minister may at any time when so authorized by the Governor in Council—

(1) order any additions to, improvements, alterations, or changes in substitution for or modifications or removals of works constructed or in course of construction or proposed or required to be constructed by the Company pursuant to such approval, and,

(2) require the Company to construct and maintain such additional remedial, control or other works as the Minister may consider are required fully to preserve or restore and maintain the navigation on the St. Lawrence River, and may from time to time require the Company to make such changes or modifications in the said works or to remove the same or any part thereof, or to substitute other works in their stead, as he may, in his judgment, consider necessary for such purpose, and the Company shall comply with, observe and perform all orders and requirements under clauses (1) and (2) of this paragraph.

10. That the Company shall construct and, subject to the provisions of paragraph 14, maintain the said canal so as to give a clear width of 600 feet on the bottom, a depth of 27 feet at low stage, and so as to afford average velocities of not more than 2·25 feet per second under any conditions of operation.

11. That the radius of curvature of said canal shall not be less than 5,000 feet and one embankment shall form a prism on the north side of the canal. The Company shall construct and, subject to the provisions of paragraph 14, maintain the embankments, walls, remedial, control and other dams and retaining structures in accordance with such standards as the Governor in Council may approve; and such protection lining shall be furnished as shall be required by the Minister to preserve the slopes of the embankments of the canal, as shown in the approved plans, when the canal is used for navigation.

12. That the Company shall forthwith convey to and vest in His Majesty the said canal and all such lands and works of the Company as may be deemed by the Governor in Council necessary or useful for the maintenance and improvement of navigation by means of the said canal and the maintenance and operation thereof for navigation purposes between Lake St. Francis and Lake St. Louis without receiving therefor any compensation or consideration other than the servitudes, easements or other rights which are to be granted by His Majesty to the Company as hereinafter in this paragraph mentioned; provided however that the Company's power house, forebay and tailrace and other lands and works appertaining to or required by the Company for its hydro-electric power development or future extensions thereof which are situated below the point where the locks referred to in paragraph 13, when built, will be connected with the said canal, and also the Company's lands and works which are situated above that point and beyond 240 feet outside the high water line on the canal embankments, shall be excluded from any such conveyance to His Majesty; and provided that the Company may except from such conveyance any lands, easements or servitudes which the Company, in virtue of any of its presently existing agreements or obligations, may be obliged to grant or convey to any railway company or municipal corporation for the diversion of existing railways or roads; and provided that the Company may also except from such conveyance all easements, servitudes and other rights which the Company, in virtue of any of its presently existing agreements or obligations, may be obliged

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to grant for the purpose of authorizing any corporation or company to construct and maintain its electric transmission, telegraph or telephone lines over and across said canal; and provided also that in consideration of such conveyance to His Majesty the Company shall thereupon be granted by His Majesty such servitudes, easements or other rights over, upon or in respect of the lands and works so conveyed to His Majesty as may be reasonably sufficient to enable the Company by means of said canal to utilize such waters of the St. Lawrence River as it is now or may hereafter be authorized by the Parliament of Canada to divert and use for the development of hydro-electric power between Lake St. Francis and Lake St. Louis, including the right to widen, deepen and otherwise improve the said canal and to dispose of the excavated material upon the Company's land outside the canal embankments by means of pipe lines placed on, along or across the canal embankments, or otherwise as may be approved by the Minister, the Company being obligated to make good any damage that may be thereby caused to the works; and provided, always, that the Company shall not interfere with navigation in the said canal.

13. That in case the Governor in Council shall hereafter decide that locks and appurtenant works should be constructed to connect Lake St. Louis with the said canal for navigation purposes, His Majesty shall have the right, by his contractors, servants or agents, to enter upon and use any part of the Company's lands, buildings, property or works which may be required for the purposes of such construction, and for the operation and maintenance of such locks and appurtenant works when completed, and the Company shall convey to His Majesty, free of all cost or encumbrance, the title to such of the Company's lands as are necessary and sufficient for the sites of such locks and appurtenant works, and no claim for any compensation or indemnity whatsoever for loss or inconvenience to works, operations, installations or distribution of power shall be made by the Company arising out of the construction by His Majesty of temporary or permanent works for the improvement of navigation through the said canal.

14. That all the works of the Company including the sub-structures for the movable spans mentioned in paragraph 18, shall be maintained in a proper state of repair by the Company until such time as the Governor in Council shall declare the public right of navigation to exist within and along the said canal as provided in paragraph 15, and thereafter the cost and expense of maintaining in proper state of repair the said canal and other works conveyed to His Majesty under paragraph 12, so that the said canal and every part thereof shall be constantly available for purposes of navigation, shall be borne in equal proportions and paid annually by His Majesty and by the Company.

15. That, whenever the Governor in Council so declares, the public right of navigation within and along the said canal or any portion thereof shall thereafter exist to the same extent as and in manner similar to that provided in the case of the Welland Ship Canal; and thereafter the Company shall provide, maintain, and operate, when required by and to the satisfaction of the Governor in Council, all aids to navigation made necessary by the Company's works; and the Company shall submit to all such orders, rules or regulations in respect to the operation of the Company's works as may be made by the Governor in Council for the protection of navigation.

16. That the Company shall grant to His Majesty without compensation sites for all aids to navigation, other than those mentioned in paragraph 15, which may be required by the Minister for the use and convenience of shipping using said canal and for public wharves, and the Company shall keep and maintain such sites free and unobstructed, and shall give to His Majesty and his agents free and unobstructed access at all times to such sites.

17. That the Company shall provide and deliver free of charge at such point as the Minister may designate adequate and suitable supplies of electric power for operating, repairing, lighting and otherwise maintaining the canal and appurtenant works up to but not exceeding 3,500 horse-power maximum demand, and, in case additional power should be required, the Company shall supply such additional power at a rate not to exceed that paid by the customer having the lowest contract price with the Company.

18. That the Company shall provide, operate, maintain and light all bridges over the canal to the satisfaction of the Governor in Council, it being understood that all railway bridges over said canal shall be authorized by the Board of

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Railway Commissioners for Canada as provided in Section 248 of The Railway Act, but that the Company may initially install fixed spans but with substructures sufficient and suitable for carrying movable spans similar to those in use on the open reaches of the Welland Ship Canal, and, when in the opinion of the Governor in Council said canal becomes necessary for navigation, the Company shall, at the request of the Minister and at its own expense, remove the fixed spans, and the Minister may, at the cost of His Majesty, install movable spans on such substructures. Such movable spans shall be the property of and be maintained and, when necessary, replaced by His Majesty, but said movable spans shall be operated at the expense of the Company.

19. That the works of the Company shall be constructed by the Company in accordance with plans and descriptions which have been approved as aforesaid and to the satisfaction of an engineer or engineers authorized for such purpose by the Minister, and the decision of the said engineer or engineers shall be final and conclusive upon all questions that may arise in connection with such construction.

20. That the Company shall, at such times and in such manner and form and upon such ratings as may be prescribed by the Minister or his authorized representative,

(1) take and keep records of the flow of the St. Lawrence River or of the waters thereof;
(2) calibrate or cause to be calibrated its turbines, penstocks, sluices or other water passages; and
(3) furnish to the Minister certified copies of its records of flow and of operation.

21. That the Minister or his authorized representative shall at all times be empowered—

(1) to have free access to the works of the Company;
(2) to control the operation of the compensating or regulating sluices forming part of the Company's works wherever situated;
(3) to measure the discharge of the various sluices, turbines, penstocks or other water passages forming part of the Company's works;
(4) to control the opening and closing of gates in the control dams; and
(5) to adjust the flow of water in the interest of navigation.

22. That the Company shall prepare and deliver to the Minister, after the proposed works have been completed, such complete general and detail tracings of all parts of said completed works as may be required by the Minister, or his representative. Such plans shall show all dimensions, nature of material and other relevant information, and shall be made on tracing linen and shall be provided with proper titles, headings and numbers.

23. That should remedial, control or other works in the opinion of the Minister become necessary in the interest of navigation, because of surge conditions in the river below the Soulanges Section of the river, caused by the development of said Section of the river for the production of hydro-electric power, the Company shall pay such proportionate part of the costs of said remedial, control or other works as may be required by the Governor in Council.

24. That the Company shall not have or set up any claim—

(1) for damages or compensation or for loss of property should any remedial, control or other works built under the foregoing provisions become an impediment to future improvement of navigation and require removal, or
(2) for damages or compensation should the works or any part thereof no longer be required for the purpose for which they were constructed and be put to other approved use, or
(3) for damages or compensation should any works or things ordered or required to be done by the Company under the provisions of paragraph 9 or any other paragraph hereof prove to be defective or insufficient for the purposes intended.

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25. That the Company shall provide gates in its power house of such capacity as will discharge 53,072 cubic second feet of water under the most adverse conditions of head and tail water level to be anticipated and to the satisfaction of the Minister.

26. (1) That in case it shall be judicially determined that His Majesty has any property right in or the right to use or to grant the use of the waters of the River St. Lawrence for the development of hydro-electric power by the diversion of said waters which is authorized by the first hereinbefore recited Act of the Parliament of Canada, then and in such event the Company shall pay to His Majesty such compensation therefor by way of annual rental as the Governor in Council may from time to time determine, and shall comply with all orders, rules and regulations which may be made by the Governor in Council with respect to the rentals to be paid to His Majesty, the sale of such power, the regulation of the price thereof and all or any other matters dealt with by or under the Dominion Water Power Act or Acts in amendment thereof.

(2) That in case it shall be judicially determined that the Parliament of Canada has legislative jurisdiction over or in respect of the use of the waters of the River St. Lawrence for the development of hydro-electric power by the diversion of said waters, which is authorized by the first hereinbefore recited Act of the Parliament of Canada, then and in such event the Company shall comply with all orders, rules and regulations which may be made by the Governor in Council with respect to the sale of such power, the regulation of the price thereof, and all or any other matters dealt with by or under the Dominion Water Power Act, or Acts in amendment thereof.

27. That the Company shall complete its approved works within five years from the date of this Order in Council.

28. That the Company shall indemnify and save the Dominion Government harmless in respect of all claims of third parties should the construction of the works affect rights heretofore existing above, below or comprised within the area of the proposed works. The Company shall be responsible for and compensate for any damage which may be caused by its works to other companies or persons owning or operating water-power on the St. Lawrence River including Lake St. Francis, and the Company shall settle, pay and fully provide for the claims of riparians and other persons who may sustain any loss or damage in consequence of the construction of the said works or any of the remedial, control or other works which the Company may be required to construct and maintain for the purpose of restoring and maintaining the navigation of the St. Lawrence River.

29. That the Company shall forthwith procure the execution by the Province of Quebec of an agreement with His Majesty and to the satisfaction of the Governor in Council, whereby the Province will undertake and agree that should any part or parts of the said approved works become the property of the Province, then and in such case if such works are not in a completed state, the Province will be under no obligation to His Majesty to complete the same, but, whether such works are then completed or not, the Province will either transfer to His Majesty such part or parts of said approved works as have become the property of the Province, or the Province will maintain the same or cause the same to be maintained in a proper state of repair, and in such manner that the facilities for navigation upon, over and through the said canal shall not be less than when such part or parts of said approved works so become the property of the Province, and that the Province will do nothing whatever to interfere with or prejudicially affect navigation upon or through the said canal or the use of such facilities therefor; Provided that should the Province in such case not operate or should the Province thereafter cease to operate such part or parts of said approved works for the production of hydro-electric energy or other power, it shall not be liable to maintain and repair any part of the said works but will permit His Majesty to have complete access to any lands, works or property of any kind whatsoever in the possession or control of the Province for the purpose of maintaining the said works or any part thereof in a proper state of repair.

30. That in case of failure by the Company to observe or perform any of the provisions and conditions herein contained, or to proceed with and complete and thereafter to maintain, repair and operate such works and things as may be approved, ordered or required by the Governor in Council hereunder, or

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under any other authority in that behalf, the Governor in Council may, by notice in writing specifying generally the particulars of alleged failure, require full and complete observance and performance in that regard within a period named in said notice and may stipulate the respective times and manners in which the observance and performance of the provisions and conditions herein contained and the carrying out of such works and things shall be commenced, carried on and completed, and if such notice is not complied with within the time or any of the respective times so specified, His Majesty may jointly, severally or in the alternative,

(1) acquire and operate the whole or any part of the Company's works and the lands appurtenant thereto which are not included in the conveyances made or to be made to His Majesty pursuant to the provisions of paragraphs 12, 13 and 16, upon compensating the Company for the value thereof as determined by the Exchequer Court of Canada, but such compensation shall not include any allowance for forcible taking or for the rights and privileges granted to the Company by the said recited Acts or any future Act of the Parliament of Canada;

(2) proceed with and complete or maintain and repair the whole or any part of such works and things and recover the full cost thereof from the Company by suit in the Exchequer Court of Canada, as for a debt due from the Company to the Crown in the right of the Dominion;

(3) rescind this Order in Council;

and each and all of the remedies specified in clauses (1), (2) and (3) of this paragraph shall be additional to and without prejudice to any other remedies available to His Majesty in the premises, and to all or any proceedings in the courts available to the Crown. Any action by His Majesty under this paragraph shall not be deemed an infringement of the rights of the Company.

31. That no assignment of the Company's works nor of its rights under the said recited Acts and/or under this Order in Council shall be made unless the approval of the Governor in Council is first had and obtained; and in case the Company shall make any such assignment without such approval His Majesty may take over and operate the whole or any part of the Company's works without compensation; Provided, however, that an assignment by the Company to a trustee or trustees as security for an issue or issues of its securities shall not be deemed to be an assignment within the meaning of this paragraph.

32. That any proprietary, legislative or executive powers, rights, authorities or privileges now or hereafter vested respectively in His Majesty, the Parliament of Canada, the Governor in Council or any Minister or Officer of the Dominion Government shall not be in any way prejudiced or impaired by, and may be exercised in conjunction with, in substitution for or in addition to the powers, rights, authorities and privileges reserved to His Majesty by the foregoing provisions of this Order in Council or in the agreement with the Company incorporating its terms as provided in paragraph 34.

33. That nothing in this Order in Council contained shall be deemed to affect any right that may be vested in the Province of Quebec over or in respect of the use of the waters of the River St. Lawrence for the development of hydro-electric power.

34. That this Order in Council shall have full force and effect upon the execution of an agreement between His Majesty and the Company incorporating the terms hereof, and the said agreement shall bear the same date as that of the said Order in Council.

(Sgd.) C.G.Kezar

Asst. *Clerk of the Privy Council.*

W.L. Mackenzie King Papers
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CANADA

... P. C. 1085 C 96977

Certified copy of a Report of the Committee of the Privy Council, approved by His Excellency the Deputy *Governor General on the* 23rd May, 1922

PRIVY COUNCIL CANADA

The Committee of the Privy Council, on the recommendation of the Minister of Marine and Fisheries, advise that in accordance with the provisions of the Order in Council of the 3rd December, 1920, (P.C.2940), authority be given for the establishment of twelve new rainfall stations in the Province of Saskatchewan at -

Midale,	Lumsden,	Nokomis,
Carlyle,	Tugaske,	Dundurn,
Cedoux,	Davidson,	Harris,
Francis,	Semans,	Quill Lake.

The establishment of these stations is recommended by the Department of Agriculture for the Province of Saskatchewan, and the Director of the Meteorological Service, Department of Marine and Fisheries, concurs therein, stating that a more thorough knowledge of climatic conditions is essential to the people of that Province and that there is a real necessity for such stations.

W. Egbert Edmond

Clerk of the Privy Council.

W.L. Mackenzie King Papers
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CANADA

P.C.430. A-1000, C 96978

PRIVY COUNCIL CANADA

Certified copy of a Report of the Committee of the Privy Council, approved by His Excellency the Governor General on the 1st. March, 1922.

The Committee of the Privy Council, on the recommendation of the Minister of Marine & Fisheries, advise that in accordance with the provisions of the Order in Council of the 3rd December, 1920 (P.C.2940), authority be given for the establishment of rainfall stations at Leader, Haverhill, Cabri, Hughton, Strasbourg, Foam Lake, Ceylon, and Belle Butte, in the Province of Saskatchewan.

The Minister observes that the Department of Agriculture for the Province of Saskatchewan has recommended the establishment of these stations in the interests of agriculture in which recommendation the Director of the Meteorological Service and the Deputy Minister of Marine and Fisheries concur.

E.J. Lemieux

Clerk of the Privy Council.

POOR COPY

W.L. Mackenzie King Papers
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PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

C 96979

Prov. Pol. - Sask.

Nov. 22, 1932

Mr. King:

You wish to write a friendly letter to

Charles McIntosh, Esq., M.L.A.,
Kinistino,
Sask.

It was Mr. Cameron, I believe, who asked that this be done.

EAP

W.L. Mackenzie King Papers
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PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

C 96980

Nov 23/02

Ottawa Journal

Urges Coalition In Saskatchewan

Liberal Promises to Vote Confidence in Anderson Government.

Canadian Press by Direct Wire.

REGINA, Nov. 22.—Promising to vote confidence in the Anderson Government, under certain conditions, but making a strong plea for coalition government in Saskatchewan, Charles McIntosh, Liberal member for Kingistino, today issued a lengthy statement to the press.

His was the only contribution of the day to a fast-developing political situation that many believe will lead to a new alignment of members at the next session of the Legislature.

Premier J. T. M. Anderson again maintained his silence in respect to any matters that might have been discussed by himself and J. G. Gardiner, Opposition Leader, when the two met in conference over the week-end.

Supporters of the Government will be in Regina in full force Wednesday to attend a conference and a statement to be issued after the meeting may or may not clear the air of a multitude of rumors now prevalent.

W.L. Mackenzie King Papers
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PUBLIC ARCHIVES
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CANADA

C 96981

Jan. 24, 1933

Mr. Henry:

Please keep this with possible matters that may come up with regard to Saskatchewan.

File

Z.

B. F. Monday Jan. 30

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PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

C 96982 E-1306.

OFFICE OF
THE UNDER-SECRETARY OF STATE
FOR EXTERNAL AFFAIRS
CANADA.
E.T.

Memorandum for the Prime Minister.

Submitted herewith is copy of a cable received from the Right Hon.Srinivasa Sastri,dated Simla,the 3rd May,1922:

"Please convey to His Excellency and his Government my profound gratitude for their very cordial welcome. I am looking forward to my visit to Canada".

I have sent copy of this cable to the Governor-General's Secretary.

J. Pope

Ottawa,4th May,1922.

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PUBLIC ARCHIVES
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CANADA

C 96983

OFFICE OF
THE UNDER-SECRETARY OF STATE
FOR EXTERNAL AFFAIRS
CANADA.
E.T.

Memorandum for the Prime Minister.

Mr.O'Hara, the Deputy Minister of Trade and Commerce, has just sent me over a cable which he has received from their Trade Commissioner in Melbourne, the translation of which reads as follows:

> "Advise Pope, Secretary of State for External Affairs, Sastri, Indian Government Delegate now here, anxiously awaiting reply telegram of June 12th with reference to Canadian itinerary, arrives August 12th Vancouver".

I have no record of the receipt of any such telegram, though I understood from Mr.Beaudry at the time that the Premier had received a telegram from Sastri about the date in question.

J. Pope

Ottawa, 29th June,1922

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CANADA

C 96984

MR. SASTRI'S VISIT - MEMORANDUM FOR THE PRIME MINISTER.

1. A telegram received from Sir Joseph Pope this morning states that Mr. Sastri will arrive in Ottawa on the morning of Friday, September 1.

2. Sir Joseph Pope suggests Saturday evening, September 2, as the date of the dinner to be given by the Government to Mr. Sastri. It is desirable that the date be fixed immediately in order that the engraving of the invitation cards may be completed.

3. I understand that Sir Joseph Pope left with the Prime Minister a list suggesting the names of those who might be invited to the dinner. I would suggest that the list be finally completed as soon as possible in order that the invitations may be sent out.

L.C.C.

Ottawa,

August 17, 1922.

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CANADA

Suggested rough draft of persons from which selections might be made for dinner to the Rt. Hon. Srinivasa-Sastri.

Note: This list is founded on the list for the dinner to Marshal Fayolle of last year.

Many of these people will probably be out of town in August.

Rt. Hon. Mr. Mackenzie King

Hon. Mr. Fielding

Mrs. Fielding

Hon. G.P. Graham

Mrs. Graham

Hon. C. Murphy

Miss Murphy

Hon. R. Dandurand

Madame Dandurand

Hon. H.S. Béland

Madame Béland

Hon. J.H. King

Mrs. King

Hon. Sir Lomer Gouin

Lady Gouin

Hon. J. Bureau

Madame Bureau

Hon. E. Lapointe

Madame Lapointe

Hon. D.D. McKenzie

Mrs. McKenzie

Hon. J.A. Robb

Mrs. Robb

Hon. T.A. Low

Mrs. Low

Hon. A.B. Copp

Mrs. Copp

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PUBLIC ARCHIVES
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CANADA

Hon. W.C. Kennedy

Mrs. Kennedy

Hon. C. Stewart

Miss Stewart

Hon. W.R. Motherwell

Mrs. Motherwell

Hon. J. Murdock

Mrs. Murdock

Hon. J.E. Sinclair

Mrs. Sinclair

The Speaker of the House of Commons

Madame Lemieux

Sir Robert Borden

Lady Borden

Sir Henry Drayton

Lady Drayton

Hon. L.P. Brodeur

Madame Brodeur

Hon. N.A. Belcourt

Miss Belcourt

Mr. H. McGivern, M.P.,

Mrs. McGivern

Mr. E.R.E. Chevrier, M.P.

Madame Chevrier

Mr. E.L. Newcombe

Mrs. Newcombe

The Mayor of Ottawa

Mrs. Plant

Mr. F.A. Acland

Mrs. Acland

Hon. W.J. Roche

Mrs. Roche

Sir Eugéne Fiset

Lady Fiset

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CANADA

C 96987

Hon. M. Burrell,

Mrs. Burrell,

Mr. A.F. Sladen,

Mrs. Sladen,

The Consul General of the United States,

Mrs. Foster,

Mr. R. Boudreau,

Madame Boudreau,

Rt. Hon. A. Meighen,

Mrs. Meighen,

The Hon. Mr. Justice Anglin,

Mrs. Anglin,

The Rt. Hon. Sir Louis Davies,

Lady Davies,

Captain W. Hose,

Mrs. Hose,

The Hon. Mr. Justice Idington,

Mrs. Idington,

Mr. Justice Mignault,

Mme, Mignault,

Sir Joseph Pope,

Lady Pope,

Rt. Hon. Mr. Justice Duff,

Mrs. Duff,

Hon. F.B. Carvell,

Mrs. Carvell,

Mr. Loring Christie,

Mrs. Christie,

Mr. F.C.T. O'Hara,

Mrs. O'hara,

Dr. Doughty,

Mrs. Doughty,

Mr. W.J. Black,

Mrs. Black,

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CANADA

Admiral Sir Charles Kingsmill,

Lady Kingsmill,

The Prime Minister's Private Secretary and wife,

The Consul General of China?

The Consul General of Japan?

Mrs. Ohta?

The Consul General of Belgium?

Clergy?

The President of the Country Club?

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CANADA

C 36989 E-1601

DINNER TO RT. HON. SRINIVASA-SASTRI.

List Approved by Prime Minister.

Rt. Hon. Mr. Mackenzie King

Hon. Mr. Fielding

Mrs. Fielding

Hon. G.P. Graham

Mrs. Graham

Hon. C. Murphy

Miss Murphy

Hon. R. Dandurand

Madame Dandurand

Hon. H.S. Beland

Madame Beland

Hon. J.H. King

Mrs. King

Hon. Sir Lomer Gouin

Lady Gouin

Hon. J. Bureau

Madame Bureau

Hon. E. Lapointe

Madame Lapointe

Hon. D.D. McKenzie

Mrs. McKenzie

Hon. J.A. Robb

Mrs. Robb

Hon. T.A. Low

Mrs. Low

Hon. A.B. Copp

Mrs. Copp

Hon. W.C. Kennedy

Mrs. Kennedy

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PUBLIC ARCHIVES
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CANADA

C 36990

Hon. C. Stewart

Miss Stewart

Hon. W.R. Motherwell

Mrs. Motherwell

Hon. J. Murdock

Mrs. Murdock

Hon. J.E. Sinclair

Mrs. Sinclair

The Speaker of the House of Commons

Madame Lemieux

The Speaker of the Senate

Mrs. Bostock

Sir Robert Borden

Lady Borden

Sir Henry Drayton

Lady Drayton

Hon. L.P. Brodeur

Madame Brodeur

Hon. N.A. Belcourt

Miss Belcourt

Mr. H. McGivern, M.P.

Mrs. McGivern

Mr. E.R.E. Chevrier, M.P.

Madame Chevrier

Mr. E.L. Newcombe

Mrs. Newcombe

The Mayor of Ottawa

Mrs. Plant

Mr. F.A. Acland

Mrs. Acland

Hon. W.J. Roche

Mrs. Roche

Sir Eugene Fiset

Lady Fiset

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CANADA

C 96991

Hon. M. Burrell

Mrs. Burrell

Mr. A.F. Sladen

Mrs. Sladen

The Consul General of the United States

Mrs. Foster

Mr. R. Boudreau

Madame Boudreau

Rt. Hon. A. Meighen

Mrs. Meighen

The Rt. Hon. Sir Louis Davies

Lady Davies

Sir Joseph Pope

Lady Pope

Hon. F. B. Carvell

Mrs. Carvell

Mr. Loring Christie

Mrs. Christie

Mr. F.C.T. O'Hara

Mrs. O'Hara

Dr. Doughty

Mrs. Doughty

Mr. W.J. Black

Mrs. Black

The Prime Minister's Private Secretary and wife
Mr. and Mrs. McGregor

The Consul General of China?

The Consul General of Japan?

Mrs. Ohta?

The Consul General of Belgium?

The President of the Country Club?

All Ministers)
Deputy Ministers) and their wives
Judges of Supreme Court)

Mayor Vanier

Madame Vanier

Government House

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ARCHIVES PUBLIQUES
CANADA

C 36992

Dinner to Rt. Hon. Srinivasa Sastri.

Last approved by Prime Minister

Suggested rough draft of persons from ~~which~~ selections might be made for dinner to the Rt. Hon. Srinivasa-Sastri.

Note: This list is founded on the list for the dinner to Marshal Fayolle of last year.

Many of these people will probably be out of town in August.

Rt. Hon. Mr. Mackenzie King

Hon. Mr. Fielding

Mrs. Fielding

Hon. G.P. Graham

Mrs. Graham

Hon. C. Murphy

Miss Murphy

Hon. R. Dandurand

Madame Dandurand

Hon. H.S. Béland

Madame Béland

Hon. J.H. King

Mrs. King

Hon. Sir Lomer Gouin

Lady Gouin

Hon. J. Bureau

Madame Bureau

Hon. E. Lapointe

Madame Lapointe

Hon. D.D. McKenzie

Mrs. McKenzie

Hon. J.A. Robb

Mrs. Robb

Hon. T.A. Low

Mrs. Low

Cette ~~liste~~ devrait inclure, debut ministers & judges of Supreme Court Blair Justice (Immigration dept.

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PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Hon. A.B. Copp

Mrs. Copp

Hon. W.C. Kennedy

Mrs. Kennedy

Hon. C. Stewart

Miss Stewart

Hon. W.R. Motherwell

Mrs. Motherwell

Hon. J. Murdock

Mrs. Murdock

Hon. J.E. Sinclair

Mrs. Sinclair

The Speaker of the House of Commons

Madame Lemieux ~~and~~ The Speaker of the Senate

Sir Robert Borden - made Boswell

Lady Borden

Sir Henry Drayton

Lady Drayton

Hon. L.P. Brodeur

Madame Brodeur

Hon. N.A. Belcourt

Miss Belcourt

Mr. H. McGivern, M.P.,

Mrs. McGivern

Mr. E.R.E. Chevrier, M.P.

Madame Chevrier

Mr. E.L. Newcombe

Mrs. Newcombe

The Mayor of Ottawa

Mrs. Plant

Mr. F.A. Acland

Mrs. Acland

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PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Hon. W.J. Roche

Mrs. Roche

Sir Eugène Fiset

Lady Fiset

Hon. M. Burrell

Mrs. Burrell

Mr. A.F. Sladen

Mrs. Sladen

The Consul General of the United States

Mrs. Foster

Mr. R. Boudreau

Madame Boudreau

Rt. Hon. A. Meighen

Mrs. Meighen

~~The Hon. Mr. Justice Anglin~~

~~Mrs. Anglin~~

The Rt. Hon. Sir Louis Davies

Lady Davies

~~Captain W. Hose~~

~~Mrs. Hose~~

~~The Hon. Mr. Justice Idington~~

~~Mrs. Idington~~

~~Mr. Justice Mignault~~

~~Mme. Mignault~~

Sir Joseph Pope

Lady Pope

~~Rt. Hon. Mr. Justice Duff~~

~~Mrs. Duff~~

Hon. F. B. Carvell

Mrs. Carvell

Mr. Loring Christie

Mrs. Christie

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PUBLIC ARCHIVES
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CANADA

Mr. F.C.T. O'Hara

Mrs. O'Hara

Dr. Doughty

Mrs. Doughty

Mr. W.J. Black

Mrs. Black

~~Admiral Sir Charles Kingsmill~~

~~Lady Kingsmill~~

The Prime Minister's Private Secretary and wife,

The Consul General of China?

The Consul General of Japan?

Mrs. Ohta?

The Consul General of Belgium

~~Clergy?~~

The President of the Country Club?

Mr & Mrs Cory — } all deputy ministers
Mr & Mrs Saunders } late all depts
Mr & Mrs Bell }
Mr & Mrs Glendon }

all ministers
deputy ministers } and their wives
Judges of Supreme Court

~~Asst~~ Major & Mrs Vanier — Government

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CANADA

E-1306.

C 36996

Dinner in honour of the Rt.Hon.Srinivasa Sastri.

1st September,1922

Invitation list.

	NO.	YES.	
Rt.Hon.W.L.Mackenzie King		yes ~	
Rt.Hon.Srinivasa Sastri		yes ~	
C.S.Bajpai,Esq.		yes ~	
Hon.W.S.Fielding	no.		
Mrs.Fielding	no		
Hon.G.P.Graham	no		
Mrs.Graham	no		
Hon.Charles Murphy	no		
Miss Murphy	no		
Hon.R.Dandurand	no		
Mme.Dandurand	no		
Hon.H.S.Beland	~~no~~	yes ~	~
Mme.Beland	~~no~~	yes ~	
Hon.J.H.King	no		
Mrs.King	no		
Hon.Sir Lomer Gouin	no		
Lady Gouin	no		
Hon.J.Bureau	no		
Mme.Bureau	no		
Hon.E.Lapointe	no		
Mme.Lapointe	no		
Hon.D.D.McKenzie	no		
Mrs.McKenzie	no		
Hon.J.A.Robb		yes ~	
Mrs.Robb	no.		
Hon.T.A.Low		yes ~	
Mrs.Low	no		
Hon.A.B.Copp		yes ~	
Mrs.Copp	no		
Hon.W.C.Kennedy	no		
Mrs.Kennedy	no		
Hon.C.Stewart		yes ~	
Miss Stewart	no		
Hon.W.R.Motherwell		yes ~	
Mrs.Motherwell	no		

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C 96997

	NO.	YES.
Hon.James Murdock		yes ✓
Mrs.Murdock		yes ✓
Hon.J.E.Sinclair	no	
Mrs.Sinclair	no	
The Speaker of the House of Commons	no	
Mme.Lemieux	no	
The Speaker of the Senate	no	
Mrs.Bostock	no	
The Rt.Hon.SirRobert Borden		yes ✓
Lady Borden		yes ✓
Hon.Sir Henry Drayton		yes ✓
Lady Drayton		yes ✓
Hon.L.P.Brodeur		yes ✓
Mme.Brodeur	no	
Hon.N.A.Belcourt		yes ✓
Miss Belcourt		yes ✓
Mr.H.B.McGiverin,M.P.	no	
Mrs.McGiverin	no	
Mr.E.R.E.Chevrier,M.P.		yes ✓
Mme.Chevrier		yes ✓
Mr.E.L.Newcombe		yes ✓
Mrs.Newcombe		yes ✓
The Mayor of Ottawa	no	
Mrs.Plant	no	
Mr.F.A.Acland		yes ✓
Mrs.Acland		yes ✓
Hon.W.J.Roche		yes ✓
Mrs.Roche		yes ✓
Maj.Gen.Sir Eugene Fiset	no	
Lady Fiset	no	
Hon.M.Burrell		yes ✓
Mrs.Burrell		yes ✓
Mr.A.F.Sladen		yes ✓
Mrs.Sladen	no	
The Hon. Sir George Perley		yes ✓
Lady Perley		yes ✓ ✓

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	NO.	YES.	
Consul General of the United States.	no		
Mrs.Foster	no		
Mr.R.Boudreau	no		
Mrs.Boudreau	no		
Rt.Hon.A.Meighen	no		
Mrs.Meighen	no		
Rt.Hon.Sir Louis Davies	no		
Lady Davies	no		
Sir Joseph Pope		yes	✓
Lady Pope			
Hon.F.B.Carvell	no		
Mrs.Carvell	no		
Mr.L.C.Christie		yes	✓
Mrs.Christie		yes	✓
Mr.F.C.T.O'Hara		yes	✓
Mrs.O'Hara		yes	✓
Dr.A.G.Doughty	no		
Mrs. Doughty		yes	✓
Mr.W.J.Black	no		
Mrs.Black	no		
Mr.F.A.McGregor		yes	✓
Mrs.McGregor		yes	✓
Consul General of China		yes	✓
Consul General of Japan	no		
Mme.Ohta	no		
Consul General of Belgium		yes	✓
Mme.Goor	no		
President of the Country Club		yes	✓
Mrs.Powell	no		
Major Vanier	no		
Madame Vanier	no		
Mr.L.Beaudry		yes	✓
Mme.Beaudry	no		
Hon.Mr.Justice Mignault	no		
Mme.Mighault	no		

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CANADA

	NO.	YES.	
Dr.J.H.Grisdale		yes	✓
Major E.D.Sutherland	no		
Mrs.Sutherland	no		
Mr.R.R.Farrow	no.		
Mrs.Farrow	no		
Mr.J.C.Saunders	no		
Mrs.Saunders	no		
Lt.Col.J.A.Amyot,C.M.G.	no		
Mrs.Amyot	no		
Mr.D.C.Scott		yes	✓
Mrs.Scott		yes	✓
Mr.W.W.Cory,C.M.G.		yes	✓
Mrs.Cory		yes	✓
Mr.Alex Johnston		yes	✓
Mrs.Johnston		yes	
Mr.Charles Camsell	no		
Mrs.Camsell	no		
Mr.G.J.Desbarats,C.M.G.		yes	✓
Mrs.Desbarats		yes	✓
Dr.R.M.Coulter,C.M.G.		yes	✓
Mr.J.B.Hunter	no		
Mrs.Hunter	no		
Major Graham Bell,C.M.G.	no		
Mrs. Bell	no		
Mr.A.A.McLean,		yes	✓
Mrs.McLean		yes	✓
Mr.Thomas Mulvey	no		
Mrs.Mulvey	no		
Mr.N.F.Parkinson	no		
Mrs.Parkinson	no		
Hon.Mr.Justice Idington		yes	✓
Mrs. Idington	no		
Hon.Mr.Justice Anglin	no		
Mrs.Anglin	no		
Rt.Hon.Mr.Justice Duff	no		
Mrs.Duff	no.		

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CANADA

C 97000

PRIME MINISTER'S OFFICE

MEMORANDUM

4.30
Wednesday,
Sept. 20, 1922

By Mr. King's direction I informed Mr. Pugsley of the Department of Railways and Canals, that the Government did not feel itself obliged to look after the Right Honourable Mr. Sastri beyond his visit to Canada, and that under no circumstances would consideration be given to the proposal to provide a private car for Mr. Sastri from Toronto to New York, particularly in view of the fact that twenty-five first class fares each way would be required by the Railway Companies, an expense of something over $500.00.

F.A.MCG.

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CANADA

E-1306
C 97001

OFFICE OF
THE UNDER-SECRETARY OF STATE
FOR EXTERNAL AFFAIRS
CANADA.
F.

Confidential Memorandum for the Prime Minister.

A few days ago Mr. Bajpai wrote me from Quebec that Major Bell, Deputy Minister of Railways, had kindly offered to Mr. Sastri and himself the use of the private car from Toronto to New York, and asked me to arrange with the United States authorities for the usual Customs facilities, etc., which I did. Subsequently I was surprised to receive a demand from Mr. Pugsley, of the Department of Railways and Canals, for a cheque for the cost of 25 fares, which it would be necessary to prepay in order to utilize the car for the above purpose. I at once replied that, while I had no connection with Mr. Sastri's arrangements since the 1st of September, I was sure that Mr. Christie, in whose hands they were, would not for a moment approve of the payment of 25 fares, amounting to over $500, for any such purpose. Happening to meet Mr. Christie within the next day or two in Montreal, I mentioned the matter to him, which he told me had been arranged, in so far as it had been arranged at all, between Major Bell and Mr. Bajpai without his (Mr. Christie's) knowledge. Probably Major Bell did not give the matter consideration beyond a general desire to be polite. Mr. Christie quite shared my views on the subject, pointing out that it would be a matter of 50 fares - 25 fares each way - amounting to

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CANADA

over a thousand dollars, for the additional advantage to Messrs. Sastri and Bajpai of spending one night in a private car, over and above the ordinary pullman. Mr. Christie told me that he was going to inform his Indian guests that the car had been recalled to Ottawa and that he had taken a drawing room for Mr. Sastri and a section on the same car for Mr. Bajpai. As the course to be followed in regard to this matter was so obvious, I did not think it necessary to trouble Mr. King with it. The Indian gentlemen will leave Toronto tonight for New York by the regular pullman.

L. Pope

Ottawa, 22nd September, 1922.

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CANADA

C 97003

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MISS CATHERINE M. DUNBAR
505 Huntington Avenue
BOSTON 17, MASS.

To the lady who owns this book I leave a word of thanks that she should leave it behind her - so that the stranger who occupied her room on Monday night, Sept. 28, might have the pleasure and inspiration that came to her while going over the pages. She had never before even heard of the book, and to know about it makes life seem bigger and better. To think of it will be a joy for a long time to come.

With love and thanks,

CATHERINE DUNBAR

POOR
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W.L. Mackenzie King Papers
Memoranda & Notes

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CANADA

H C 97004
Brooks

PRIME MINISTER'S OFFICE

MEMORANDUM

Mr. King:

At Mr. Baldwin's request, I have sent to him a copy of "The Secret of Heroism". I understand that he is sending it to young McNeeley, who rescued three children from the broken ice of Brown's Inlet.

WHM

Nov. 30, 1928.

K. will do.

W.L. Mackenzie King Papers
Memoranda & Notes

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C 97005

MEMORANDUM

Prime Minister's Office

Ottawa, November 28, 1928

Mr. Thomas Irvin McNeely,
193 Holmwood Ave.,
Ottawa.

C.2708W.

W.L. Mackenzie King Papers
Memoranda & Notes

PUBLIC ARCHIVES
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CANADA

C 97006

PRIME MINISTER'S OFFICE

SUBJECT

NAME AND DATE OF NEWSPAPER

Ottawa Morning Citizen Nov 28/28.

Lives of Three Children Saved By Gallant Boy

Little Ones Rescued From Beneath Ice of Brown's Inlet By 17-Year-Old Thomas Irvin McNeely.

Three young lives, those of Gordon and Eugene Brown, young sons of Mr. and Mrs. A. G. Brown, 43 Newton street, and that of a little girl companion with whom they were playing on the ice of Brown's Inlet, near Broadway avenue and Ralph street, when the ice gave way beneath them, were saved by the prompt and heroic action of Thomas Irvin McNeely, a driver for the Canadian Packing Company and 17-year-old son of Mr. and Mrs. Daniel J. McNeely, 193 Holmwood avenue.

Gordon and Eugene, age four and five years, respectively were playing along with a little girl apparently about four years of age whom they met near the inlet as they walked around the banks about 11.30 yesterday morning. In spite of the fact that the two young boys had been specifically warned by their mother not to go near the ice, it proved too attractive for them and they ventured on it, accompanied by the little girl for "just one slide."

Heard Child Scream.

No sooner had they got well out on the surface than the thin ice, cracked and finally gave way, precipitating the three tots into the icy waters. Just at that moment Irvin McNeely was driving his horse south on Ralph street when he heard a child scream. Looknig towards the inlet he say young Eugene who still had his head above water and was clinging for his very life to the side of the ice which kept breaking away in his grasp.

Urging his horse to the bridge in great haste, young McNeely leaped over the railing and tried to crawl out to the young boy who was still succeeding in holding himself afloat by holding on the edges of the ice. In his haste he even neglected to rid himself of his heavy driver's coat and no sooner had he laid hands on the terrified Eugene than the ice on which he was kneeling broke and let him into the water, coat and all.

Clutching Eugene he placed him on the firmer ice and then noticed the little girl who was under the ice. Keeping himself afloat in the water which was so deep that he could not reach bottom by standing, the heroic young driver pulled her from underneath the ice and heaved her along the ice to the shore where a young woman who had arrived to the scene picked up the child and carried her off.

Crashed Through Again.

In the meantime Eugene who had been placed on the ice crashed through the thin surface and was struggling again in the water. McNeely stretched over and held him up and tried to make the bridge which was close at hand. Suddenly the terrified little tot forgetting his own misery and fright pleaded: "Please, Mister, don't let my little brother drown. Save him too, please!" And here he began to cry. Depositing Eugene on the shore the now thoroughly exhausted youth began to look around for the one whom Eugene had called his brother and noticed the body of a young boy which had just risen to the surface from underneath the ice and was floating on the surface. Cautioning Eugene to remain on the shore, he started to crawl out on fresh ice to attempt his third rescue in the space of a few frantic moments. Just at this moment, Mrs. Joseph Finn, 20 Broadway avenue who had observed from her upstairs window that something was amiss at the inlet arrived on the scene accompanied by her maid bearing with them a mop, broom and hockey stick. These, young McNeely used to good effect and succeeded in pulling the inert body ashore without going in again himself.

Mrs. Finn, realizing that the younger boy, Gordon, who was in a semi-conscious state was in grave danger due to exposure carried him to her house, drained the water from his lungs by turning him on his face and then giving him a hot bath placed him in bed where he fell asleep. In the meantime she telephone Mrs. Brown telling her of the incident and informing her that her two children were safe.

During this time Thomas Irvin, the young hero who had at great danger to himself saved the lives of three children, had not had time to remove his clothing and was practically exhausted. Luckily, he is accustomed to spend his summer leizure in swimming near Hogs Back and is an expert in the art. Had it not been for this he would possibly have drowned as by the time the rescue was completed the hole in the ice had been torn to six or seven times its original size due to the struggles of himself and the children.

Went on With Work.

Seeing that all the children were cared for and realizing that there was no more for him to do, he slipped away from the small crowd which had gathered, buttoned his soaking clothes around him and went about delivering his consigment of orders to the customers of the firm in Ottawa South. When he returned to the Lewis street stables about one o'clock his clothes were frozen stiff and it was with great difficulty that his comrades were able to assist him in removing them.

William Fleming, manager of the Canadian Packing Company stores in Ottawa called at the residence of the young hero yesterday evening to congratulate him on his deed and found him exceedingly modest and quiet about it all but met two of the proudest parents in the city.

Gordon and Eugene, the two little sons of Mr. and Mrs. A. G. Brown, at 7 o'clock last night were enjoying themselves playing around the house and vividly elaborating on their experiences, hardly realizing the gravity of it all and none the worse for their experience. Mr. and Mrs. Brown, needless to say, have expressed their heartfelt thankfulness for the rescue of their two little sons and their gratitude to the quiet youth who was instrumental in saving them at such discomfort and great risk to himself.

When asked by a Citizen representative if he realized the danger of the situation at the time he was performing his deeds, he modestly declared he thought the danger very slight. "I am a good swimmer and I like it. But, of course, I wouldn't go swimming in water like that unless I had to."

W.L. Mackenzie King Papers
Memoranda & Notes

PUBLIC ARCHIVES
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C 97006

PRIME MINISTER'S OFFICE

SUBJECT

NAME AND DATE OF NEWSPAPER

Ottawa Morning Citizen Nov 28/28.

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C 97006A

G-1201
1927

S-1102

REGISTRAR OF THE
COMBINES INVESTIGATION ACT
DEPARTMENT OF LABOUR
OTTAWA, CANADA

December 3, 1927

MEMORANDUM TO
THE PRIME MINISTER:

Attached is a draft acknowledgment of Selekman's book "Postponing Strikes"; also your copy of the book itself.

A synopsis of the book is to be found on pages 19 to 29.

The passages in the book relating to the point raised in paragraph 2 of the draft are marked at the following pages:

126, 148, 310, 315, 319-20,
321, 332.

For the author's treatment of the influence of economic and other factors on the attitude of employers and employees toward the Act, see his Synopsis of Chapters X and XI, on pages 25 to 27.

01649

DEC 3 - Recd

W.L. Mackenzie King Papers
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C 97007

Memo:

Re: Trustees of Canadian National Railways.

In the case of the Board of Pension Commissioners, the Riley case, the Privy Council of England decided that the legislation, getting rid of the Board, was intra vires, and that Parliament was supreme.

Yes,

[illegible]

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C 97008

18th March, 1924.

MEMORANDUM FOR

THE DEPUTY MINISTER OF JUSTICE.

With regard to the initiation of legislation by the Senate,-

(1) Sec. 18 of the British North America Act, 1867, as amended by 38-39 Vic., Cap. 38:-

> "The privileges, immunities, and powers to be held, enjoyed, and exercised by the Senate and by the House of Commons, and by the members thereof respectively, shall be such as are from time to time defined by Act of the Parliament of Canada, but so that any Act of the Parliament of Canada defining such privileges, immunities, and powers shall not confer any privileges, immunities, or powers exceeding those at the passing of such Act held, enjoyed and exercised by the Commons House of Parliament of the United Kingdom of Great Britain and Ireland, and by the members thereof."

(2) Nowell in his history of the relations between the two Houses of Parliament in Tasmania and South Australia in regard to amendments to Bills containing provisions relating to the Public Revenue or Expenditure, pages 80-89 (herewith) discusses the application of British Parliamentary Usage in those colonies and in a foot-note on page 86 has the following:-

> "One reason would be conclusive, if there were no other:- The privileges of the Houses in England have been acquired by prescription; in the Colony, by statute. It is true, the Legislative Councils in South Australia and Tasmania, by their standing orders, have bound themselves in all cases not otherwise provided for by the 'rules, forms and practice' (or 'usages, as it is in Tasmania) of the House of Commons, so

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"far as these may be applicable; but in this case they are clearly not applicable, the relations of the Houses in England and the Colonies being so different. Moreover, the colonial upper Chambers have never adopted the practice of the House of Lords: both Houses in the Colonies are, in fact, Houses of Commons, only that the one is not empowered to originate money votes."

(3) Section 53 of the British North America Act, reads:-

"53. Bills for appropriating any Part of the Public Revenue, or for imposing any Tax or Impost, shall originate in the House of Commons."

(4) Todd, Parliamentary Government in the British Colonies, 2nd Edn., p.34:-

"...The sovereign, the House of Lords and the House of Commons are severally reproduced, in so far as the altered circumstances of colonial dependence will permit, by a governor, who represents the Crown; by a legislative council or senate - either nominated by the Crown or chosen by election - which is intended to exercise 'the legislative functions of the House of Lords'; and by a popular chamber, which possesses, within the colony, 'the rights and powers of the House of Commons.'

This distinction between the constitutional rights and powers of the two houses is taken from a formal definition of the constitution of the colony of Victoria, which was accepted by the Crown and by both Houses of Parliament in that colony."

page 704:-

"...But whether constituted by nomination or election, the upper house in every British colony is established for the sole purpose of fulfilling therein 'the legislative functions of the house of lords,' whilst the power house exercises within the same sphere 'the rights and powers of the house of commons.' It is, therefore, most desirable that in general persons should be chosen as members of an upper legislative chamber who already possess some measure of parliamentary experience and ability, besides being otherwise qualified for such honourable service.

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" It is only as a legislative body that the upper house in any colony can claim indentity with the house of lords. No kindred institution created by statute can be the counterpart of that august and venerable chamber, either in respect to its unique position in the English political system, or in the dignity and eminent personal qualities for which its individual members are usually conspicuous. The adoption by a colonial upper chamber of the peculiar forms of parliamentary procedure which regulate the practice of the house of lords, is indeed a suitable method of marking a difference between themselves and the popular branch. But in no other way should a colonial senate or legislative council invite a comparison between themselves and the time-honoured hereditary house of peers. It is in order to discountenance such pretensions, and to assign to the upper house in a colonial system its true place as exclusively a legislative institution, and not as an aristocractic body clothed with personal privileges, that the Imperial parliament has pointed to 'the commons house of parliament of the United Kingdom,' as being equally the example to the senate or legislative council, as well as to the representative assembly, of the proper extent and limitation of the privileges, immunities and powers to be defined on behalf of each house by a statute to be locally passed for that purpose....."

(5) <u>May, Parliamentary Practice, 12th Edn.p.509</u>:-

"....The Commons, having during nearly three centuries claimed the right to include the members of the House of Lords in the taxation levied upon the subjects of the Crown (see p.470) advanced this claim still further in 1671 by resolving, 'That in all aids given to the king by the Commons, the rate or tax ought not to be altered by the Lords;' and, on the 3rd July, 1678, by a second resolution, 'That all aids and supplies and aids to his Majesty in Parliament, are the sole gift of the Commons; and 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.'

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By the practice and usage based upon that resolution, the Lords are excluded, not only from the power of intiating or amending bills dealing with public expenditure or revenue, but also from initiating public bills which would create a charge upon the people by the imposition of local and other rates, or which deal with the administration or employment of those charges. ..... It follows accordingly , that the Lords may not amend the provisions in bills which they receive from the Commons dealing with the above-mentioned subjects, so as to alter, whether by increase or reduction, the amount of a rate or charge, its duration, mode of assessment, levy, collection, appropriation or management; or the persons who pay, receive, manage, or control it; or the limits within which it is leviable. Other forms of amendment by the Lords have also been held to infringe the privileges of the Commons, such as the addition of a clause providing that payments into and out of the Consolidated Fund should be made under the same regulations as were applicable by law to other similar payments; of provisions for the payment of salaries to officers of the Court of Chancery out of the suitors' fund; and alterations in a clause prescribing the order in which charges on the revenues of a colony should be paid. .....

The privilege claimed by the Commons has also been held to include legislation affecting the Local Loans Fund, a fund derived from local taxation, with theguarantee of the Consolidated Fund (see p. 465), created under the National Debt and Local Loans Act, 1867. ....."

(6) Statutes of Canada, 1867-8, Cap. 23, Sec.1.-

"1. The Senate and the House of Commons respectively, and the Members thereof respectively, shall hold, enjoy and exercise such and the like privileges, immunities and powers as, at the time of the passing of the British North America Act, 1867, were held, enjoyed and exercised by the Commons House of Parliament of the United Kingdom of Great Britain and Ireland, and by the members thereof, so far as the same are consistent with and not repugnant to the said Act."

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C 97012

(7) R.S.C., (1886) Cap. 11, Sec. 3. -

"3. The Senate, and the House of Commons respectively, and the members thereof respectively, shall hold, enjoy and exercise such and the like privileges, immunities and powers as, at the time of the passing of 'The British North America Act, 1867,' were held, enjoyed and exercised by the Commons House of Parliament of the United Kingdom, and by the members thereof, so far as the same are consistent with and not repugnant to the said Act, and also such privileges, immunities and powers as are from time to time defined by Act of the Parliament of Canada, not exceeding those at the time of the passing of such Act held, enjoyed and exercised by the Commons House of Parliament of the United Kingdom and by the members thereof respectively."

(8) R.S.C., Cap. 10, Sec. 4.-

"4. The Senate and the House of Commons respectively, and the members thereof respectively, shall hold, enjoy and exercise:-

(a) such and the like privileges, immunities and powers as, at the time of the passing of The British North America Act, 1867, were held, enjoyed and exercised by the Commons House of Parliament of the United Kingdom, and by the members thereof, so far as the same are consistent with and not repugnant to the said Act; and,

(b) such privileges, immunites and powers as are from time to time defined by Act of Parliament of Canada, not exceeding those at the time of the passing of such Act held, enjoyed and exercised by the Commons House of Parliament of the United Kingdom and by the members thereof respectively."

(9) Beauchesne's Parliamentary Rules,-

(a) Rule 78 (p.167)

"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."

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(b) Rule 50 (p.127)

> "No bill relating to trade, or the alteration of the laws concerning trade, is to be brought into this House, until the proposition shall have been first considered in a committee of the whole House, and agreed unto by the House.
> 499. This rule does not apply to bills that originate in the Senate."

(c) Rule 28A. (p.84)

> "Bills originating in the Senate and sent to this House for concurrence shall be placed for first reading on the order paper under the heading "Routine Proceedings", immediately after 'Introduction of Bills'.

(10) Bourinot's Parliamentary Procedure, p.291

is passed to you herewith.

Note: I have been unsuccessful, in the time at my disposal, in my attempt to locate any report showing the result of conference of joint committee to consider in what way the despatch of business in parliament might be facilitated in pursuance of the concurrence to this step of the Senate set out at page 118 of the Senate Journals, 1874 as follows:-

> "The Order of the Day being read for the Consideration of the Message of the House of Commons requesting the appointment of a Committee to join the Committee of the Commons to consider in what way the despatch of business in Parliament may be facilitated.
> The Honourable Mr. Scott moved, seconded by the Honourable Mr. Bureau,
> To Resolve, That a Select Committee of Seven Members be appointed, viz:
> The Honourable Messieurs Aikins, Botsford, Bureau, Dickey, Dickson, Miller and the mover, to consider whether any facilities can be given for the despatch of business in Parliament, especially in regard to the relations of the two Houses, who are to confer with an equal number of Members of the House of Commons for the purpose aforesaid, as desired by that House in their message received on Tuesday last.
> The question of concurrence being put thereon, the same was resolved in the affirmative and it was
> Ordered, That the said Resolution be communicated to the House of Commons by one of the Masters of the Chancery."

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(11). Senate Journals, 1867-8 p. 260 (herewith)

sets out the report of the committee referred to by Bourinot and contains the sentence:-

"...The Committee think that the public interest in the more thorough consideration of Legislative measures, as well as in the despatch of business would be much served by a persistent effort on the part of the Government of the Day to originate in the Senate as many of their measures as the law and usage of Parliament will permit. ....."

(12). Sen. Hans. (1880-1) p. 702,-

Hon. Mr. Miller -

"Last year I felt it my duty to enter a very earnest protest against the manner in which legislation had come up from the other branch of Parliament at the close of the session. I think it is only fair, under the altered circumstances this year, to compliment the Government on the decided improvement which has taken place in that respect during the present session of Parliament. We have had very important measures initiated here, and had full time to discuss them. We have not, on any one single day up to the close of the session, been behind with our work, a very unusual thing, and one which, perhaps, has never occurred before since Confederation. We have been able to keep up with it, and give it all the time that we thought it deserved. ....."

(13). Sen. Hans. (1882) p. 16,-

"Hon. Sir Alex. Campbell hoped that the House would at all events continue the debate until six o'clock if they could not conclude it to-day. He was glad to be able to promise that there would be a change in the practice which had obtained with regard to the introduction of bills in the Upper House. He had in his hands six or seven bills which he proposed to introduce the moment the debate was concluded."

p. 29,-

"...The bills this session were introduced in the Senate first, as was the fact last session. With reference to the complaint which had been made that these measures were not now before the House, the Government was in no way to blame for that. ....."

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C 97015 A-1008

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CANADIAN SENATE

Whereas, the Canadian Senate is composed of men appointed by the Government in power for partisan reasons, and

Whereas, such senators are appointed for life, and

Whereas, they have no direct responsibility to the people who are taxed for the upkeep of that Chamber, and

Whereas, through lack of responsibility they see fit time and again to block legislation passed by the Commons;

Therefore, be it resolved, that it would be in the best interest of Canada if the Senate were abolished.

Passed by the Annual Convention
of the United Farmers of Alberta,
January 18th to 21st, 1927.

W.L. Mackenzie King Papers
Memoranda & Notes

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CANADA

C 97016

OFFICE OF THE PRIME MINISTER

MEMORANDUM

S-1500-B

FOR THE PRIME MINISTER:

Senator Belcourt telephoned, pointing out that he was now acting in the place of the late Speaker, and wishing to know if the Prime Minister had any instructions for him.

HS

Secretary.

Ottawa,
April 29th,
1930

P.M. says no instructions.
Told Belcourt
HS.

W.L. Mackenzie King Papers
Memoranda & Notes

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IN/4 P.C. 584 C 97017 V-2504.

PRIVY COUNCIL CANADA

Certified copy of a Report of the Committee of the Privy Council, approved by His Excellency the Governor General on the March 11/22.

The Committee of the Privy Council, on the recommendation of the Honourable W.L. Mackenzie King, the Prime Minister, advise that Mr. Gustave Boyer of Rigaud in the Province of Quebec, be appointed a Member of the Senate and Senator for the Division of Rigaud in the Province of Quebec.

W. Pugsley Bradley

Clerk of the Privy Council.

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W.L. Mackenzie King Papers
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PRIVY COUNCIL
CANADA

P.C.560. C 37018

Certified copy of a Report of the Committee of the Privy Council, approved by His Excellency the Governor General on the

[11 Mar. 1922]

The Committee of the Privy Council, on the recommendation of the Honourable W. L. Mackenzie King, the Prime Minister, advise that Frederick Forsyth Pardee, of Sarnia in the Province of Ontario, Esquire, be appointed a Member of the Senate and a Senator for the Province of Ontario.

W. A. Griesbach
Clerk of the Privy Council.

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W.L. Mackenzie King Papers
Memoranda & Notes

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CANADA

P. C. 2250 C 97019 J-2502

Certified copy of a Report of the Committee of the Privy Council, approved by His Excellency the Governor General on the 27th. October, 1922.

PRIVY COUNCIL CANADA

The Committee of the Privy Council, on the recommendation of the Right Honourable the Prime Minister, advise that Onesiphore Turgeon, of Bathurst, in the Province of New Brunswick, Esquire, be appointed a Member of the Senate and a Senator for the Province of New Brunswick.

Clerk of the Privy Council

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C 97020 Y-25-05--A

IH/5 P.C. 56

Certified copy of a Report of the Committee of the Privy Council, approved by His Excellency the Governor General on the 11th January, 1923.

PRIVY COUNCIL
CANADA

The Committee of the Privy Council, on the recommendation of the Right Honourable W.L. Mackenzie King, the Prime Minister, advise that The Honourable Sir Allen B. Aylesworth, K.C.M.G., K.C., be appointed a Member of the Senate and a Senator for the Province of Ontario.

Clerk of the Privy Council.

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C 97021 y- 2508-C

P.C.1469.

Certified copy of a Report of the Committee of the Privy Council, approved by His Excellency the Governor General on the 14th August, 1923.

PRIVY COUNCIL
CANADA.

The Committee of the Privy Council, on the recommendation of the Right Honourable W. L. Mackenzie King, the Prime Minister, advise that the Honourable Jean Leon Coté, of Edmonton, Alta., be appointed a member of the Senate and a Senator for the Province of Alberta.

J. E. Kezar

Asst Clerk of the Privy Council.

POOR
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W.L. Mackenzie King Papers
Memoranda & Notes

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

P. C. 393 C 97022 Y-2505-H

PRIVY COUNCIL CANADA

The following is a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by his Excellency the Governor General on the **10th March, 1924**

The Committee of the Privy Council, on the recommendation of the Right Honourable W. L. Mackenzie King, the Prime Minister, advise that Andrew Haydon, of the City of Ottawa, in the Province of Ontario, Barrister-at-Law, be appointed a Member of the Senate and a Senator for the Province of Ontario.

E. J. Lemaire

Clerk of the Privy Council.

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W.L. Mackenzie King Papers
Memoranda & Notes

PUBLIC ARCHIVES
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CANADA

IH/3 P.C. 751 C 97023 Y - 2502 - R

Certified copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 5th May, 1924.

PRIVY COUNCIL CANADA

The Committee of the Privy Council, on the recommendation of the Right Honourable W.L. Mackenzie King, the Prime Minister, advise that the Honourable Clifford W. Robinson, of the City of Moncton, N.B., be appointed a member of the Senate and a Senator for the Province of New Brunswick.

E. J. Lemaire

Clerk of the Privy Council.

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W.L. Mackenzie King Papers
Memoranda & Notes

PUBLIC ARCHIVES
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CANADA

IH/2 P.C. 1605 97024 J-2504-B

PRIVY COUNCIL CANADA

Certified copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 5th September, 1925.

The Committee of the Privy Council, on the recommendation of the Right Honourable W.L. Mackenzie King, the Prime Minister, advise that the Honourable Henri Severin Beland be appointed a Member of the Senate and a Senator for the Division of Lauzon, in the Province of Quebec.

E. J. Lemaire

Clerk of the Privy Council.

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W.L. Mackenzie King Papers
Memoranda & Notes

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CANADA

C 97025

IH/2 P.C. 1604 J-2504-B

PRIVY COUNCIL CANADA

Certified copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 5th September, 1925.

The Committee of the Privy Council, on the recommendation of the Right Honourable W.L. Mackenzie King, the Prime Minister, advise that the Honourable Jacques Bureau be appointed a Member of the Senate and a Senator for the Division of La Salle, in the Province of Quebec.

E. J. Lemaire

Clerk of the Privy Council.

W.L. Mackenzie King Papers
Memoranda & Notes

PUBLIC ARCHIVES
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CANADA

IH/2

P.C. 1602 C 97026 - 2503-A

PRIVY COUNCIL
CANADA

Certified copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 5th September, 1925.

The Committee of the Privy Council, on the recommendation of the Right Honourable W.L. Mackenzie King, the Prime Minister, advise that James Joseph Hughes, Esquire, of Souris, P.E.I., be appointed a member of the Senate and a Senator for the Province of Prince Edward Island.

E. J. Lemaire

Clerk of the Privy Council.

W.L. Mackenzie King Papers
Memoranda & Notes

PUBLIC ARCHIVES
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CANADA

IH/2 P.C. 1686 C 97027 J-2505-L

PRIVY COUNCIL CANADA

Certified copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 5th September, 1925.

The Committee of the Privy Council, on the recommendation of the Right Honourable W.L. Mackenzie King, the Prime Minister, advise that John Lewis, of the City of Toronto, Journalist, be appointed a Member of the Senate and a Senator for the Province of Ontario.

E. J. Lemaire

Clerk of the Privy Council.

W.L. Mackenzie King Papers
Memoranda & Notes

PUBLIC ARCHIVES
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CANADA

C 97028 y-2505-M

IH/2 P.C. 1607

PRIVY COUNCIL CANADA

Certified copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 5th September, 1925.

The Committee of the Privy Council, on the recommendation of the Right Honourable W.L. Mackenzie King, the Prime Minister, advise that The Honourable Charles Murphy, Barrister-at-Law, of Ottawa, be appointed a Member of the Senate and a Senator for the Province of Ontario.

E. J. Lemaire

Clerk of the Privy Council.

W.L. Mackenzie King Papers
Memoranda & Notes

PUBLIC ARCHIVES
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CANADA

IH/2

P.C. 1603 C 97029 y - 2503 - Mc

Certified copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governcr General on the 5th September, 1925.

The Committee of the Privy Council, on the recommendation of the Right Honourable W.L. Mackenzie King, the Prime Minister, advise that Creelman McArthur, Esquire, of Summerside, P.E.I., be appointed a member of the Senate and a Senator for the Province of Prince Edward Island.

E. J. Lemaire
Clerk of the Privy Council.

W.L. Mackenzie King Papers
Memoranda & Notes

PUBLIC ARCHIVES
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CANADA

IH/2 P.C. 1610 C 97030 Y- 2508 -L

Certified copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 5th September, 1925.

The Committee of the Privy Council, on the recommendation of the Right Honourable W.L. Mackenzie King, the Prime Minister, advise that Prosper Edmond Lessard, Esquire, of Edmonton, Alberta, be appointed a Member of the Senate and a Senator for the Province of Alberta.

E. J. Lemaire

Clerk of the Privy Council.

W.L. Mackenzie King Papers
Memoranda & Notes

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

IH/ 2 P.C. 1609 C 97031 J - 2508 - B

PRIVY COUNCIL CANADA

Certified copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 5th September, 1925.

The Committee of the Privy Council, on the recommendation of the Right Honourable W.L. Mackenzie King, the Prime Minister, advise that William Ashbury Buchanan, Esquire, of Lethbridge, Alberta, be appointed a Member of the Senate and a Senator for the Province of Alberta.

E. J. Lemaire

Clerk of the Privy Council.

W.L. Mackenzie King Papers
Memoranda & Notes

PUBLIC ARCHIVES
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CANADA

IH/2

C 97032 y - 2505 - 12

P.C. 1608

Certified copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 9th September, 1925.

The Committee of the Privy Council, on the recommendation of the Right Honourable W.L. Mackenzie King, the Prime Minister, advise that James Palmer Rankin, Esquire, of Stratford, Ontario, be appointed a member of the Senate and a Senator for the Province of Ontario.

E. J. Lemieux

Clerk of the Privy Council.

W.L. Mackenzie King Papers
Memoranda & Notes

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

P.C.1549. C 97033 S-1301-H

PRIVY COUNCIL CANADA

to be a true
Certified copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 7th October, 1926.

The Committee of the Privy Council, on the recommendation of the Right Honourable W. L. Mackenzie King, the Prime Minister, advise that Paul L. Hatfield, Esquire, Member-elect of the House of Commons for the electoral district of Shelburne-Yarmouth, N.S., be appointed a member of the Senate and a Senator for the Province of Nova Scotia.

E. J. Lemaire
Clerk of the Privy Council.

The Right Honourable
the Prime Minister.

OCT 7 REC'D

W.L. Mackenzie King Papers
Memoranda & Notes

PUBLIC ARCHIVES
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CANADA

C 97034 S-1304-R

P.C.2117.

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the

[Feb. 1926]

The Committee of the Privy Council, on the recommendation of the Right Honourable W. L. Mackenzie King, the Prime Minister, advise that Donat Raymond of Montreal, in the Province of Quebec, Esquire, be appointed a Member of the Senate and a Senator for the Division De la Valliere, in the said Province.

Clerk of the Privy Council.

POOR
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W.L. Mackenzie King Papers
Memoranda & Notes

PUBLIC ARCHIVES
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CANADA

III/6

P.C. 2116 C 97035 L-1305-Me

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the

[20 Dec. 1926]

The Committee of the Privy Council, on the recommendation of the Right Honourable W.L. Mackenzie King, the Prime Minister, advise that William H. McGuire, of Toronto, Esquire, be appointed a Member of the Senate and a Senator for the Province of Ontario.

Clerk of the Privy Council.

POOR
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W.L. Mackenzie King Papers
Memoranda & Notes

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

III/5

P.C. 2116 C 97035 L-1305-MC

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the

[20 Dec. 1926]

The Committee of the Privy Council, on the recommendation of the Right Honourable W.L. Mackenzie King, the Prime Minister, advise that William H. McGuire, of Toronto, Esquire, be appointed a Member of the Senate and a Senator for the Province of Ontario.

Clerk of the Privy Council.

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Memoranda & Notes

PUBLIC ARCHIVES
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CANADA

IH/5

P.C. 2377 C 97036 S-1304-P

Certified copy of a Report of the Committee of the Privy Council,

approved by His Excellency the Administrator on the

14th December, 1927.

PRIVY COUNCIL
CANADA

The Committee of the Privy Council, on the recommendation of the Right Honourable W.L. Mackenzie King, the Prime Minister, advise that Philippe J. Paradis, Esquire, of the City of Quebec, in the Province of Quebec, be appointed a Member of the Senate and a Senator for the Division of Shawinigan, in the said Province, vice the Honourable Hippolyte Montplaisir, deceased.

E. J. Lemaire

Clerk of the Privy Council.

The Right Honourable

the Prime Minister.

DEC 15 Recd

02148

W.L. Mackenzie King Papers
Memoranda & Notes

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

C 97037 P-1304-L

P.C.2414.

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 21st December, 1927.

The Committee of the Privy Council, on the recommendation of the Right Honourable W. L. Mackenzie King, the Prime Minister, advise that Napoleon K. Laflamme, Esquire, K.C., of the City of Montreal, in the Province of Quebec, be appointed a Member of the Senate and a Senator for the Division of Mille Iles, in the said Province, vice the Honourable L. O. David, deceased.

E. J. Lemaire
Clerk of the Privy Council.

The Right Honourable
the Prime Minister.

02785

DEC 22 Recd

W.L. Mackenzie King Papers
Memoranda & Notes

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

C 97038 8-1305-2

P.C. 64

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Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 10th January, 1928.

The Committee of the Privy Council, on the recommendation of the Right Honourable W. L. Mackenzie King, the Prime Minister, advise that Gustave Lacasse, Esq., M.D., of Tecumseh, Ontario, be appointed a member of the Senate and a Senator for the Province of Ontario.

E. J. Lemaire

Clerk of the Privy Council.

The Right Honourable
The Prime Minister.

03841

JAN 11 Recd

W.L. Mackenzie King Papers
Memoranda & Notes

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

C 97039 S-1305-L

E. L. Little en 1927

P.C.52.

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 10th January, 1928.

The Committee of the Privy Council, on the recommendation of the Right Honourable W. L. Mackenzie King, the Prime Minister, advise that EDGAR SYDNEY LITTLE, of the City of London, Ontario, Esquire, be appointed a Member of the Senate and a Senator for the Province of Ontario.

E. J. Lemieux

Clerk of the Privy Council.

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W.L. Mackenzie King Papers
Memoranda & Notes

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CANADA

C 97040 S-1305-A
Dec 1927

P.C.51.

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 10th January, 1928.

The Committee of the Privy Council, on the recommendation of the Right Honourable W. L. Mackenzie King, the Prime Minister, advise that JAMES HOUSTON SPENCE, of the City of Toronto, Ontario, Esquire, K.C., be appointed a Member of the Senate and a Senator for the Province of Ontario.

E. J. Lemoine
Clerk of the Privy Council.

W.L. Mackenzie King Papers
Memoranda & Notes

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CANADA

C 97041 S-1302-F
Listed

5. P. C. 2217

PRIVY COUNCIL CANADA

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 6th December, 1928.

The Committee of the Privy Council, on the recommendation of the Right Honourable W. L. Mackenzie King, the Prime Minister, advise that the Honourable Walter E. Foster, of the City of St. John, New Brunswick, be appointed a Member of the Senate and a Senator for the Province of New Brunswick.

E. J. Lemaire
Clerk of the Privy Council.

The Right Honourable
The Prime Minister.

W.L. Mackenzie King Papers
Memoranda & Notes

PUBLIC ARCHIVES
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CANADA

P.C.100 C 97042 S-1301-L

PRIVY COUNCIL CANADA

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 23rd JANUARY 1929

The Committee of the Privy Council, on the recommendation of the Right Honourable W. L. Mackenzie King, the Prime Minister, advise that Hance James Logan, Esquire, K.C., of Amherst, in the Province of Nova Scotia, be appointed a member of the Senate and a Senator for the said Province.

E. J. Lemaire

Clerk of the Privy Council.

The Right Honourable
The Prime Minister.

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Memoranda & Notes

PUBLIC ARCHIVES
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1H/3

P.C. 2539 C 97043 S-1306-F

PRIVY COUNCIL CANADA

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Administrator on the 30th December, 1929.

The Committee of the Privy Council, on the recommendation of the Right Honourable W.L. Mackenzie King, the Prime Minister, advise that the Honourable Robert Forke be appointed a Member of the Senate and a Senator for the Province of Manitoba.

E.J. Lemaire

Clerk of the Privy Council.

The Right Honourable
the Prime Minister.

9158

W.L. Mackenzie King Papers
Memoranda & Notes

PUBLIC ARCHIVES
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CANADA

IH/6

P.C. 381C 97044 J-1305-W

PRIVY COUNCIL CANADA

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 15th February, 1930.

The Committee of the Privy Council, on the recommendation of the Right Honourable W.L. Mackenzie King, the Prime Minister, advise that Mrs. Cairine Mackay Wilson, of Ottawa, in the Province of Ontario, be appointed a Member of the Senate and a Senator for the said Province.

E.J. Lemaire

Clerk of the Privy Council.

The Right Honourable
the Prime Minister.

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Memoranda & Notes

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CANADA

C 97045 S-1305-M

P.C.634.

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 20th MARCH 1930

The Committee of the Privy Council, on the recommendation of the Right Honourable W. L. Mackenzie King, the Prime Minister, advise that the Honourable James Murdock, of Ottawa, a Member of the King's Privy Council for Canada, be appointed a Member of the Senate and a Senator for the Province of Ontario.

E. J. Lemaire

Clerk of the Privy Council.

The Right Honourable
The Prime Minister.

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Memoranda & Notes

PUBLIC ARCHIVES
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CANADA

P.C.1260. C 97046 S-1304-L

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 3rd JUNE 1930

The Committee of the Privy Council, on the recommendation of the Right Honourable W. L. Mackenzie King, the Prime Minister, advise that the Honourable Rodolphe Lemieux, K.C., B.C.L., LL.D., be appointed a Member of the Senate and a Senator for the Division of Rougemont, in the Province of Quebec.

E. J. Lemaire
Clerk of the Privy Council.

The Right Honourable
The Prime Minister.

935.

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PUBLIC ARCHIVES
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CANADA

P.C.1264. C 97047 S-1304-W

PRIVY COUNCIL CANADA

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 3rd JUNE 1930

The Committee of the Privy Council, on the recommendation of the Right Honourable W. L. Mackenzie King, the Prime Minister, advise that Lawrence Alexander Wilson, Esquire, of Coteau du Lac, in the Province of Quebec, be appointed a Member of the Senate and a Senator for the Division of Rigaud, in the said Province.

E. J. Lemaire
Clerk of the Privy Council.

The Right Honourable
The Prime Minister.

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Memoranda & Notes

PUBLIC ARCHIVES
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CANADA

P.C.1263. C 97048 L-1304-P

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 3rd JUNE 1930

The Committee of the Privy Council, on the recommendation of the Right Honourable W. L. Mackenzie King, the Prime Minister, advise that Jules-Edouard Prevost, Esquire, of St.Jerome, in the Province of Quebec, be appointed a member of the Senate and a Senator for the Division of Mille Isles, in the said Province.

E. J. Lemaire
Clerk of the Privy Council.

The Right Honourable
The Prime Minister.

9138

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W.L. Mackenzie King Papers
Memoranda & Notes

PUBLIC ARCHIVES
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CANADA

P.C.1262.

C 97049 S-1304-P

PRIVY COUNCIL CANADA

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 3rd JUNE 1930

The Committee of the Privy Council, on the recommendation of the Right Honourable W. L. Mackenzie King, the Prime Minister, advise that George Parent, Esquire, K.C., of the City of Quebec, in the Province of Quebec, be appointed a Member of the Senate and a Senator for the Division of Kennebec, in the said Province, vice the Honourable L. Lavergne, resigned.

E. J. Lemaire

Clerk of the Privy Council.

The Right Honourable
The Prime Minister.

S-133

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W.L. Mackenzie King Papers
Memoranda & Notes

PUBLIC ARCHIVES
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CANADA

P.C.1261. C 97050 1304-T

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 3rd JUNE 1930

The Committee of the Privy Council, on the recommendation of the Right Honourable W. L. Mackenzie King, the Prime Minister, advise that Edmund William Tobin, Esquire, of Bromptonville, in the Province of Quebec, be appointed a member of the Senate and a Senator for the Division of Victoria, in the said Province.

E. J. Lemaire
Clerk of the Privy Council.

The Right Honourable
The Prime Minister.

1938.

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PUBLIC ARCHIVES
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CANADA

P.C.1308. C 97051 8-1309-K

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 7 th JUNE 1930

The Committee of the Privy Council, on the recommendation of the Right Honourable W. L. Mackenzie King, the Prime Minister, advise that the Honourable James H. King, M.D., C.M., F.A.C.S., LL.D., be appointed a Member of the Senate and a Senator for the Province of British Columbia.

E. J. Lemaire

Clerk of the Privy Council.

The Right Honourable
The Prime Minister.

38.

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PUBLIC ARCHIVES
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CANADA

P.C.1307. C 97052 S-1303-28

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 7 th JUNE 1930

The Committee of the Privy Council, on the recommendation of the Right Honourable W. L. Mackenzie King, the Prime Minister, advise that the Honourable John Ewen Sinclair, of Emerald, P.E.I., be appointed a member of the Senate and a Senator for the Province of Prince Edward Island.

E. J. Lemaire
Clerk of the Privy Council.

The Right Honourable
The Prime Minister.

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CANADA

C 97053 1867-1924

List of House of Commons Bills rejected by

The Senate.

1867 - 68

An Act respecting offences relating to the Coin.

" " " Procedure and other matters relating to Criminal Law.

" " " Cruelty to Animals.

" " " Indictable offences by Forgery.

" " " the duties of Justices of the Peace out of Sessions, in relation to persons charged with indictable offences.

" " " the prompt and summary administration of Justice in certain cases.

" " " the trial and punishment of Juvenile Offenders.

" " " the duties of Justices of the Peace out of Sessions, in relation to summary Convictions and Orders.

" " for the release and surender of offenders wrongfully arrested in certain cases.

" " respecting offences against the person.

" " " Patents of invention.

" " " Perjury.

" " " Malicious Injuries to Property.

1869

An Act to amend certain Acts of the Legislature of the late Province of Canada respecting the inspection of raw hides and leather.

1871

An Act to incorporate the Kingston Board of Trade.

" " " " " Toronto Corn Exchange Association.

" " respecting Weights and Measures.

" " to incorporate the Board of Trade of the Town of Windsor, Ontario.

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Memoranda & Notes

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C 37054

1872.

An Act to repeal the Insolvency Laws.

" " " incorporate the North Western Trading Company.

1873

An Act to amend the Law relating to Bills for Exchange and Promisory Notes.

1874

An Act to amend the Act 36. Vic. Chap. 106 incorporating "The Canada Investment and Guarantee Company."

" " " amend the Act 35 Vic. Chap. 13, intituled "An Act to readjust the Representation in the House of Commons.

1875.

An Act to provide for the construction of a railway from Esquimalt to Nanaimo in British Columbia.

" " " provide for the salaries of County Court Judges in the Province of Nova Scotia.

" " " for the better protection of Persons and Property conveyed by Railways.

1876.

An Act to incorporate the Investment Company of Canada.

" " " amend the Act 38 Vic. Chap. 142, respecting the transportation of Cattle by railway or other means of conveyance within the Dominion of Canada.

" " " incorporate the United Empire Trust Company, Ltd.

1877.

An Act respecting the collection and management of the Revenue and auditing of Public Accounts and the liability of Public Accountants.

" " to provide for the admission of fish and fish oil inspected in Newfoundland to the markets of Canada without further inspection.

1878.

An Act for the amendment of the Law of Evidence in certain cases of misdemeanor.

" " respecting the offices of Receiver General and Attorney General of Canada.

1879.

An Act to make further provision in relation to Bank Holidays.

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CANADA

C 97055

1879 (con'd).

An Act to provide for the salaries of two additional Judges of the Supreme Court of British Columbia.

" " " repeal the Acts respecting Insolvency now in force in the Domnion.

" " " repeal an Act to regulate the construction and maintenance of Marine Electric Telegraphs.

1880.

An Act to legalize marriage with the sister of a deceased wife.

" " " amend an Act to provide that persons charged with common assault shall be competent as witnesses.

1880-81

An Act to incorporate the Don River Improvement Company.

1883.

An Act to amend the Criminal Law, and to extend the provisions of the Act respecting offences against the person.

" " " amend the law respecting cruelty to animals.

" " " provide for the punishment of seduction and like offences.

1884.

An Act to provide for the punishment of seduction and like offences.

1885.

An Act to further amend the law of evidence in Criminal cases.

1886.

An Act to amend, and consolidate as amended, the statutory provisions respecting Chinese Immigration.

" " " amend the Consolidated Railway Act, 1879.

" " " for the further amendment of the Law of Evidence in certain cases.

1888.

An Act to incorporate the Ottawa, Morrisburg and New York Railway and Bridge Company.

1889.

An Act to permit Foreign Vessels to aid Vessels wrecked or disabled in Canadian Waters.

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CANADA

An Act to provide for the building and working of a line of Railway from Harvey to Salisbury or Moncton, in the province of New Brunswick.

" " " incorporate the Ottawa, Morrisburg and New York Railway Company.

1890.

An Act to amend the Act for the prevention and suppression of combinations formed in restraint of trade.

" " " incorporate the Elbow River Water Power Company.

1891.

An Act to incorporate the Inverness and Victoria Railway Co.

" " " " " Whirlpool Bridge Company.

1892.

An Act to amend the Act to incorporate the Scholl Savings Bank.

1894.

An Act to secure the better observance of the Lord's Day, commonly called Sunday..

1895.

An Act to incorporate the Canadian Order of Foresters.

1896. 2nd session.

An Act respecting the Hull Electric Company.

1897.

An Act to incorporate the Cataract Power Company of Hamilton, Ltd..

" " " confirm certain agreements entered into by Her Majesty with the Grand Trunk Railway Company of Canada and the Drummond County Railway Comapny for the purpose of securing the extension of the Intercolonial Railway System to the city of Montreal.

" " "respecting the Kingston and Pembroke Railway Company.

" " "to incorporate the pilots serving between Quebec and Montreal.

" " "amend the Railway Act.

" " respecting the Restigouche and Victoria Railway Company.

" " to incorporate the Winnipeg, Duluth and Northern Railway Company.

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C 97057

1898.

An Act to confirm and agreement between Her Majesty and William Mackenzie and Donald D. Mann, and to incorporate the Canadian Yukon Railway Company.

" " respecting the Manitoba School Fund.

" " " " North American Telegraph Co.

" " to further secure the safety of Railway employees and passengers.

" " to incorporate the Supreme Grand Lodge of the Sons of England Benefit Society.

" " in further amendment of the Trade Mark and Design Act.

1899.

An Act to incorporate the British Pulp, Paper & Railway Co.

" " " amend the Criminal Code, 1892, so as to make more effectual provision for the punishment of seduction and abduction.

" " respecting the Portage du Fort and Bristol Branch Railway Company.

" " respecting representation in the House of Commons.

" " in further amendment of the Trade Mark and Design Act.

1900.

An Act to incorporate the Canada National Railway and Transport Company.

" " to incorporate the Gaspe Short Line Railway Company.

" " to amend the Act respecting the Judges of Provincial Courts.

" " amend the Land Titles Act, 1894.

" " " Post Office Act.

" " authorize the sale of the Yarmouth Steamship Company's property to the Dominion Atlantic Ry. Co.

1901.

An Act to amend the Animal Contagious Diseases Act.

" " respecting Le Credit Foncier du Bas Canada, and to change its name to Le Credit Hypothécaire du Canada.

" " respecting the Montreal and Southern Counties Railway Company.

" " respecting the South Shore Railway Company.

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C 97058

1902.

An Act to incorporate the Gaspe and Western Railway Company.

" " " " " Bishop of the Orthodox Russo-Greek Catholic Church for North America and Aleutian Islands and each of the parishes and missions of the said church in Manitoba and the North West Territories.

" " " amend the Petition of Right Act.

1903.

An Act to incorporate the Gaspe and Western Railway Company.

" " " " " Maritime Railway and Transportation Company.

1904.

An Act respecting Aliens.

" " to amend the Exchequer Court of Act.

" " respecting the Hamilton, Grimsby and Beamsville Electric Railway Company.

" " respecting the New Brunswick Southern Railway Company.

1905.

An Act respecting Labour Union Labels.

1906-7

Ac Act to incorporate the Western Rivers Improvement Company.

1907-8

An Act respecting Co-Operation.

" " to incorporate the Saskatoon, Saskatchewan, Peace River and Dawson Railway Company.

1909

An Act to amend the Exchequer Court Act.

" " respecting Insurance.

1910-11

An Act to amend the Interest Act.

" " respecting the Vancouver and Lulu Island Railway Co.

" " " hours of labour on Public Works.

" " to amend the Railway Act.

" " respecting the Ontario and Minnesota Power Co.

1911-12

An Act to encourage and assist the improvement of Highways.

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C 97059

1911-12 (cont'd).

An Act to provide for the appointment of a Tariff Commissbn.

" " " authorize the granting of subsidies to the Government of the Province of Ontario in aid of the construction of the Temiskaming and Northern Ontario Railway.

" " " amend the Inspection and Sale Act.

1912-13.

An Act respecting the Richelieu and Ontario Navigation Co.

" " to incorporate the Prudential Life of Canada.

" " " authorize measures for increasing the effective Naval Forces of the Empife.

" " respecting Canadian Northern Railway Branch Lines. (Commons declined to accept Senate amendments.)

" " respecting Government Railways, Amendment Act. (Commons declined to accept Senate amendments.)

" " respecting Improvement of Highways. (Commons declined to accept Senate amendments.)

1914.

An Act for the relief of the Depositors of the Farmers Bank of Canada. (Six months hoist).

" " respecting the Post Office Amendment Act. (Commons refused to accept Senate amendments).

" " respecting the Labrador, Quebec and Southern Railway Company. (Commons declined to accept Senate amendments.)

1915.

An Act to amend the Supreme Court Act. (Six months hoist).

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C 97059

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1916

An Act to amend the Railway Act.

1917.

An Act to consolidate and amend the Railway Act.

1918.

An Act to amend the Inspection and Sale Act (Food containers, firewood and cement).

1919.

An Act to amend the Criminal Code (Sexual offences).

An Act to amend the Biological Board Act.

An Act to confirm the Order-in-Council of the 24th February, 1919, prohibiting the importation, manufacture and transportation of intoxicating liquors, and the Order-in-Council of the 12th April, 1919, in amendment thereof.

An Act to incorporate the Northwest Route, Limited.

" " " " the Athabaska, Grande Prairie and Fort Vermilion Railway Company.

" " respecting Electric and Power Companies.

1920 - 2nd session

An Act to amend the Navigable Waters Protection Act.

1921.

An Act to amend the Research Council Act, and to establish a National Research Institute.

" " " incorporate La Compagnie de Telephone Quebec Union Electrique. (The Quebec Union Electric Telephone Company).

1922.

An Act respecting the Quebec Light Heat & Power Co.

" " " " Buffalo and Fort Erie Public Bridge Co.

" " " " Criminal Code.

" " " " Lake of the Woods.

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1923

An Act for the Repeal of the Lake of the Woods Regulation Act, 1921 (Six months Hoist).

" " to amend the Canada Temperance Act. (Commons declined to accept Senate amendments).

" " respecting the Construction of Canadian National Railway Lines (Six months hoist).

" " to amend The Post Office Act. (Defeated on second reading).

" " to amend the Industrial Disputes Act, 1907. (Commons declined to accept Senate Amendments)

1924.

An Act respecting Trade between Canada and Finland. (Committee rose).

" " respecting the Disposal of the Canteen Funds. (three months hoist).

Canadian National Railway Construction Bills:-

Bill	50 - Kelvington Branch	-	Reported against.
"	30 - Rousseau & Laurent	-	" "
"	32 - Guysboro.		" "
"	40 - Nepawin	-	" "
"	54 - Radville		" "
"	48 - Turtleford	-	Three months hoist.
	Lloydminster	-	" " "

An Act to amend the Criminal Code.
Reported against.

An Act to amend the Industrial Disputes Act, 1907.
(Commons declined to accept Senate amendments.)

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C 97062

History of Bills rejected or amended by the Senate during the Session of 1922.

Bill No. 54 Amendments to Criminal Code - rejected.

This Bill was introduced by Mr. Donald M. Kennedy (West Edmonton) and was a bill to repeal section 20 of Chapter 25, Statutes of 1921. Section 20 of the Criminal Code was passed in June 1921 and provides that prosecution cannot be taken after three years from the commission of the offence. The section was passed in the face of an insistent demand from the West for investigation into alleged frauds in connection with the transfer and location of half-breed scrip. The legislation referred to was inserted by Sir James Lougheed, the then leader of the Senate, was passed by the Senate, came back to the Commons and was passed by them. After some debate and a lengthy statement by Mr. Meighen, answered by Mr. Kennedy, the bill was read a third time and passed.

In the Senate, on June 22, Sir James Lougheed (leader of the Opposition) moved that "Bill No.54 be not now read but be read this day three months." The argument advanced by the Senate being that it was inadvisable to open up these cases, even though the legislation in question was not retro-active in the Secord case. Sir James Lougheed's motion carried.

Bill No. 93. Amendments to Criminal Code - cut up.

The principal clauses in this Bill contained amendments to the Criminal Code, the following sections being either rejected wholly, or amended by the Senate after having passed the Commons:

Sections 3, 4 and 5; sexual offences against young girls, raising the age from 14 to 16. Rejected. (This legislation was also presented to the Senate the previous year and rejected)

Section 14. Disposal of goods by game of chance, staking money on gambling devices, etc., Hon Mr. Lynch Staunton proposed that paragraph (d), should be amended by striking out from the sentence "Disposes of any goods, wares or merchandise by any game or mode of chance or mixed chance and skill" the words "or other game of chance or mixed chance and skill". Amendment carried.

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Bill No. 93 (continued)

Section 15. Horse racing and betting. On the motion of Senator Dandurand, the following was added as Section 15:

"15. (1) Paragraph (b) of subsection one of section two hundred and twenty-seven of the said Act is amended by striking out the words as or for the consideration in the third line thereof and substituting therefor the following:

(i) all or any part of which money or valuable thing or its equivalent is to be paid or given to any other person on any event or contingency of or relating to any horse race or other race, fight, game or sport; or'".

Hon. Mr. Beique moved: "Nothing in this Act shall apply to such operations on any race course as are authorized by section 6 of Chapter 43 of the Statutes of 1920." (This clause to be added to the end of Section 227.)

Section 16. Under this section considerable discussion took place in regard to newspaper guessing contests, and the section was amended as follows: "Paragrapgh (g) of Sub-section (1) of section 235 is hereby repealed and the following substituted therefore- "Advertises, prints, publishes, exhibits, posts up, or otherwise gives notice of any offer, invitation or inducement to bet on, to guess or foretell the result of any contest; or"

and under paragraph (d) was added "in which the contestant or competitor pays money or other valuable consideration."

On the motion of Sir Lomer Gouin (Minister of Justice) these amendments made by the Senate were concurred in.

Bill No. 132 to amend the Canada Temperance Act to allow a Province that has enacted legislation whereby it takes control of the liquor traffic and the sale of liquor, the right to prevent the importation of liquor into such province. The Senate would not agree to this legislation.

Senator Pardee moved that the Section 157 should be amended by adding the words underlined:

The Governor in Council may by Order in Council declare that such prohibition shall come into force in such Province on a day to be named in such Order, provided that such day shall not be prior to the first of October, 1922

This amendment was agreed to.

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Bill No. 132 Canada Temperance Act.

Senator Barnard proposed that Section 3 be struck out. Section 3 embodied Part V. which enabled a province to prohibit the importation of liquor except by the Government or a Government Commission.

The Commons refused to accept these amendments, and after a prlonged discussion the Senate by a vote of 34 to 29 defeated Senator Dandurand's motion that the Senate do not insist on the second amendment (prohibition of the importation of liquor except by the Government or Government Commission)

The Commons then asked for a conference with the Senate to consider any amendment which it might be thought desirable to make. A conference was arranged but as the Senate insisted on their second amendment standing, it was agreed to accept this amendment and save the first part of the Bill.

Bill No. 141 Lake of the Woods Regulation Act - Repeal Bill.

The control of works on the Winnipeg River which has its source in the Lake of the Woods and the English River which flows into the Winnipeg River some distance below but in the Province of Ontario.

An agreement was made providing for the control of the Lake of the Woods and its water power by a Board appointed jointly by the Province of Ontario and the Dominion Government. It was agreed that concurrent legislation should be passed by the Dominion Government and the Legislature of Ontario; the Dominion Government carried out its part of the agreement and the Act is known as Chapter 10 of the Statutes of 1921. A similar bill failed to pass the Legislature of the Province of Ontario and as Chapter 10 was useless without thant legislation by Ontario, another bill was intro duced under which the Dominion Government assumed absolute control of the Lake of the Woods. (Ch.38 of the Statutes of 1921). Section 10 provides that if at any time the Legislature of Ontario should enact the joint legislation agreed upon, Chapter 38 should be repealed. The Legislature of Ontario having passed the legislation agreed upon, Bill No.141 was introduced for the purpose of repealing Chapter 38.

The Bill was rejected by the Senate after a lengthy discussion, strong opposition coming from representatives of Manitoba, the storm centre apparently being the operations of one Mr. Bachus, and general apprehension in case the benefits of these natural re-

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sources be withheld from legitimate users. The Government's attitude was that the legislation should be passed in order to implement the previous arrangement made with the Ontario Government.

Bill No. 153 (Y.2 Senate) Dominion Lands - notices of cancellation of Leases of Dominion lands.

Introduced in the Senate by Senator Dandurand to regulate the procedure in regard to the cancellation of leases of Dominion lands owing to a recent judgment of the Privy Council which declared the form used as technically erroneous; and to preserve to the Crown, under Act of Parliament, the disposition of certain valuable lands in Alberta known as the Isenberg leases which had already been done by Order-in-Council

Exception was taken by the Commons to Clause 3 placing under control of Parliament an area in the Smokey River district of Alberta, on the ground that it would unnecessarily tie the hands of the Government and the department, and the Commons rejected this clause. On the Bill being returned to the Senate this section was dropped. (This refers particularly to the Hoppe leases)

Clause 5. - provided that the Act should not affect any rights under any judgment rendered before the date of the passing of this Act, or under any action, suit or petition instituted before the 1st of May 1922, and was amended by the Commons to read as follows: "To provide that all cancellations should stand as valid save only those in respect of which litigation had been entered or a petition of right applied for before the first day of July 1922." (To cover the Hoppe leases).

This clause was restored by the Senate, and rather than lose the whole bill, the Commons decided to drop their amendment.

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C 97066

History of Bills rejected or amended

by the Senate

during the Session of 1923

Bill No. 43 - Canada Temperance Act (Amendment Bill) to provide for the prohibition of importation into any Province in which prohibition is in force; to provide penalties for the violation of this act; and to provide for the revocations when such have been declared revoked by an order in council of the Lieutenant Governor of a province affected.

Section 1 (c) - importation for blending and flavouring -

Clause amended by the Senate by striking out the word "brewer" and inserting after the word "distiller" the phrase "under the supervision of the Department of Customs and Excise."

Subsection 3 - burden of proof, importation for blending or flavouring.

Subsection 5 amended so as to cause a plebiscite to be taken in the manner provided for in section 152, on the question of the importation and bringing in of intoxicating liquors. "The Lieutenant Governor may proceed to take a vote on such question..."

The Commons agreed to accept all the amendments except that of Clause 5, to which objection was taken on the ground that it proposed that the Federal authority should impose a wholly unnecessary expense upon the Province affected; a motion by Senator Dandurand in the Senate that this amendment be not insisted upon was negatived. This legislation was asked for particularly by the Province of British Columbia.

Bill No. 102 to amend the Criminal Code; the purpose of the Bill is to prohibit the giving of information as to betting on horse races and fights. To repeal certain sections of the Code dealing with Opium joints so as to bring the Code into agreement with the provisions of the Opium and Narcotic Drug Act; raising of age from 14 to 16 in connection with certain offences against young girls; wrongful use of badges for the purpose of obtaining transportation; and to extend the right of appeal to the Supreme Court of Canada in cases of acquittal as well as conviction. Betting News Section 3, Committee of Senate decided to recommend that this section be not adopted owing to the difficulty of shutting out American magazines and newspapers containing betting news and so

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discriminating against Canadian newspapers which would have to omit such news; the amendment substituted provides for the prohibition of the importation of the paper published in the United States and known as "Racing News".

Sections 4 and 5 - sexual offences against young girls; this legislation was again rejected by the Senate.

Section 6 - refers to persons gaining admission to race meetings or on railway trains, steamboats, etc., by wearing a badge falsely; to be liable in the same way as those who falsely present a ticket.

Section 7 proposes that the Code be amended by adding the words "acquittal" so as to extend the right of appeal to the Supreme Court of Canada in cases of acquittal as well as conviction. The Senate considered that this amendment would make this provision of the Criminal law too broad and it was consequently struck out.

New Clause A inserted by the Senate Committee, which stops up loopholes in connection with "guessing contests" in newspapers on football results, etc.,

New Clause B. introduced by the Senate provides for a new schedule of percentages collectible in the case of money staked on race tracks; this amendment is without any material change in the law.

All these amendments as made by the Senate were accepted by the Commons.

Bill No. 175 Lake of the Woods Regulation Act; same bill as introduced in 1922 and passed by Commons but rejected by the Senate. Following the Session of 1922, the Prime Minister of the Federal Government, the Governments of Ontario and Manitoba met in conference and arrived at an understanding which was put in writing and signed by them. The first clause reads:

> "This agreement, as a working basis for the regulation of the English and Winnipeg rivers, is entered into on the understanding that all parties are agreeable to the repeal of the Lake of the Woods Regulation Act, 1921, but Ontario does not bind itself to the terms of this agreement in the event of that act not being repealed."

After the first reading of the present Bill the representatives of the Manitoba Government urged that legislation of 1921 should not be repealed until the provisions of the arrangements of November 1922 had been fulfilled. In reply the Prime Minister of Canada gave as assurance that the present Government would permit of no action being taken which would prejudice the rights of Manitoba or Ontario under any of the conditions of the Agreements.

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The Bill passed the Commons after some discussion but was rejected by the Senate on a vote of 51 to 18.

Bill No. 190 - Companies Act This Bill comprises 28 sections all of which, with the exception of sections 22 and 23 which make special provisions regarding the paying of dividends by mining companies, are to correct ambiguities and make changes of minor importance.

Section 21 (Dividends payable out of funds when assets are of a 'wasting character'). Amended on a motion by Senator Beigue by adding:

> "No such dividend shall be paid unless the announcement thereof is given to the shareholders by letter addressed to each shareholder at his last known address at least two weeks before the date fixed for the payment of said dividend, and unless such notice mentions that such dividend is paid under the terms of this section; and such notice shall have inserted therein the full text of this section."

Senator Beique explaining that his amendment was for the purpose of enabling the public to know the nature of the dividend - that is a dividend paid under this section.

Bill with Clause 21 amended, passed by the Senate and concurred in by Commons.

Bill 205 - An Act to amend the Pension Act, Chap.43 of the Statutes of 1919, and amending Acts and to provide for the "insurance principle" - that is pension for disability due to service whilst in the Army from the time of enlistment to discharge, and to provide that any award, after being reviewed, shall be retroactive to the date when it would have been granted had the proposed legislation been in force. Also to provide for the appointment of District Review Boards and a Federal Appeal Board to review appeals from the Board of Pension Commissioners for Canada.

Section 2 (Subsection 2) Senator Beique moved that this section be struck out (Clause refers to pension for widowed mother) and Section 3a (12) of the Pension substitued to take care of Section 2, Subsection 2)

> "Any individual case which in the opinion of the majority of the members of the Pension Board abd the Appeal Board acting jointly appears to be especially meritorious and for which in said opinion no provision has been made in this Act, because such case did not form part of any class of case,

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such meritorious case may be made the subject of an investigation and adjudication by way of commpassionate pension or allowance irrespective of any schedule tn this Act."

Section 6. Jurisdiction of Board of Pension Commissioners: moved by Senator Griesbach that the words "District Review Boards" should be struck out.

Section 9. District Review Boards; original Bill provided for a District Appeal Board in every one of the 9 units of the Department and also for a Central Appeal Board. The Senate amendment does away with the District Appeal Boards but retains the Central Appeal Board to be composed of not less than five nor more than seven members.
Provision is also made for the appellant to come into direct contact with the Central Appeal Board.

The Report of the Senate Committee was adopted and passed to the Commons who concurred in the amendments.

Bill No. 84 - Industrial Disputes Investigation Act - An Act to facilitate the application of employers and employees for a Board of Investigation.

Section 1 was agreed to, but on a motion by Senator Ross Section 2 was struck out and the following amendment by Senator Beique (as No.57a) substituted:

"It shall be unlawful for any employer without the consent of a majority of the employees evidenced in writing, signed by them or their authorized representatives, or for any employee to make any change in the conditions of employment with respect to wages or hours, unless the party making the change has before doing so applied for the appointment of a Board to which the dispute shall be submitted and, as regards wages, the Board may declare its decision retroactive to any date not anterior to that on which the change was made. On the failure of either party to abide by the evidence of the Board, the other party may have recourse to a strike or lockout as the case may be."

The last clause "On the failure, etc.," was afterwards deleted.

Section 8 (Sub-section 4) amended by Sen. Lynch Staunton, substituting the Chief Justice instead of the Minister of Labour to appoint the third arbitrator when the two parties cannot agree in making a selection.

The Bill, as amended, was returned to the Commons, who

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C 97070

who disagreed with the amendments on the ground that they defeated the objects of the Bill as presented to the House of Commons and would complicate rather than simplify procedure.

After further discussion in the Senate votes were taken on the two amendments, which were sustained.

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C 97071

History of Bills rejected or amended

by the Senate

during the Session of 1924

Bills - Branch Lines proposal Canadian National Railways - rejected

		Estimated cost
Quebec.....	Rousseau and Laurent, ..	$1,000,000
Nova Scotia ...	Sunnybrae and Guysboro'	3,500,000
Saskatchewan ..	Nipawin, etc., ...	360,000
	Lloydminster, ...	1,170,000
	Turtleford to Harford ..	2,313,000
	Kelvington, etc., ...	290,000
	Radville, etc., ...	3,706,000

The rejection of the Bills for provision of Branch Lines in Saskatchewan aroused a storm of protest and a demand for an effective reform of the Senate which would render impossible future similar action on its part. The construction of the rejected branch lines would have meant much to settlers already in the districts these lines were intended to serve, and would have accelerated the movement of new settlers to these districts.

Bill No. 7 - An Act to amend the Industrial Disputes Act - Amended

The Senate amended this act in such a way as to impair its usefulness and the bill had to be dropped, thus meeting the fate of a similar bill last year.

The Bill as passed by the Commons provided amendments to the Industrial Disputes Act which would clear up one or two difficulties in connection with the administration of the Act. The Senate added an amendment involving a new principle, namely the appointment of the third arbitrator (in cases where the two arbitrators appointed by the parties could not agree upon a third) by a judge instead of by the Minister of Labour as the Act now provides. Hon. G. D. Robertson opposed Senate's amendment.

Bill No. 253 - An Act providing legislation for the distribution of the Canteen Fund, in accordance with the recommendation of the Royal Commission - rejected

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C 97072

Bill No. 253 (continued)

The act recommended the disposal, among ex-soldiers and dependents of the fallen, of the Canteen Fund which represents the profits on goods sold in canteens during the war to service men. The Senate objected to the cost of distribution being charged to the Fund. The sum of $100,000 was earmarked for this purpose.

Bill N0. 254 - A Bill providing legislation for amendments to Pension Act recommended by the Ralston Commission and a Parliamentary Committee - amended

The Bill sought amongst other things to make permanent the payment of a bonus which had been extended from time to time and which ran out on September 1, 1924, unless continued by legislation. Twelve clauses were substantially amended and the majority entirely deleted by the Senate. The House of Commons referred the Bill back to the Senate and attempted to arrange a conference, but without success, and finally on the closing day of the session, so as not to deprive soldiers of payment, at least temporarily, of the bonus, the House of Commons accepted the Senate amendments.

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C 97073

History of Bills rejected or amended
by the Senate
during the Session of 1925

Bill No. 32 Providing legislation for disposal of Canteen Fund amounting to $2,350,000 - amended

Clause providing for the allotment of $100,000 to a central board of trustees to be expended for the maintenance and assistance of an adjustment bureau at Ottawa - deleted

Clause placing $5,000, granted by United Service Fund of England for distribution amongst ex-imperial soldiers in Canada, in hands of Central Committee - deleted
The distribution of the money must now be made by the Government.

Bill No. 70 Bill to amend Pension Act - amended

Section 10 providing for payment to widowed mothers who become dependent after the death of the son - deleted

Section ___ providing for pension to widows who married the soldier after the appearance of the disability - amended

Section providing that a man may appeal to Federal Board in case of pension being disallowed on account of disability being result of misconduct - cancelled

Bill No.182 ~~Act~~ Act for the relief of the Depositors of the Home Bank of Canada - amended

A message was sent to the Senate stating the House of Commons disagreed with the amendments for the following reasons:

(a) Because the amendments changed the title and added a preamble, the said preamble setting forth that representation had been made to the Governor General in Council, that the Government's moral responsibility to the Home Bank depositors was not admitted and defined the principle on which pecuniary aid might be afforded to a limited number of creditors, thereby giving expression to recitals on behalf of the Cabinet and House of Commons,

WHEREAS

such recitals were not authorized by either.

(b) Because Clause 2, providing the amount mentioned therein be voted for the purpose of paying the Home Bank depositors

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Bill No. 182 (Continued)

such proportionate parts of their deficits as they should respectively be found entitled to in the liquidation proceedings - was struck out

AND

New clauses have been substituted determining another mode of payment based upon a different principle and fixing the amount to be paid at a sum not to exceed $3,000,000

(c) Because the Senate added a clause A, providing for the appointment of a Commission and the organization of a lengthy and costly procedure involving large expenditure which could only be authorized if first recommended by the Governor General and voted by the House of Commons, under Sections 53 and 54 of the British North America Act

(d) Because - Clause 7 of the Act as passed by the House of Commons provided for the raising of a loan chargeable to the Consolidated Revenue Fund, and the Senate had no right to alter the clause.

(e) Because - the title, principle, policy and economy of the said bill as passed by the House of Commons has been altered by the Senate and the action of the Senate in so doing is contrary to the British North America Act.

(f) Because - the House of Commons adhering to the British North America Act cannot acknowledge the right of the Senate to make amendments to money bills.

A conference between the Senate and the Commons was held with the result that -

(a) The Senate did not insist on the seventh amendment, i.e., the preamble of the Bill

(b) The fifth amendment amended by inserting after the words "special need" in the 5th line of paragraph one of Clause (a) the words "or in straightened circumstance"

Under the Bill as amended, a judge of the Exchequer Court is given authority to come to the relief of depositors of the Bank, who can show that they are in special need because of the failure of the Bank.

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Bill No. 209 - Canada Temperance Act - Rejected

Bill No. 151 - Northwest Territories Act - Amended

Paragraph (q) ~~struck out, in~~ second line, words "who wish", and after the word "enter" add the words "any definite area or areas in"

Bill No. 145 - Customs Act Amendment - Amended

Bill No. 147 - Criminal Code, Amendments, Horse Race Intelligence, etc., ... Amended

The Senate amended this as follows:
Section 4, imposing a penalty in respect of advertising, printing, etc., of intelligence re horse races - struck out
Section 7, - struck out
Section 8, making it an indictable offence for an agent to make false returns on sales of goods, ... Struck out
Section 11, imposing penalty for use of word "Royal" - Struck out
Section restoring to Attorney General right of appeal in criminal matters on a point of law, ... Struck out

Amended Subsection 6 of section 5 by adding two paragraphs
(a) relative to distribution by lot of premiums given as reward to promote thrift
(b) bonds, etc., recallable by drawing of lots

Bill No. 27 - Canada Evidence Act

Referred by Senate to Special Committee of Senate to obtain opinion of various judges, etc.

Bill No. 210 - Construction of a Canadian National line between Sunnybrae and Guysborough - Rejected
See comments, rejection of Branch Lines, 1924.

Bill No. 233 - An act to constitute a Board of Audit - amended

Bill No. 148 - To amend the Dominion Elections Act - - amended

In 6th line of subsection 22 the Senate struck out the words "for one year" and substituted "during pleasure"

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Bill No. 239 - To amend Civil Service Superannuation Act - Amended

a
In Section 2 added. The words "three months" in third and fourth lines of subsection 2,
Section 10, struck out, substituting "two years"

Bill No. 237 - To authorize advances by providing for long term Farm Loans, ...Rejected

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PRIME MINISTER'S OFFICE C 97077

Subject.....

Date Jan 9/24. *Publication* Manitoba Free Press.

The Branch Lines That Were Not Built

Senator Gideon Robertson, a member of the last Conservative Government, seeks, in a newspaper interview, to defend the action of the Senate in blocking the Branch Lines bill at last session. He would have it understood that the Senate only performed a necessary duty and did a really good stroke for the country. He is forced to admit that the majority of the people still think that the Senate was to blame for defeating the bill, but he seems to think that this may be overcome by continued publicity work on the part of those members of the Senate who succeeded in preventing the construction of the branch lines, many of which were very sorely needed.

In undertaking any "publicity" work it is a good plan to see to it that the proposition put forward is an unassailable one. That is a detail which Senator Robertson neglected in his review in Winnipeg on Monday. His main argument is that the Senate was asked to pass a bill authorizing an expenditure which was not strictly limited and regarding which there was a lack of information. He speaks of it as a "camouflaged" bill—a rather unfortunate expression in attempting to defend the Senate's action and to cover the real motives behind the blocking tactics. Regarding the alleged lack of information it is only necessary to say that the bill itself contained particulars of 29 branches or extensions, with location, mileage and estimated cost. Sir Henry Thornton, President of the National Railways, had also submitted to the Government a memorandum giving complete information regarding each branch line. This included: (a), the traffic to be developed; (b), the measure of relief to be afforded to the various districts; (c), completion of lines already partly constructed, and the salvage of material thereon; (d), the opening of new territory and the consolidation of the system. In the House of Commons some of the branches were discussed in detail, and the memorandum of Sir Henry Thornton was quoted. If information was all that the Senate wanted it could have been produced, and that need not have caused the defeat of the bill.

But the alleged lack of information was only one of the excuses. Others were that the country could not afford the money for the extensions, that the bill should include expenditure for only one year instead of for a three-year programme, and that the expenditure was not limited to the amount of the estimates, the Government being authorized to provide the money actually needed to complete the lines as specified in the bill. All of these points are of a purely financial nature, or involved procedure in regard to a financial bill, and they were fully discussed and decided by the House of Commons. It may have been a new departure to authorize a three-year construction programme and may have placed considerable responsibility on the Government in permitting expenditure above the estimates. But explanations were given by the Government that were considered practical and reasonable by the House of Commons, and it is the exclusive function of that chamber to deal with financial measures. When did the Senate get authority to revise the decisions of the House of Commons on the details of financial measures? If the representative chamber thought that the lines were all necessary, that the country could afford the money, that it was expedient to adopt a,

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three-year programme, and that the estimates for each line should not be the limit of the money which the Government could authorize to be spent on them, what right had the unrepresentative and irresponsible chamber to dispute these decisions and try to upset them? It was argued, of course, that while the Senate could not amend a money bill it could reject it entirely. But the opposition to the bill was based on objections to various details with which the Senate had no business to deal. That is not to say that the course adopted by the Government and approved by the House of Commons was entirely above criticism. It was perfectly open to criticism on the part of the public as all other actions of the Government and the House of Commons are. But it is not the function of the Senate to defeat such a bill; it is constitutionally restrained from any such interference.

All the arguments put up by the blockers in the Senate, however, were an elaborate camouflage to screen the dual motive behind the whole affair—the desire of the Conservative majority to trip up the Government and the desire of some Liberal Senators, who are opposed to the policy of government ownership of railways, to hamper the National system by preventing its natural development through the construction of necessary branch lines and lines required for the consolidation of the various original railways. They were backed by a partisan press and by such journals as the Montreal Gazette which declared that the country could not afford the money and that "consideration for the finances is a suffi-"cient answer to the claim that settlers will suffer if the proposed "branches are not built." The Senators also sought to absolve themselves by talking plentifully about correct parliamentary practice.

The total result was that they killed the bill and no branch lines were built last year and no work can be done on any this year until the estimates are finally passed by Parliament about midsummer when three months' work on construction will be lost. But the great rival of the National Railways went on building branch lines last year and serving the territory which it is supposed to cover, while the settlers in districts where extensions of the National system were projected and very badly needed were brought to the point of absolute discouragement and those in some districts were in such despair that they gave up and moved out in large numbers.

In spite of Senator Robertson and other Senators who vainly attempt to defend their action, the responsibility for the delay and the hampering of the efforts of the National Railways rests squarely upon them for their unauthorized interference with a financial measure passed by the House of Commons. The legislation will be introduced again this year, the Government can use its own discretion as to the form adopted this time, but when the House of Commons passes it, the Senate should keep its hands off, and confine its activities to those matters which come within the scope of its proper functions. Otherwise the people will find some means of remedying an intolerable situation.

2nd. Congress & others want Senate abolished

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2nd. Congress & others wants Senate abolished

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Extract from Memorandum
Prepared by
Mr. Plaxton, Department of Justice,
Re
SENATE REFORM
&
PROCEDURE IN AMENDING THE BRITISH NORTH AMERICA ACT.

8. Possible amendments of the British North America Act, 1867, may, it is apprehended, be generally classified as likely to fall within the one or the other of two classes, viz:

(1) Amendments which would have effect to aggrandize the powers of the Dominion Parliament or Government at the expense of the autonomy of the provinces or to affect provincial interests in the constitution of the Federal Parliament; and

(2) Amendments which, while not trenching upon or prejudicially affecting provincial autonomy or interests, would have effect merely to render more effective, or to attribute a wider area of force to, the enactments of Parliament in relation to matters within its exclusive legislative authority.

With respect to proposed amendments of the first class, the provinces undoubtedly are entitled to be consulted and to exercise a dominant or controlling voice; and their concurrence, on some basis which can be settled only by mutual agreement, ought to be a condition precedent to the enactment of any such amendment. To this class would belong, in the opinion of the undersigned, for reasons to be presently stated, any proposed amendment of the Constitutional Act looking to the reform or alteration in any substantial respect of the constitution or powers of the Senate.

On the other hand, it is difficult to perceive any good reason why amendments of the second class, provided they do not disturb or affect existing provincial autonomy or interests, should not be made at the instance of the Houses

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of Parliament of Canada without the concurrence of the provinces. Of this class of amendments an example is afforded by the amendment which has been proposed with a view to attributing extraterritorial effect to an enactment of the Parliament of Canada, within the sphere of its exclusive legislative authority, according to its intention and to the like manner and to the same extent as if it had been enacted by the Parliament of the United Kingdom.

9. When consideration is given to the scheme of the British North America Act, 1867, and to the intention of the framers of the project, in regard to the constitution of the Senate of Canada, ample support is found for the view above expressed, viz., that the provinces are vitally concerned in any reform or alteration of its constitution or powers.

By sec. 17 of the British North America Act, it is declared,

> "There shall be One Parliament for Canada, consisting of the Queen, an Upper House styled the Senate, and the House of Commons."

The Senate was limited in membership to seventy-two members (sec. 21), to be nominated by the Crown for life (sec. 24); and for the purpose of determining the representation of the provinces in the Senate, Canada was, by sec. 22, divided into three Divisions, viz.,

1. Ontario;
2. Quebec;
3. The Maritime Provinces of Nova Scotia and New Brunswick;

to each of which was allotted an equal representation of twenty-four members; and special regard was had to the peculiar situation of the Province of Quebec, where the Electoral Divisions that existed previous to 1867 are maintained, and a Senator must consequently have his real property qualification or be resident in the Division for which he is appointed. (secs. 22 and 23 (6) - a provision that was not considered

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necessary for the other provinces. Provision was also made for keeping the representation of the Maritime Provinces at the same number after the entrance of Prince Edward Island (sec. 147). Since 1867 new provinces have obtained representation in the Senate, and by the British North America Act, 1915, 5-6 Geo. V. c. 45 (Imp.), the number of senators provided for under sec. 21 is increased from seventy-two to ninety-six, and the Divisions of Canada in relation to the constitution of the Senate provided for by sec. 22, were increased from three to four, the fourth Division to comprise the Western Provinces of Manitoba, British Columbia, Saskatchewan and Alberta; each Division being equally represented in the Senate as follows:

Ontario and Quebec each by twenty-four Senators;

The Maritime Provinces and Prince Edward Island by twenty-four Senators:

(10 representing Nova Scotia; 10 New Brunwick, and 4 Prince Edward Island); and

The Western Provinces by twenty-four Senators (6 for each province).

Except as to money and revenue bills - which, by sec. 55 of the British North America Act, shall originate in the Senate - there is no limitation upon the power of the Senate with regard either to finance or to general legislation; and subject to that limitation the powers of the Senate and of the House of Commons are, constitutionally, coordinate.

In this arrangement of the constitution of the Senate, the governing purpose was to afford the provinces means of protection of its peculiar local interest as against the Commons, in which the representation of the provinces, being based on population as ascertained by each decennial census, is unequal.

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"In order to protect local interests, and to prevent sectional jealousies", said Sir John A. Macdonald, in moving the adoption of an address to Her Majesty respecting the confederation of the provinces in the Legislative Assembly of Canada, on February 6, 1865, it was found requisite that the three great divisions into which British North America is separated, should be represented in the Upper House on the principle of equality. There are three great sections, having different interests, in this proposed Confederation. We have Western Canada, an agricultural country far away from the sea, and having the largest population who have agricultural interests principally to guard. We have Lower Canada, with other and separate interests, and especially with institutions and laws which she jealously guards against absorption by any larger, more numerous, or stronger power. And we have the Maritime Provinces, having different sectional interests of their own, having, from their position, classes and interests which we do not know in Western Canada. Accordingly, in the Upper House, - the controlling and regulating, but not the initiating, branch (for we know that here as in England, to the Lower House will practically belong the initiation of matters of great public interest), in the House which has the sober second-thought in legislation -- it is provided that each of those great sections shall be represented equally by 24 members. The only exception to that condition of equality is in the case of Newfoundland, which has an interest of its own, lying, as it does, at the mouth of the great river St. Lawrence, and more connected, perhaps, with Canada than with the Lower Provinces. It has, comparatively speaking, no common interest with the other Maritime Provinces, but has sectional interests and sectional claims of its own to be protected. It, therefore, has been dealt with separately, and is to have a separate representation in the Upper House, thus varying from the equality established between the other sections." (Parliamentary Debates on the subject of Confederation of the British North American Provinces, 3rd sess. 8th Provincial Parliament of Canada, p. 35)

Further on in his speech he indicated the reason for the limitation of the number of members in the Senate as follows:-

"No Ministry can in future do what they have done in Canada before,-- they cannot, with the view of carrying any measure, or of strengthening the party, attempt to overrule the independent opinion of the Upper House, by filling it with a number of its partisans and political supporters. 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 members and no more,

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"will prevent the Upper House from being swamped from time to time by the ministry of the day, for the purpose of carrying out their own schemes or pleasing their partisans. The fact of the government being prevented from exceeding a limited number will preserve the independence of the Upper House, and make it, in reality, a separate and distinct chamber, having a legitimate and controlling influence in the legislation of the country." (ib. supra. p. 36)

"There is this additional advantage to be expected from the limitation. To the Upper House is to be confided the protection of sectional interests; therefore is it that the three great divisions are there equally represented, for the purpose of defending such interests against the combinations of majorities in the Assembly. It will, therefore, become the interest of each section to be represented by its very best men, and the members of the Administration who belong to each section will see that such men are chosen, in case of a vacancy in their section." (ib. supra, p. 38)

Sir Alexander Campbell, in addressing the Legislative Council on the same date, in explaining the proposed constitution of the Upper House, said:-

"And the main reason was to give each of the provinces adequate security for the protection of its local interests, a protection which it was feared might not be found in a House where the representation was passed on numbers only, as would be the case in the General Assembly . . . . It was ..... determined that in one branch there would be a fixed number of members nominated by the Crown to enable it to act as a counterpoise to the branch in which the principle of representation according to population would be recognized." (ib. supra, p. 21)

In the same debate in the Assembly the Honourable George W. Brown said:-

"Our Lower Canada friends have agreed to give us representation by population in the Lower House, on the express condition that they shall have equality in the Upper House. On no other condition could we have advanced a step; and, for my part, I am quite willing they should have it. In maintaining the existing sectional boundaries and handing over the control of local matters to local bodies, we recognize, to a certain extent, a diversity of interests; and it was quite natural that the protection for those interests, by equality in the Upper Chamber, should be demanded by the less numerous provinces." (ib. supra, p. 88)

.....

"If, from this concession of equality in the Upper Chamber, we are restrained from forcing through measures which our friends of

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> "Lower Canada may consider injurious to their interests, we shall, at any rate, have power, which we never had before, to prevent them from forcing through whatever we may deem unjust to us. I think the compromise a fair one, and am persuaded that it will work easily and satisfactorily." (ib. supra, p. 88).

Further on in his speech he explained the special provisions whereby Senators representing the Province of Quebec are appointed for electoral divisions although no similar provision is made respecting the other provinces. He said:-

> "But it is objected that in the constitution of the Upper House, so far as Lower Canada is concerned, the existing electoral divisions are 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 qualification; 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 Canada 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 separate interests. We, in Upper Canada, on the other hand, were quite content that they should settle that among themselves, and maintain their existing divisions if they chose. But, so far as we in the West are concerned, we had no such separate interests to protect -- we had no diversities of origin or language to reconcile -- and we felt that the true interest of Upper Canada was that her very best men should be sent to the Legislative Council, wherever they might happen to reside or wherever their property was located." (ib. supra, p. 90)

10. In considering the broad question of the method or procedure to be adopted in amending the British North America Act, 1867, two alternatives appear to be open,--

1. To maintain the <u>status quo</u>: that is to say, leave it to the Imperial Parliament to enact amendments from time to time, as may be required, upon the address of the Houses of Parliament of Canada, with or without the concurrence of the provinces, according to the character of the amendment proposed; and

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2. To obtain an amendment of the British North America Act which will enable the Dominion Parliament, with or without the concurrence of the provinces, (according to the character of the amendment proposed), directly to amend the Constitutional Act without the necessity of appeal to the Imperial Parliament. The realization of the latter alternative would, no doubt, be more compatible with Canada's present status under the definition of that status adopted by the Imperial Conference of 1926, but it involves, as a condition precedent, the necessity and difficulty of arriving at an agreement with the provinces as to the basis or procedure for amendment of the Constitutional Act to be embodied in the enabling provision referred to.

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See also:

Memorandum prepared by Mr. Plaxton
Department of Justice;

Memorandum prepared by Mr. Miall,
Department of Justice, regarding
the initiative of legislation by
the Senate.

"Dominion-Provincial Conference 1927
Documents re Agenda;
Constitutional Section".

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Collateral - Senate Reform
C 97087

THE REFORM OF THE SENATE

N. McL. Rogers. September 12, 1927

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THE REFORM OF THE SENATE

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THE REFORM OF THE SENATE

Events Leading up to the Submission of this Question to an Inter-Provincial Conference

In 1923 a Branch Lines Bill for the Canadian National Railways was given the six month's hoist by the Senate after having been passed by the Commons. In 1924 this measure was reintroduced in the form of apparate bills for each line. Seven of these bills were rejected by the Senate while three others received amendments. In 1924 the Senate made drastic amendments to a Bill to amend the Pensions Act, which dealt with pensions for returned soldiers. The House of Commons objected to these amendments, but the Senate refused to reconsider them.

The Prime Minister, the Right Honourable W. L. Mackenzie King, announced on July 19, 1924, that the Government would take steps to curtail the power of the Senate.

The Speech from the Throne, February 5, 1925, announced the considered decision of the Government in the following words:

> "You will be asked to sanction the calling of a Conference between the Federal and Provincial Governments to consider the advisability of amending the British North America Act with respect to the constitution and powers of the Senate and in other important particulars."

A debate on this clause of the Speech from the Throne took

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place on March 9, 1925, and a Resolution was passed in the following terms:

> "That in the opinion of this House the Senate as at present appointed and constituted is not of the greatest advantage to Canada; therefore it is expedient that the House approve of the convening at an early date of a Conference between the Government of the Dominion of Canada and the Governments of the various provinces to consider the advisability of amending the British North America Act in respect of the constitution and the powers of the Senate."

No further action implementing this resolution was taken during 1925 and 1926, although the Government was questioned from time to time in the House with regard to its plans for the proposed Interprovincial Conference.

On March 9, 1927, Mr. J. S. Woodsworth, M.P., moved the adoption of a Resolution which proposed the appointment of a Select Committee to consider the amendment of the British North America Act, and alleged the action of the Senate in preventing the enactment of popular legislation as one of the grounds for the appointment of such a Committee. In the discussion which followed, Hon. Ernest Lapointe made the following reference to the intention of the Government to summon an Interprovincial Conference at an early date. -

Mr. Irvine: "Is it the intention of the Government to call such a Conference in the near future?"

Mr. Lapointe: "Yes, the amount has been placed in the Estimates for that purpose. That Conference will take place; it is the intention of the Government to call the Conference during the present year, at which Conference will be

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discussed not only subjects as are mentioned in the Resolution now before us, but various other matters as well. These will,be taken up by the provinces and by the Federal Government.

Historical Introduction

Provincial Second Chambers Before Confederation

After the passage of the Constitutional Act of 1791, a Second Chamber under the name of the Legislative Council was established in each of the several provinces of British North America. The members of these Councils were appointed by the Crown, and held a life tenure of office. In Upper and Lower Canada, where the Legislative Council was intended to be a colonial pattern of the House of Lords, its activity was confined to participation in the making of laws. In the Atlantic provinces, however, the Council was a hybrid body which ordinarily combined the discharge of both executive and legislative functions, and on occasion might even be resorted to as a court of law. While the Legislature was in session, the Council sat as an Upper Legislative House, but it also administered the affairs of the Provinces as an Executive Council, and was thus called upon to apply the laws which it had assisted to enact as a part of

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the Legislature. This anomalous character of the Council, soon led to strong protest on the part of the Reformers with the result that in 1832 the Council of New Brunswick was divided into two bodies, a Legislative and an Executive Council, each with its appropriate functions. The same division was made in Nova Scotia and Prince Edward Island in 1837.

Contemporary evidence suggests that the Legislative Councils of this period failed to command general respect either at home or abroad. In this connection the opinion of Lord Durham in 1839, may be quoted at some length:

> "The present constitution of the Legislative Councils of these Provinces has always appeared to me inconsistent with sound principles, and little calculated to answer the purpose of placing the effective check which I consider necessary on the popular branch of the Legislature. The analogy which some persons have attempted to draw between the House of Lords and the Legislative Councils seems to me erroneous. The constitution of the House of Lords is consonant with the frame of English society; and as the creation of a precisely similar body in such a state of society as that of these Colonies is impossible, it has always appeared to me most unwise to attempt to supply its place by one which has no point of resemblance to it, except that of being a non-elective check on the elective branch of the Legislature. The attempt to invest a few persons, distinguished from their fellow-colonists neither by birth nor hereditary property, and often only transiently connected with the country, with such a power, seems only calculated to ensure jealousy and bad feelings in the first instance, and collision at last. I believe that when the necessity of relying, in Lower Canada, on the English character of the Legislative Council as a check on the national prejudices of a French Assembly shall be removed by the Union, few persons in the colonies will be found disposed in favour of its present constitution. Indeed, the very fact of union will complicate the difficulties which have hitherto existed; because a satisfactory choice of councillors would have to be made with reference to the varied interests of

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> a much more numerous and extended community. It will be necessary therefore, for the completion of any stable scheme of government, that Parliament should revise the constitution of the Legislative Council, and, by adopting every practicable means to give that institution such a character as would enable it, by its check on the popular branch of the Legislature, prevent a repetition of these collisions which have already caused such dangerous irritation."

It will be noted that in spite of this severe indictment of the Legislative Council as then constituted, Lord Durham omitted to elaborate any definite proposals for reform. In the absence of such proposals, the Act of Union of 1840 reproduced the legislative machinery of the separate provinces and made no material change in the structure or powers of the Legislative Council. It was not until 1856 that an Amendment to the Union Act of 1840 was passed which attempted a drastic reform of the constitution of the Upper House of the United Legislature. Under the terms of this Amendment, the Legislative Council was to consist of forty eight members comprising twenty four from each province, who should be elected for a term of eight years, one fourth retiring every two years. The existing rights of sitting members were protected by the provision that they should be replaced by elected members only as their seats fell vacant. At the time the property qualification of such elected members was placed at two thousand pounds. Owing to the protection afforded to members of the Council who had been appointed for life, some years elapsed before the elected members were in a majority, and as late as 1864 there still remained twenty-one members who had been nominated

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for life. The Provinces of British North America at Confederation were therefore divided in their allegiance to the elective and nominative principles as a basis for the constitution of their Second Chambers.

The Creation of the Canadian Senate at Confederation

The intentions of the Fathers of Confederation in creating the Canadian Senate are well expressed by Hon. J. A. MacDonald in his speech delivered in the course of the Confederation Debates. The following extracts will serve to explain the point of view which eventually prevailed:

> "As may be well conceived, great difference of opinion existed as to the constitution of the Legislative Council. In Canada the elective principle prevailed; in the Lower Provinces, with the exception of Prince Edward Island, the nominative principle was the rule. We found a general disinclination on the part of the Lower Provinces to adopt the elective principle; indeed, I do not think there was a dissenting voice in the Conference against the adoption of the nominative principle, except from Prince Edward Island. The delegates from New Brunswick, Nova Scotia and Newfoundland, as one man, were in favour of nomination by the Crown. And nomination by the Crown is of course the system which is most in accordance with the British constitution. We resolved, then, that the constitution of the Upper House should be in accordance with the British system as nearly as circumstances would allow.....
>
> The arguments for an elective Council are numerous and strong; and I ought to say so, as one of the Administration responsible for introducing the elective principle into Canada. I hold that this principle has not been a failure in Canada; but there were causes - which we did not take into consideration at the time - why it did not fully succeed in Canada as we had expected.

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One great cause was the enormous extent of the constituencies and the immense labour which consequently devolved on those who sought the suffrage of the people for election to the Council. For the same reason, the expense - the legitimate expense was so enormous that men of standing in the country, eminently fitted for such a position, were prevented from coming forward .....

The nominative system in this country, was to a great extent successful, before the introduction of responsible government. Then the Canadas were to a great extent Crown colonies, and the Upper Branch of the legislature consisted of gentlemen chosen from among the chief judicial and ecclesiastical dignitaries , the heads of departments, and other men of the first position in the country. These bodies commanded great respect from the character, standing, and weight of the individuals composing them, but they had little sympathy with the people or their representatives, and collisions with the Lower House frequently occurred, especially in Lower Canada.....

The Senate would have no value whatever were it a mere chamber for registering the decrees of the Lower House. It must be an independent House, having a free action of its own, for it is only valuable as being a regulating body, calmly considering the legislation initiated by the popular branch, and preventing any hasty or ill-considered legislation which may come from that body, but it will never set itself in opposition against the deliberate and understood wishes of the people.

To the Upper House is to be confided the protection of sectional interests against the combinations of majorities in the Assembly. It will therefore become the interest of each section to be represented by its very best man, and the members of the Administration who belong to each section will see that such men are chosen, in case of a vacancy in their section."

Clauses in B.N.A. Act of 1867 relating to the Senate

21. The Senate shall, subject to the provisions of this Act, consist of seventy-two members who shall be styled Senators.

22. In relation to the constitution of the Senate, Canada shall be deemed to consist of three divisions:-

(1) Ontario; (2) Quebec; (3) The Maritime Provinces; Nova Scotia and New Brunswick; which three divisions shall (subject

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to the provisions of this Act) be equally represented in the Senate as follows:- Ontario by twenty-four Senators, Quebec by twenty-four Senators, twelve thereof representing Nova Scotia, and twelve thereof representing New Brunswick.

In the case of Quebec, each of the twenty-four Senators representing that province shall be appointed for one of the twenty-four electoral Divisions of Lower Canada specified in Schedule A to Chapter I of the Consolidated Statutes of Canada.

23. The qualifications of a Senator shall be as follows:

(1) He shall be of the full age of thirty years;

(2) He shall be either a natural-born subject of the Queen, or a subject of the Queen naturalised by an Act of the Parliament of Great Britain, or the Parliament of the United Kingdom of Great Britain and Ireland, or of the Legislature of one of the provinces of Upper Canada, Lower Canada, Canada, Nova Scotia or New Brunswick, before the Union, or of the Parliament of Canada after the Union.

(3) He shall be legally or equitably seised as of freehold for his own use and benefit of lands or tenements held in free and common soccage, or seised or possessed for his own use and benefit of lands or tenements held in franc-alleu or in roture, within the Province for which he is appointed, of the value of four thousand dollars, over and above all rents, dues, debts, charges, mortgages, and incumbrances due, or payable out of or charged on or affecting the same;

(4) His real and personal property shall be together worth four thousand dollars over and above his debts and liabilities;

(5) He shall be resident in the Province of which he is appointed;

(6) In the case of Quebec, he shall have his real property qualification in the Electoral Division for which he is appointed or shall be resident in that division.

24. The Governor-General shall from time to time, in the Queens name, by Instrument under the Great Seal of Canada, summon qualified persons to the Senate; and, subject to the provisions of this Act, every person so summoned shall become and be a member of the Senate and a Senator.

25. Such persons shall be first summoned to the Senate as the

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Queen by warrant under Her Majesty's Royal Sign Manual thinks fit to approve and their names shall be inserted in the Queen's Proclamation of Union.

26. If at any time, on the recommendation of the Governor-General, the Queen thinks fit to direct that three or six Members be added to the Senate, the Governor-General may by summons to three or six Senators qualified persons (as the case may be) representing equally the three divisions of Canada, add to the Senate accordingly.

27. In the case of such addition being at any time made, the Governor-General shall not summon any person to the Senate, except on a further like direction by the Queen on the like recommendation, until each of the three divisions of Canada is represented by twenty-four Senators and no more.

28. The number of Senators shall not at any time exceed seventy-eight.

29. A Senator shall, subject to the provisions of this Act, hold his place in the Senate for life.

30. A Senator may by writing under his hand, addressed to the Governor-General, resign his place in the Senate, and thereupon the same shall be vacant.

31. The place of a Senator shall become vacant in any of the following cases:-

(1) If for two consecutive sessions of the Parliament he fails to give his attendance in the Senate.

(2) If he takes an oath or makes a declaration or acknowledgment of allegiance, obedience, or adherance to a Foreign Power; or does an act whereby he becomes a subject or citizen, or entitled to the rights and privileges of a subject or citizen of a Foreign Power;

(3) If he is adjudged bankrupt or insolvent, or applies for the benefit of any law relating to insolvent debtors, or becomes a public defaulter;

(4) If he is attainted of treason or convicted of felony or of any infamous crime;

(5) If he ceases to be qualified in respect of property or residence; provided that a Senator shall not be deemed to have ceased to be qualified in respect of residence by reason only of his residing

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at the seat of Government of Canada, while holding an office under that Government requiring his presentbethere.

32. When a vacancy happens in the Senate by resignation, death or otherwise, the Governor-General shall by summons to a fit and qualified person fill the vacancy.

33. If any question arises respecting the qualifications of a Senator or a vacancy in the Senate, the same shall be heard and determined by the Senate.

34. The Governor-General may from time to time, by Instrument under the Great Seal of Canada, appoint a Senator to be Speaker of the Senate, and may remove him and appoint another in his stead.

35. Until the Parliament of Canada otherwise provides, the presence of at least fifteen Senators, including the Speaker, shall be necessary to constitute a meeting of the Senate for the exercise of its powers.

36. Questions arising in the Senate shall be decided by a majority of voices, and the Speaker shall in all cases have a vote, and when the voices are equal the decision shall be deemed to be in the negative.

THE BRITISH NORTH AMERICA ACT, 1915

(5 & 6 George V. c.45).

(19th May, 1925).

Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

(1) (1) Notwithstanding anything in the British North America Act, 1867, or in any Act amending the same, or any Order in Council or terms or conditions of union made and approved under the said Acts or in any Act of the Canadian Parliament -

(i) The number of senators provided for under section twenty-one on the British North America Act, 1867, is increased from seventy-two to ninety-six;

(ii) The Divisions of Canada in relation to the constitution of the Senate provided for by section twenty-two of the said Act are increased

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from three to four, the fourth division to comprise the Western Provinces of Manitoba, British Columbia, Saskatchewan, and Alberta, which four divisions shall (subject to the provisions of the said Act and of this Act) be equally represented in the Senate, as follows:- Ontario by twenty-four senators; Quebec by twenty-four senators, the Maritime Provinces and Prince Edward Island by twenty-four Senators, ten thereof representing Nova Scotia, ten thereof representing New Brunswick, and four thereof representing Prince Edward Island; the Western Provinces by twenty-four Senators, six thereof representing Manitoba, six thereof representing British Columbia, six thereof representing Saskatchewan, and six thereof representing Alberta:

(iii) The number of persons whom by section twenty-six of the said Act the Governor-General of Canada may, upon the direction of His Majesty the King, add to the Senate is increased from three or six to four or eight, representing equally the four divisions of Canada:

(iv) In case of such addition being at any time made the Governor-General of Canada shall not summon any person to the Senate except upon a further like direction of His Majesty the King on the like recommendation to represent one of the four Divisions until such Division is represented by twenty-four Senators and no more:

(v) The number of senators shall not at any time exceed one hundred and four:

(vi) The representation in the Senate to which by section one hundred and forty-seven of the British North America Act, 1867, Newfoundland would be entitled, in case of its admission to the Union, is increased from four to six members, and in case of the admission to Newfoundland into the Union, notwithstanding anything in the said Act or in this Act, the normal number of Senators shall be one hundred and two, and their maximum number one hundred and ten:

(vii) Nothing herein contained shall affect the powers of the Canadian Parliament under the British North America Act, 1886.

(2) Paragraphs (i) to (vi) inclusive of sub-section (1) of this section shall not take effect before the termination of the now existing Canadian Parliament.

(2) The British North America Act, 1867, is amended by adding thereto the following section immediately after section fifty-one of the said Act:

51a. Notwithstanding anything in this Act, a province shall always be entitled to a number of members in the House of Commons not less than the number of senators representing such province.

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(3) This Act may be cited as the British North America Act, 1915; and the British North America Act, 1967 to 1886, and this Act may be cited together as the British North America Acts, 1867 to 1915.

Early Proposals for the Reform of the Senate

The first proposal to reform the Senate was introduced only a few years after the B.N.A. Act came into force. On April 12th, 1874, Mr. David Mills, afterwards Minister of Justice and a member of the Supreme Court, moved the following resolution:-

> "That the House go into Committee of the Whole to consider the following Resolution: 'That the present mode of constituting the Senate is inconsistent with the Federal principle in our system of Government, makes the Senate independent of the people, and of the Crown, and is in other material respects defective, and our constitution ought to be amended as to confer upon each Province the power of selecting its own Senators, and to defining the mode of their election.'"

The debate on this resolution was adjourned without any action being taken. In the session of the following year, Mr. Mills repeated his motion, but it was later withdrawn.

After an interval of thirty years, the subject of Senate Reform was revived on April 30, 1906, on the Motion of Mr. McIntyre, member for Perth, in the following terms:

> "That in the opinion of this House, the Constitution of the the Senate should be brought into greater accord with the spirit of representative and popular government, and the genius of the Canadian people by Amendments in future appointments:
> 1. Abolish the life tenure of Senators

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2. Limit the tenure of one appointment to within the legal term of three Parliaments.

3. Provide a fixed age, not exceeding eighty years, for compulsory retirement.

After a debate this motion was withdrawn, but on January 30th, 1908, Mr. McIntyre again took up the subject in the following Resolution:

"That this House deems it expedient to invite the Honourable Senate to cooperate with it by means of conference or joint committees in giving consideration to the advantages to be gained by changes in the composition of the Senate, looking to -

1. An age limit for retirement, or a shortened term of service for future senators.
2. An extension to other authorities than the present one of power to select persons for the filling of a portion of future vacancies in the Senate.
3. The rearrangement of some of the duties and work of the two Houses.
4. In making a recommendation in regard to these and other changes calculated to place the Senate in a position of greater usefulness and responsibility to the people.

This motion was debated at some length, but the House was adjourned without any action being taken.

In three successive years, 1909, 1910, and 1911, Mr. Lancaster, Member for Lincoln, moved for the abolition of the Senate, but received little support for this proposal.

In 1909 Sir Richard Scott introduced the question into the Senate. He outlined a scheme of Senate Reform of which the following were the main proposals:-

1. That in the opinion of the Senate the time has arrived for so amending the Constitution of this branch of Parliament as to bring the modes of selection of Senators more into harmony with public opinion.

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2. That the introduction of an elective element, applying it to approximately two-thirds of the number of Senators, would bring the Senate more into harmony with the principles of popular government than the present system of appointing the entire body of the Senators by the Crown for life.

3. That the term for which a Senator may be elected or appointed be limited to seven years.

No vote was taken on this Motion though it was discussed at some length.

Criticism of the Constitution of the Canadian Senate

Apart from the criticism of the Canadian Senate which has been expressed in the House of Commons and in the public press, it is a noteworthy fact that the Senate has signally failed to command the respect of foreign observers. The following observations apply either directly to the Canadian Senate or to the nominative principle upon which its present constitution is founded. J. A. R. Marriott, Lecturer in Modern History and Political Science at Oxford, expresses the following opinion of the Senate in his well-known work on Second Chambers:-

> "The existing Senate has little to recommend it; it lacks both dignity and utility. The prolonged ascendencies of two great statesmen; the all but continuous domination of the two great parties have so far averted a deadlock and have tended to obscure the unquestionable failure of the Second Chamber devised by the constitution of 1867. Should different conditions prevail in the near future, should party oscillations be as rapid and violent in Canada as elsewhere, it is difficult to believe that the Senate could, in its present form, survive. To put the Second Chamber upon a basis at once firm, dignified and intelligible, would seem

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therefore, to be the obvious duty of conservative statesmanship in the Dominion.....

The Canadian Senate was intended to represent two principles which if not actually contradictory are clearly distinct. On the one hand it represents the principle of Crown nomination and so far approximates to the British House of Lords. On the other, it adopts though with unfortunate timidity the federal idea which is the root foundation of the efficient Second Chambers of Imperial Germany and the United States. And the Canadian Senate has, it must be confessed, incurred the proverbial fate of one who halts between two opinions.

How are we to account for this failure? In the first place, the Canadian Senate does not, like the English House of Lords, the American Senate, and the German Bundesrath, stand for and embody one single and intelligible principle. It possesses neither the glamour of an hereditary aristocracy; nor the solid strength of an elected assembly, nor the utility of an upper chamber representing the federal as opposed to the national idea. The attempt to introduce into Canadian institutions the principle of European aristocracy was wisely abandoned more than a century ago. But the flavour clings faintly around the Canadian Senate, though it preserves none of the advantages which belong to aristocratic assemblies. Nor has it ever stood forth as the champion of the federal principle. This principle was recognised in its constitution, and, as originally designed, afforded equal representation to each of the three divisions into which the Dominion was divided. But the principle of federalism was from the first accepted with reluctance by some of the most powerful statesmen in Canada, and was neutralised by the system of nomination.....

Indeed, it is hardly too much to say that a Senate, devised with the idea of giving representation to provincial interests, has been manipulated in such a way as to subserve primarily the interests of the central executive..... "

In 1920 a Speaker's Committee of the Parliament of the Union of South Africa made an exhaustive study of Second Chambers with a view to recommending the revision of the constitution of the South African Senate. In the course of its report, the Committee makes the following reference to the nominative principle as the basis of an Upper House;—

> "Experience in the other Dominions proves that a nominated Upper House is both unpopular and unsatisfactory, and in addition to being undemocratic in principle, is not conducive to the selection of the most suitable men to such a House."

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Lord Bryce's Committee on the Reform of the House of Lords which reported in 1918, expressed itself in the following terms:-

> "The first method (considered) was that of nomination by the Crown acting through its ministers. This plan appeared unlikely to find favour with the country, because it did not provide any guarantees for the fitness of the persons who might be nominated, and because it would be liable to be frequently employed as a reward for political party services. Nor was it held that a provision requiring that the persons to be nominated should be taken from certain prescribed categories, would furnish an answer to these objections."

Proposed Methods for the Reform of the Senate

1. Abolition.

The most radical proposals connected with the reform of the Canadian Senate are those which aim at its abolition, leaving the present House of Commons as a Uni-Cameral Legislature. The abolition of the Canadian Senate was proposed by Mr. Lancaster, M.P., in 1909, 1910, and 1911 by a Resolution introduced into the House of Commons. The same proposal has been made by the Canadian Trades and Labour Congress. Although such a step would be unprecedented in the history of what may be termed Dominion Legislatures, it may be useful to review briefly the experience of those countries which at some period have attempted to abolish the Second Chamber.

Uni-Cameralism in England

The Single Chamber system was tried in England under the

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Commonwealth. The experiment, however, proved to be so disastrous that in 1655 Cromwell dissolved the Parliament, and the country was placed under military rule, under which it remained until 1657, when a new constitution provided for a Two-Chamber Legislature. Professor Dicey summarises the disadvantages of the Uni-Cameral Legislature as follows:

> "For four years this one House of Parliament was supreme. It at once abolished the Monarchy and the House of Lords. It claimed to establish the rule of the people of England as a Commonwealth or Free State. The unlimited authority of the House of Commons was for these four years no mere form; the House established its powers to the utmost. It usurped judicial functions. It had neither the strength to restrain nor the wisdom to conciliate the Army.....One lesson Englishmen and especially English reformers and democrats had taken to heart was that the despotism of the House of Commons, which was legally under no restraint, became a combination of incapacity and tyranny."

Cromwell's verdict may be given in his own words: "I tell you," he said, "that unless you have some such thing as a balance you cannot be safe.....By the proceedings of this Parliament you see they stand in need of a check or balancing power."

It is clear from these premises that the experiment of Uni-Cameralism in England proved a failure. More recently, during the agitation for the reform of the House of Lords, many schemes were advanced for its improvement, but no serious proposal was made that an Upper Chamber should be abolished.

Uni-Cameralism in France: France has also had its experience with a Uni-Cameral Legislature. In the course of the Revolution of 1789, a Committee was appointed to draw up a new Constitution and

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reported strongly in favour of a bi-cameral Legislature on the English model. In spite of this recommendation, a single chamber system was later adopted but was abandoned in 1795 when the Constitution of the Directory provided for a Legislature of two Chambers. Mirabeau, who had originally favoured a single chamber, became later a convert to the Two-Chambered Legislature, and expressed the opinion that "of all tyrannies, the most insupportable is that of a Single Chamber."

Uni-Cameralism in the British Empire: Within the British Empire it is only in the case of subsidiary legislatures that the Second Chamber has been abolished. In Canada, for example, the Legislative Council has been abolished in all the provinces except Quebec and Nova Scotia, and a movement having this end in view is now in progress in some of the States of the Commonwealth of Australia. In the Canadian provinces, however, there is a limited field of legislation, and in addition a possible check upon the Legislative Assemblies in the form of the right of disallowance which may in certain cases be exercised by the Dominion Government. In no case has a Dominion Parliament experimented with a Uni-Cameral Legislature.

Uni-Cameralism in other Countries: Of the new states which appeared in Europe at the conclusion of the late war, Poland and Czecho-Slovakia have retained a Bi-cameral Legislature, while Jugo-Slavia, Esthonia, Latvia, Lithunia, and Fihland have adopted the Uni-Cameral system. Other states which at present have Uni-Cameral Legislatures are as follows: In South America, the republics of Costa Rica, Panama, Honduras and Salvador;

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In Asia, the State of Siam; in Europe, Bulgaria, Turkey, the Grand Duchy of Luxemburg and the Principality of Monaco.

Conclusions re Uni-Cameralism: The strongest argument advanced in favour of the abolition of an Upper Chamber is economy. That a measure of immediate economy would result may be readily admitted, yet against this advantage there is the weighty argument of experience which is decidedly opposed to the Uni-Cameral system. Both England and France soon repented of the experiment and returned to Bi-Cameral Legislatures. Moreover, those countries which at present possess a Uni-Cameral Legislature are either small communities, or have had too brief an experience of the system to afford any argument for its adoption on the basis of its success in actual practice. A Memorandum prepared for the Speaker's Committee which examined this question in the Union of South Africa in 1920 concludes with the following paragraph:

> "From whatever standpoint one views this question of Single Chamber government in respect of governing legislatures, whether from that of the experience afforded by history or that of the well-established views of great constitution-builders, the arguments to be deduced from the working of the legislative machine or from the rights which local conditions require shall be respected it proves to be equally undesirable and unworkable..... To establish a system of uni-cameral government in the Union would be both an unwise and a dangerous course to embark upon merely for the single redeeming feature of petty economy."

It may be added that in Canada there are special conditions which are opposed to the abolition of the Senate. From the time of Confederation onwards, the Senate has been regarded as the protector of minority rights,

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both racial and religious, as well as being a body in which the smaller provinces have more adequate representation than in the popular branch of the Legislature. Until some other means is found to afford protection for these rights and interests, it may be taken for granted that the abolition of the Canadian Senate will not pass beyond the domain of abstract discussion. At this point, as well as in others, the reform of the Senate is closely connected with the subject of Constitutional Amendment.

2. The Adoption of the Elective Principle in the Constitution of the Canadian Senate:

It has been proposed that the members of the Canadian Senate should be elected instead of nominated by the Crown as at present. There are two methods of election which might be adopted - direct election, and indirect election. It will be convenient to consider these methods separately in the order given above:

(A) Direct Election: There are two examples of directly elected Upper Houses in the British Empire, viz. the Senate of Australia and the Legislative Council of New Zealand. The constitution of the Australian Senate is thus described in Ch.I. Part II. Clause 7 of the Australia Constitution Act, 1900. -

> The Senate shall be composed of Senators for each State, directly chosen by the people of the State, voting, until the Parliament otherwise provides, as one Electorate..... Until the Parliament otherwise provides there shall be six Senators for each Original State. The Parliament may make laws increasing or diminishing the number of Senators for each State but so that equal representation of the several Original States shall be maintained, and that no Original State shall have less

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less than six Senators.
The Senators shall be chosen for a term of six years and the names of the Senators chosen for each State shall be certified by the Governor to the Governor-General.

In New Zealand, the members of the Legislative Council were until 1920, nominated for a term of years, but are now elected for a term of seven years.

Before considering the adoption of the elective principle in the Constitution of the Canadian Senate, it may be well to record the opinion expressed by Lord Bryce of the success of the Australian Senate under the elective system.

> "All the expectations and aims wherewith the Senate was created have been falsified by the event. It has not protected State interests, for those interests have come very little into question, except when controversies have arisen between New South Wales and Victoria. Neither has it become the home of sages, for the best political talent of the nation flows to the House of Commons, where office is to be won in strenuous conflict. The Senate has done little to improve measures, though this is largely due to a cause unforeseen by its founders, which will be presently explained. Not having any special functions, such as that control of appointments and of foreign policy which gives authority to the American Senate, its Australian copy has proved a mere replica, and an inferior replica of the House. Able and ambitious men prefer the latter, because office and power are in its gift, and its work is more important and exciting, for most of the Ministers, and the strongest of them, are needed there, while the Senate is usually put off with two of the less vigorous. Thus from the first it counted for little. When the same party holds a majority in both Houses, no conflict between the Houses arises, and the Senate does little more than pass hurriedly, at the end of the session, the measures sent up from the House. But whenever the Senate majority is opposed to the House majority, trouble may be looked for.
>
> This comparative failure of the Senate, admitted on all hands, is partly due to an unforeseen result of the method of election by a popular State vote. Each elector having three votes for the three seats to be filled, a well organized party issues a list of

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its three Senatorial candidates, and the issues submitted being the same, all party electors vote that list without regard to the personal merits of the candidates, which, though they might count for much in a one-membered constituency, count for little in the area of a whole state. What chance in a vast constituency has a candidate of making himself personally known? He can succeed only through his party. The tendency is irresistible to cast a straight party vote for the three whom the party managers put forward, so it is the best organized party with the most docile supporters than wins.

As New Zealand has only had an elective Legislative Council since 1920, it is too soon to venture an opinion as to its success in actual operation.

Arguments in favour of an Elected Senate in Canada.

In support of an elected Senate in Canada, it is alleged that such a system would overcome the present objection to an irresponsible Upper House imposing its veto upon the representative branch of the Legislature. If the Senate were an elective body, it would have a definite mandate from the people, and would therefore be placed on a much more reasonable footing with respect to its powers of revision and rejection of legislation introduced in the Lower House.

It is also contended that an elective system would ensure a better choice of members for the Senate than has been the case under the present regime. Moreover it would deprive the Dominion Government of a form of patronage which prima facie lends itself to abuse and conceivably to corruption. It is contended further that an elective Senate having a direct mandate from the people would be more agressive and active in the discharge of its functions, and would thus command a greater respect

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throughout the country.

Arguments against an Elected Senate in Canada.

It may be contended that there are both constitutional and practical objections to an elective Senate. If the Senate were elective, would it not be disposed to claim equal powers with the House of Commons, or at least to insist on a measure of control with respect to money bills? Moreover an elected Senate would be an avowedly partisan body. If the majorities inthe two houses were of the same political complexion, the Senate would impose no effective check on the House of Commons. If the majorities in the two houses were of opposite political complexion, the Senate under partisan influence might abuse its powers for political purposes. The practical objections are concerned mainly with the form and procedure of elections. If the Australian system of election were adopted, each province of Canada would form a single constituency for the election of its quota of Senators. The objections to this plan are obvious, and are emphasized by Lord Bryce in the passage quoted above referring to the experience of Australia with this form of election. The majority of the provinces of Canada are far too large to form single constituencies, and the number of Senators now assigned to the provinces of Ontario and Quebec would make such a plan both cumbersome and expensive. The alternative to provincial constituencies is the division of each province into a number of senatorial constituencies corresponding to its quota of Senators. Such a division already

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exists in Quebec, but its adoption in the other provinces would raise practical difficulties of considerable importance.

Finally, it cannot be said that directly elected Upper Houses have been successful in other countries. The success of the American Senate is frequently cited in support of the elective principle, but its prestige and power are derived less from its constitution than from its control over appointments and foreign policy. In this respect it is an executive as well as a legislative body and its abnormal authority has given it a recognised pre-eminence among the Second Chambers of the world.

In Australia, where the Senate is elective, but does not possess this unique authority, it has failed to command the same respect or to give evidence of the same utility.

(B) Indirect Election: It has been proposed that the members of the Canadian Senate should be elected indirectly by the Provincial Legislatures or by some other electoral college constituted for this purpose. In the Union of South Africa eight Senators from each Province are elected by the members of the provincial council together with the members of the national House of Assembly elected for such province. In France members of the Senate are elected by special electoral colleges comprising municipal and departmental officials. In the United States, prior to 1913, two Senators from each State were elected by the Legislature of the State.

There are several advantagesin this proposal. In the first place

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it is obviously less expensive than popular election. In the second place it is more likely to ensure a careful selection of candidates. In the third place, election by Provincial Legislatures in Canada would be more in accord with the Federal idea than the existing system.

Against this proposal it may be urged that election by the Provincial Legislatures in Canada would be tantamount to selection by the Provincial Governments, which would merely transfer this form of patronage from the Dominion Government to the Provinces. Under these circumstances, it is very doubtful if such an arrangment would improve the quality of Senators or make them less susceptible to partisan influences.

At the same time the principle of indirect election has much to commend it, and in a modified form, it may offer a partial basis for the reconstruction of the Canadian Senate.

3. A Combined System of Nomination and Indirect Election for a Term of Years

It is proposed that the Canadian Senate should consist partly of nominated members, nominated by the Dominion Government as at present, and partly of elected members, elected indirectly by the Provincial Legislatures or by electoral colleges specially constituted for the purpose. In each case the tenure of office should be limited to a term of years which should be the same for nominated and elected members.

Within the British Empire there are two Upper Chambers whose constitutions are based upon a combination of the nominative and elective

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principles.

The South Africa Act of 1909 contains the following provisions respecting the constitution of the Senate:

> "For ten years after the establishment of the Union the constitution of the Senate shall, in respect of the original provinces, be as follows:
>
> (I) Eight Senators shall be nominated by the Governor-General in Council, and for each Original Province eight senators shall be elected in the manner hereinafter provided:
>
> (II) The senators to be nominated by the Governor-General in Council shall hold their seats for ten years. One-half of their number shall be selected on the ground mainly of their thorough acquaintance, by reason of their official experience or otherwise, with the reasonable wants and wishes of the coloured races in South Africa. If the seat of a Senator so nominated shall become vacant, the Governor General in Council shall nominate another person to be a senator, who shall hold his seat for ten years.
>
> Parliament may provide for the manner in which the Senate shall be constituted after the expiration of ten years, and unless and until such provision shall have been made -
> (I) the provisions of the last preceding section with regard to nominated senators shall continue to have effect.
> (II) eight senators for each province shall be elected by the members of the provincial council of such province together with the members of the House of Assembly elected for such province. Such senators shall hold their seats for ten years unless the Senate be sooner dissolved. If the seat of an elected senator shall become vacant, the members of the provincial council of the province, together with the members of the House of Assembly elected for such province shall choose a person to hold the seat until the completion of the period for which the person in whose stead he is elected would have held his seat. The Governor General in Council shall make regulations for the joint election of senators prescribed in this section.

As originally constituted the Senate of the Irish Free State consisted of thirty members elected by the representative Assembly (Dail Eireann) and thirty nominated by the President of the Executive Council. Eventually, however, it will be directly elected by the people in the manner described below:-

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Irish Free State Constitution Act, 1922

Article 30.

Seanad Eireann shall be composed of citizens who shall be proposed on the grounds that they have done honour to the Nation by reason of useful public service or that, because of special qualifications or attainments, they represent important aspects of the Nation's life.

Article 31.

The number of members of Seanad Eireann shall be sixty. A citizen to be eligible for membership of Seanad Eireann must be a person eligible to become a member of Dail Eireann, and must have reached the age of thirty-five years. Subject to any provision for the constitution of the first Seanad Eireann, the term of office of a member of Seanad Eireann shall be twelve years.

Article 32.

One-fourth of the members of Seanad Eireann shall be elected every three years from a panel constituted as hereinafter mentioned at an election at which the area of the jurisdiction of the Irish Free State shall form one electoral area, and the elections shall be held on principles of Proportional Representation.

Article 33.

Before each election of members of Seanad Eireann a panel shall be formed consisting of:

(a) Three times as many qualified persons as there are members to be elected, of whom two-thirds shall be nominated by Dail Eireann voting according to principles of Proportional Representation and one third shall be nominated by Seanad Eireann voting according to principles of Proportional Representation; and

(b) Such persons who have at any time been members of Seanad Eireann (including members about to retire) as signify by notice in writing addressed to the President of the Executive Council their desire to be included in the panel.

The method of proposal and selection for nomination shall be decided by Dail Eireann and Seanad Eireann respectively, with special reference to the necessity for arranging for the representation of important interests and institutions in the country: Provided that each proposal shall be in writing and shall state the qualifications of the person proposed and that no person shall be proposed without his own consent. As soon as the panel has been formed a list of the names of the members of the panel arranged in alphabetical order with their qualifications shall be published.

It is submitted that the Constitutions of the Union of South Africa

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and of the Irish Free State offer the most fruitful suggestions for the reform of the Canadian Senate.

If it should be decided to have a directly elected Senate in Canada, the panel system of nominations adopted by the Irish Free State could be applied to Senatorial elections held in the various provinces the nominations to be made by the Provincial Legislatures, however, and not by the Dominion Parliament. At the same time it should be pointed out that the creation of a directly elected Senate in Canada could not easily be reconciled with the life tenure of Senators who now hold office. If the precedent of the Legislative Council of United Canada were followed, new Senators would only be elected as vacancies occurred through the death of sitting members. This would probably necessitate frequent popular elections and would involve the country in continual expense and political disturbance. It is much easier to create a directly elective Senate de novo than to graft such a system upon existing institutions.

If it should be decided to have an indirectly elected Senate, which would seem to be better suited to the large provincial constituencies of Canada, the electoral college might follow the South African plan, and consist of the members of the Provincial Legislature together with members of the House of Commons representing the Province at the date on which the Senatorial election is held.

If it should be decided to reconstitute the Senate in such a way as

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to combine the elective and nominative principles on the pattern of the South African Senate, provision might be made for the appointment by the Governor-General-in-Council of one-half of the Senators from each Province, leaving the remainder to be elected by the method set out in the preceding paragraph, i.e., by an electoral college consisting of the members of the Provincial Legislature together with members of House of Commons from the Province in which the election is held. In the case of both nominated and elected Senators it is submitted that the tenure of office should be for a stated term not exceeding twelve years. Since it would doubtless be necessary to protect the rights of Senators now holding office, provision could be made whereby all future vacancies within each province should be filled by election until such time as one-half of the Senators from each province had received office by election. Subsequent vacancies arising from the death or retirement of an elected Senator would be filled by election, while vacancies in the case of nominated Senators would be filled by nomination for the term of years agreed upon.

Merits of the Combined System

1. It is a concession to the federal principle inasmuch as the Provincial Legislatures will have an important voice in the election of Senators.
2. It avoids the danger of a directly elected Senate claiming equal powers with the House of Commons.

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3. It sets up a competitism in quality between the elected and nominated Senators. By reason of this competition it may be assumed that the Dominion Government would exercise greater care in its selection of nominated Senators.

4. The elective element in the Senate would give it greater dignity and ought to increase its activity.

5. It would facilitate the selection of a larger number of Ministers from the Senate.

6. It represents neither the Dominion nor the Provinces, but stands rather for the co-operation of the two.

4. Nomination for a Term of Years:

In view of the likelihood that the Dominion Government would decline to give up any portion of its present power of appointment to the Senate, it has been proposed that nomination by the Dominion Government should be for a fixed term of years instead of for life as under the existing system. In support of this proposal it is urged that such a reform would bring about a more rapid change in the personnel of the Senate, and would meet the criticism that its members are frequently too old to take an active interest in the discharge of their duties.

New Zealand is the only Dominion which has tried the experiment of constructing a Second Chamber on the principle of nomination for a limited term of years. Legislation for this purpose was enacted in 1891 and the experiment was continued for a period of twenty-three years until

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1914 when the Legislatve Council became an elective chamber.

It cannot be said that the experience of New Zealand under the system of nomination for a term was successful enough to warrant its adoption elsewhere. In this connection the opinion of Mr. Andre Seigfried, who investigated the New Zealand system of government in 1909, may be quoted at some length:

> "The Legislatve Council has become steadily more spiritless and feeble. The creation of peers had not at first given the Government a majority, but at each vacancy it replaced an adversary by an ally, so that at the end of a few years it was supreme in the Upper as in the Lower Chamber. The new peers gave themselves for some time the satisfaction of being independent and of voting as they wished. But they soon grew tired of it. How, indeed, could one expect independence from members nominated for seven years with the title of "honourable" and paid by the session? Never in any country has an assembly been able to resist the suggestion of its great elector, the Government. New Zealand can, therefore, be considered as a Single Chamber country. Its Senate, which once had some pretensions to aristocracy and independence, is now a mere council for the automatic registration of laws."

5. Retention of a Nominated Senate but with Restriction of Powers similar to those imposed on the British House of Lords by the Parliament Act of 1911.

No method of constituting a Second Chamber has effectually prevented its domination by partisan influences. In no case does it appear to operate, as in theory it ought to operate, as an independent chamber of revision charged with the high responsibility of expressing the sober second-thought of the people, and imposing a prudent and impartial check on the more popular House. Always there is the danger that it will succumb to consideration of party expediency and use its

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its powers to block legislation for the purpose of promoting the immediate ends of political strategy.

A growing recognition of the inherent weakness of the constitution of Second Chambers has shifted the emphasis of reform from methods of composition to a restriction of the powers which traditionally have been conferred upon the Upper House. The purpose of such restriction is to maintain the Second Chamber as a co-ordinate branch of the Legislature but to confine its powers within narrower limits in order to ensure that the representative House shall not have its will thwarted by a Second Chamber which does not rest upon the franchise of the people.

In view of these considerations it has been proposed to apply to the Canadian Senate the provisions of the Parliament Act of 1911. Under the terms of this Act, the powers of the House of Lords were reduced in the following manner:-

Clause 1, of the Parliament Act provides that if a Money Bill passed by the House of Commons is not passed by the House of Lords without amendment within one month, it shall be presented for the Royal Assent and become law, notwithstanding that the House of Lords has refused to pass it. A Money Bill is described so as to include every kind of financial proposal and "subordinate matters incidental to those subjects" and the power of deciding whether a Bill is or is not a Money Bill is vested in the Speaker of the House of Commons.

Clause 2, provides that any public Bill (other than a Money Bill or a Bill

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extending the duration of Parliament) may become law in spite of its rejection by the House of Lords, if it has been passed by the House of Commons in three successive sessions, and if two years have elapsed between the first occasion of its Second Reading and the third occasion of its Third reading in the House of Commons.

It is clear from these provisions that the enactment of similar legislation in Canada would abolish the power of the Senate over finance, and restrict its veto over general legislation to a power of suspension for a period of two years.

Arguments in support of this course: In support of this proposal it is urged that in the case of Money bills, the control ought to belong exclusively to the popular branch of the Legislature, and secondly that in the case of Public bills generally, a suspensive veto is quite sufficient to give effect to the legitimate functions of a Second Chamber. In this latter connection, it is contended that the true function of a Second Chamber is to revise or check hasty and ill-considered legislation introduced in the House of Commons, and that having the power to delay bills for a period of two years, the Senate could exercise to the full its power of revision, and yet would be unable to oppose permanently the will of the people as expressed through their representatives in the House.

Objection to the adoption of this course: The objection to such a course being followed in Canada is very similar to that advanced against the evolution of the Senate. As the Senate is regarded as the protector of

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minorities and at least approximates to the principle of Federal representation of the Provinces, it is alleged that any such restriction of its power would place minority rights and provincial interests in the ultimate control of a House of Commons in which the larger provinces and racial and religious majorities would have a dominant influence. To this objection it may be answered that, notwithstanding the theory which regards it as the protector of minorities and provincial interests, the Canadian Senate has not, in fact, given any convincing evidence of its activity in this respect. Its members are appointed by the Dominion government and in general, have shown no special attachment to the rights of minorities or to the peculiar interests of the Provinces for which they are appointed. If it can be shown conclusively that racial and religious minorities, as well as the smaller provinces, do not need to have recourse to the Senate for protection, the chief objection to the Parliament Act of 1911 will have disappeared. It should be pointed out, however, that the idea is quite firmly fixed in the public mind that the Senate does in fact offer safeguards which are not elsewhere available in the constitution. The removal of this fixed idea would seem to be necessary if the Senate is to be deprived of the absolute veto which it enjoys at the present time.

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6. The Restriction of the Powers of the Canadian Senate by Special Constitutional Provisions

If it should be found unwise or impracticable to adopt an amendment similar to the principle of restricted powers embodied in the Parliament Act of 1911, it will still be possible to impose specific restrictions upon the powers of the Canadian Senate through special constitutional provisions framed for this purpose. As will be seen below, this policy has been adopted in a number of the Dominions and can best be illustrated by comparative study of the powers vested in the Second Chambers of these Dominions.

The Powers of the Canadian Senate

Section 53 of the British North America Act of 1867 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." This is the only constitutional provision limiting the powers of the Senate with regard either to finance, or to general legislation. In addition to this constitutional limitation, there is a standing order of the Canadian House of Commons which reads as follows:- (No.78)

"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."

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THE REFORM OF THE SENATE

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The evident purpose of this standing order is to deny to the Senate the right of altering or amending a Money Bill which has originated in the House of Commons. It represents the practice of the English House of Commons prior to the passage of the Parliament Act of 1911, but it is well established that a standing order of one House of Parliament cannot bind the other. The present position is, therefore, that the Canadian Senate may not originate a Money Bill, but may reject it, and may also assert the right to amend it, regardless of the standing order of the House of Commons referred to above.

The Powers of other Dominion Upper Houses

Australia

The Senate may not originate appropriation or taxation bills, but may originate bills incidentally imposing or appropriating fines or pecuniary penalties or fees for licenses or fees for services under the bill. The Senate may not amend bills imposing taxation or appropriating revenue or moneys for the ordinary annual services of the Government or so as to increase any proposed charge or burden, on the people. The Senate may, however, return any bill it may not amend to the Lower House requesting the omission or amendment of any items or provisions therein, and the House of Representatives may make such with or without modifications.

South Africa: The Senate may not originate appropriation or taxation bills except where their provisions incidentally appropriate or impose fines or other pecuniary penalties. The Senate may not amend any bills

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so far as they impose taxation or appropriate revenue or moneys for the services of the Government or so as to increase any proposed charges or burden upon the people.

New Zealand: The powers of the New Zealand Upper House are similar to those of the Australian Senate, with the additional provision that if a money bill, which is certified as such by the Speaker of the House of Representatives - sent up to the Legislative Council at least one month before the end of the session, is not passed by it without amendment within one month of it being so sent, it shall, unless the Lower House otherwise directs, be presented for the King's assent.

The United Kingdom: If a money bill which is certified as such by the Speaker of the House of Commons sent by the Commons to the Lords at least one month before the end of the session, is not passed by the latter without amendment within one month after it has been so sent up, such Bill, unless the Commons otherwise directs, is presented to the King, and becomes law upon the royal assent being signified.

The Irish Free State: Legislative authority in respect of money bills is reserved to the Lower House (Dail Eireann) alone, but the Senate (Seanad Eireann) may make recommendations.

It is clear from the above comparison that it is the tendency within the British Empire to impose either an explicit prohibition or

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drastic restrictions on the power of the Upper House to reject or amend Money Bills. There would seem to be equal justification for imposing the same prohibition or restrictions on the Canadian Senate.

Disagreements between the two Houses

Section 26 of the British North America Act of 1867 declares that:

> If at any time, on the recommendation of the Governor-General, the Queen thinks fit to direct that three or six Members be added to the Senate, the Governor-General may by summons to three or six qualified persons (as the case may be) representing equally the three divisions of Canada, add to the Senate accordingly.

The British North America Act, 1915, declares that:

> The number of persons whom by section 26 of the B.N.A. Act, 1867, the Governor-General of Canada may, upon the direction of His Majesty the King, add to the Senate is increased from three or six to four or eight, representing equally the four divisions of Canada.

These provisions were intended to meet the case of a possible deadlock between the two Houses of Parliament. It is self-evident, however, that the addition of from four to eight Senators would only overcome a deadlock in rare contingencies. Neither of these sections has ever been invoked, although disagreements between the two Houses have occurred on various occasions.

The only other means of overcoming a deadlock in Canada is by the ordinary practice of holding conferences of appointed members of the Senate and House of Commons.

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Adjustment of Disagreements between the Houses in other Dominions

Australia, Section 57, Australia Constitution Act, 1900.

If the House of Representatives passes any proposed law, and the Senate rejects or fails to pass it, or passes it with amendments to which the House of Representatives will not agree, and if after an interval of three months the House of Representatives, in the same or the next session, again passes the proposed law with or without any amendments which have been made, suggested or agreed to by the Senate, and the Senate rejects or fails to pass it, or passes it with amendments to which the House of Representatives will not agree, the Governor-General may dissolve the Senate and the House of Representatives simultaneously. But the dissolution shall not take place within six months before the date of the expiry of the House of Representatives by effluxion of time.

If after such dissolution the House of Representatives again passes the proposed law, with or without any amendments which have been made, suggested, or agreed to by the Senate, and the Senate rejects or fails to pass it, or passes it with amendments to which the House of Representatives will not agree, the Governor-General may convene a joint sitting of the members of the Senate and of the House of Representatives.

The members present at the joint sitting may deliberate and shall vote together upon the proposed law as last proposed by the House of Representatives, and upon amendments, if any, which have been made therein by one House and not agreed to by the other, and any such amendments which are affirmed by an absolute majority of the total number of the members of the Senate and House of Representatives shall be taken to have been carried, and if the proposed law, with the amendments, if any, so carried is affirmed by an absolute majority of the total number of the members of the Senate and House of Representatives, it shall be taken to have been duly passed by both Houses of Parliament, and shall be presented to the Governor-General for the Queen's assent.

South Africa, Section 63, South African Act, 1909.

If the House of Assembly passed any Bill and the Senate rejects or fails to pass it or passes it with amendments to which the House of Assembly will not agree, and if the House of Assembly in the next session again passed the Bill with or without any

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amendments which have been made or agreed to by the Senate and the Senate rejects or fails to pass it or passes it with amendments to which the House of Assembly will not agree, the Governor General may during that session convene a joint sitting of the members of the Senate and House of Assembly. The members present at any such joint sitting may deliberate and shall vote together upon the Bill as last proposed by the House of Assembly and upon amendments, if any, which have been made therein by any one House of Parliament and not agreed to by the other; and any such amendments which are affirmed by a majority of the total number of members of the Senate and House of Assembly present at such sitting shall be taken to have been carried, and if the Bill with the amendments, if any, is affirmed by a majority of the members of the Senate and House of Assembly present at such sitting it shall be taken to have been duly passed by both Houses of Parliament; Provided that, if the Senate shall reject or fail to pass any Bill dealing with the appropriation of revenue or moneys for the public service, such joint sitting may be convened during the same session in which the Senate so rejects or fails to pass such Bill.

New Zealand: If the Lower House sends any public bill other than a money bill to the Council at least one month before the end of the session and the Council rejects it or passed it with amendments to which the Lower House will not agree, and if the Lower House again passes such Bill in the next session with or without such amendments, and if the Council rejects or fails to pass it within one month after being so sent up, the Governor-General may during that session convene a joint sitting of the two Houses, and such Bill may be passed by a majority of the total number of members present, and submitted for the King's assent. Should such a bill not be then passed, the Governor-General may dissolve both Houses provided it is not within six months of the three years for which the Lower House is elected.

The procedure adopted for the adjustment of differences between the two Houses in Australia and New Zealand would not be suitable for Canada, inasmuch as it presupposes an elective Upper House. The South African method for the adjustment of differences has much to commend it, and some such provision might well be adopted in any scheme for the reform of the Canadian Senate. The merit lies chiefly in the fact that it would be unlikely to promote as much opposition as the proposal to reduce the power of the Senate along the lines laid down in the Parliament Act of 1911.

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Property Qualification of a Senator

Referring to the qualifications of a Senator, the British North America Act declares that:

> He shall be legally or equitably seised as of freehold for his own use and benefit of lands or tenements held in free and common socage, or seised or possessed for his own use and benefit of lands or tenements held in franc-allen or in roture, within the Province for which he is appointed, of the value of four thousand dollars, over and above all rents, dues, debts, charges, mortgages, and incumbrances due, or payable out of or charged on or affecting the same;
> His real and personal property shall be together worth four thousand dollars over and above his debts and liabilities.

In any scheme providing for the reconstitution of the Canadian Senate, there would seem to be no good reason for the retention of this property qualification. In this connection, the practice of other Dominions may be cited.

In Australia the qualifications of a Senator are the same as those of a member of the House of Representatives.

In the Irish Free State, the qualifications of a Senator are the same as those of a member of Dail Eireann.

In the Union of South Africa, elected Senators must be registered owners of immovable property within the Union of the value of not less than five hundred pounds over and above any special mortgage therein. No property qualification is required for nominated members of the South African Senate.

In New Zealand, the qualifications of a member of the Legislative Council are the same as those of a member of the Legislative Assembly.

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Constitutional Procedure

Since the present constitution of the Senate rests upon explicit provisions of the British North America Act, its reform in any important respects must proceed by way of constitutional amendment to this Act. For this purpose it would appear to be well settled that there are three distinct stages through which any proposed reform must pass:

(1) The proposed changes must receive the assent of the constituent provinces of the Dominion

(2) The proposed changes must be approved by both Houses of the Canadian Parliament

(3) The proposed changes must be incorporated in an Act of the Imperial Parliament

With respect to the first of these changes, it may be pointed out that certain constitutional amendments touching the Canadian Senate were enacted without prior consent of the provinces being obtained in any formal manner. The question can be legitimately raised as to the precise form which the consent of the Provinces ought to assume. Would it be competent for the consent of the provinces to be given by the Premier of the Province at an inter-provincial conference or would consent only have legal validity when expressed by the provincial legislature or by the provincial electorate following a referendum? Still another question may be raised as to the necessity of the unanimous approval of the province or approval by a bare majority, or by a fixed majority of say two-thirds of the provinces constituting the Dominion? This question will be dealt with more fully in a memorandum on Constitutional Amendment.

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Collateral - Senate Reform

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Discussion on Senate Reform

Dominion-Provincial Conference
November 3rd, 1927 - 2.30 P.M.

The subject of Senate Reform was introduced by the Honourable Ernest Lapointe, Minister of Justice. Mr. Lapointe referred to the difficulties which attended the formation of the second chamber at the time of Confederation, and traced briefly the movement for Senate Reform as discussed in the Dominion Parliament and Provincial Legislatures from Confederation to the present day. He pointed out that it was the desire of the Dominion Government to consult the provinces in a matter of such importance and inasmuch as the alteration of the constitution of the Senate would require an amendment to the British North America Act, at the same time he drew attention to the fact that in former cases where the British North America Act was amended the provinces in general had not been consulted. Mr. Lapointe then went on to discuss the alternative measures for reforming the Canadian Senate and concluded with a presentation of proposals submitted by the Dominion Government to the following effect:-

1. That an age limit should be adopted in the case of future appointments to the Canadian Senate.

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2. That the provisions of the Parliament Act of 1911 should be adopted as a basis of a reform of the powers of the Canadian Senate.

3. As an alternative to the last proposal, Mr. Lapointe suggested a joint sitting of both Houses in the event of deadlock, in conformity with the practice now in operation in the Union of South Africa.

The views of the Provincial delegations were as follows:-

1. Ontario - The Honourable G. H. Ferguson:

Mr. Ferguson expressed the opinion that if reform of the Senate called for an amendment to the British North America Act, it should be given the most serious consideration. He felt that we should be careful to avoid the habit of lightly amending the British North America Act and preferred that if such an amendment should be necessary it should continue to take the form of legislation by the Imperial Parliament. Mr. Fergusons expressed his belief in the two chamber system. He was opposed to an elective Upper House. In conclusion he expressed the opinion that it was a wise policy to let things remain as they are.

2. Quebec - The Honourable L. A. Taschereau:

Mr. Taschereau thanked the Dominion Government for submitting the question of Senate Reform to the provinces.

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He agreed with Mr. Lapointe that the provinces should be consulted in a matter of this kind, which involved an amendment of the British North America Act. He felt we should be very careful in seeking any amendment of the British North America Act. It has stood the test of time. Confederation was a contract to which each province subscribed. Senate Reform would open the door to further amendments of the original agreement. He expressed satisfaction at the method of life appointments to the Senate. He expressed belief that all the provinces must agree in order to secure an amendment of the British North America Act. He concluded with the warning that we should "let well alone" and avoid touching the constitution which had been found satisfactory for a period of sixty years.

3. Nova Scotia - The Honourable E. N. Rhodes:

Mr. Rhodes supported the position taken by Mr. Ferguson and Mr. Taschereau. He felt that we should go slowly in the matter of constitutional amendment. There have been no serious deadlocks between the Senate and the House of Commons in the past. The Senate has no power to amend Money Bills and in Public Bills generally he believed the Senate would express the sound common sense of the Canadian people.

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4. New Brunswick - The Honourable J. B. M. Baxter:

Mr. Baxter stated that he had nothing to add to what had been said by Premier Taschereau. Canadian unity must be preserved. Senate Reform might raise serious and controversial issues. He felt that the small provinces were not protected by the Senate. The Senate has now a national outlook and is not dominated by any group or section. The Senate, under its present constitution, can force an appeal to the electorate. Mr. Baxter believed that this was a good thing. He doubted if an age limit would have any practical value in reforming the Senate.

5. Manitoba - Mr. Hoey:

Mr. Hoey expressed the opinion that the Senate was not popular in Manitoba and was not in accord with the spirit of the Western Provinces. He believed the people of Manitoba would approve of the adoption of the provisions of the Parliament Act of 1911. He then referred to Mr. Fielding's proposals for Senate Reform, which suggested that the provincial governments should have the right to nominate one-half of the Senators from the province; the other appointments to be made by the Dominion Government, and all for a period of ten years. He objected to the present method of appointment on the ground that it did not provide for the representation

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of groups that were not included in the two great political parties in Canada.

6. British Columbia - The Honourable J. D. MacLean, M.D:

Dr. MacLean was opposed to abolition of the Senate and believed in an appointed Senate with a time limit of appointment for a stated term of years. He was quite willing that the Senate should continue to be appointed by the Dominion Government and also favoured an age limit.

7. Prince Edward Island - The Honourable A. C. Saunders:

Mr. Saunders endorsed the views expressed by Dr. MacLean of British Columbia. He was not at all opposed to constitutional changes and favoured Senate Reform along the general lines suggested by the Dominion Government.

8. Saskatchewan - The Honourable J. G. Gardiner:

Mr. Gardiner expressed the opinion that there was a strong demand in the Western Provinces for Senate Reform and at one time there had been a formidable movement for abolition. He had no objection to amending the British North America Act. He was opposed to age limit for Senators but favoured the adoption of the provisions of the Parliament Act of 1911.

9. Alberta - The Honourable J. E. Brownlee:

Mr. Brownlee was not opposed to the amendment of the British North America Act and was prepared to endorse

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the suggestions made by the Minister of Justice. He felt that the Lower House should be made supreme. He suggested in conclusion that the Dominion Government should use its power of appointment in such a way as to make the Senate more truly representative of all sections and groups in Canada.

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FORD, ARTHUR R. - "AS THE WORLD WAGS ON"

Chapter XXVI

Pp. 175-176

"Mr. King started his career as a newspaperman and has always been proud of his connection with the profession. . . .
He was proud of the fact that he had appointed so many newspapermen to the Senate, including Senator W.A. Buchanan, publisher of the Lethbridge Herald, Senator Rupert Davies, publisher of the Kingston Whig-Standard, Senator Nichol, publisher of several Quebec papers, Senator John Lewis, for many years on the Globe and Senator Charles Bishop, the dean of the Press Gallery. In connection with the Lewis appointment, he took considerable amusement in telling me that he announced it during the course of a political meeting in North York at which Mr. Lewis was present. Mr. Lewis, he told me, had no previous intimation of his appointment."

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"On one occasion, when I was president of The Canadian Press, I had occasion to see him in his office in Ottawa, along with Senator Buchanan . . . Finally he got around to the Senate, and he said that one of his most worrying jobs was his Senatorial appointments. He said that he would like to name to the Senate some literary men, some college presidents and some scientists, men who could contribute more to Parliament, but that pressure was so great politically that it was difficult to appoint the men he would like. He referred to one member of his Cabinet who had served long and faithfully both his party and his country, and who wanted, and probably needed, a Senatorship. He did not see how he could refuse him, yet, he added, he was only going into the Senate to secure a pension for the rest of his life. Since then this particular gentleman has been named to the Upper House."

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SENATORSHIPS.

ANY PROVINCEM IN CAN.

PERSON RECOMMENDED	BY WHOM RECOMMENDED.
MRS. Emily Murphy	Mrs. James Geggie. Mrs. Nellie McClung. Mrs. A. MacIntyre. Mrs. Wm. Davidson. Mr. Jas. A. Clark.
Mrs. Edith Kerr MadDonald.	Centre Winnipeg Women's Liberal Association
A Woman to sit in the Senate-	Mrs. Carrie A. Barber.

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SENATORSHIPS.
NEW BRUNSWICK.

(Y-2502)

PERSON RECOMMENDED	BY WHOM RECOMMENDED.
Resident of York-Sunbury.	A.H.VanWart, Fredericton.
Todd, W.F.	C.C.Alexander Self.
Taylor, Stanley H.	Self.
Snowball, W.B.	Self.
Smith, Robert B.	Self. Ewart C. Atkinson.
Scully, W.E.	Self.
Pugsley, William	Mrs. William Pugsley.
Porter, James E.	Guy E. Porter. Self.
Osborne, W.J.	W.N.Ponton, K.C. Self.
Morrissy, John. Hon.	F.C.McGrath. Robert J.N.Jarvis.
Dr. D.H.McAllister	Self. J.H.McFadzen.

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PERSON RECOMMENDED	BY WHOM RECOMMENDED.
Dr. A.F.Emery.	W.F.Roberts. J.F.Belyea. Dr.E.J.RYAN. John A. Barry. Self.
L.A.DUGAL.	Self F.D.Carvell. J.H.Hughes. Wm. Pugsley.
Currie, William	Rev. R.J.Coleman. W.H.Miller W.A.McMillan Mrs. D. Ross-Kerr. Messrs The Louisan Lumber Co. Ltd. W.H.Gray R.S.Armstrong. Clarence T Cool Liberal Association, Town of Campbellton, (M. Kelly) L.T.Joudry. M.P.Moores. R.B.Keith. Dr. P.D.Stewart. Robt. D. McNair. Wm. S. Richards. Jas. S. Evans. E.L.LeGallais. E.R.Machum H.B Ainslow. Alex. McLennan. H.C.Gillis. Robt. R. Fawcett. Self. H.J.Currie. Jas. R. McPherson Rev. J. Woodside.
Burgess, James.	D.J.Collins.
Brown, Nelson W.	Dr. W.H.Irvine. Mrs. L.B.Smith. Self.
Broderick, William P.	self.

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SENATORSHIPS.

PRINCE EDWARD ISLAND.

PERSON RECOMMENDED	BY WHOM RECOMMENDED
ACADIAN REPRESENTATIVE	F.J.BUOTE.

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SENATORSHIPS.
QUEBEC.

PERSON RECOMMENDED	BY WHOM RECOMMENDED.
duTremblay, P.R.	Self. J.P.B.Casgrain. Jos. Archambault.
Marcile, J.E.	Self.
Dusage. Dr. D.J.	Self.
Geoffrion, Victor.	Self.
Ethier, J.A.C.	Self. [illegible]. M. Brunel. Hector Champagne. J.R.Trempe N. Forest. Ludger Gravel. J.B.LaTour. Geo. Methot. David Tasse. J.E.Prevost.
Domville, Jas.	J.A.Woodward.
Demers. Joseph	W.K.Baldwin. Hon. J. Nicol. Andrew McMaster. F.N.McCrea A.B.Hunt.
Boyer.	Self.

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SENATORSHIPS.
ONTARIO.

RECOMMENDED.	BY WHOM RECOMMENDED.
HARDY, A.C.	W.J.Bragg, J.H.Marceau H.S.Hamilton. Charles. Kerr. Jas. H. Spence. W.A.Peck G.A.McGaughey W.S.Metzler. G.N.Gordon. D.Barker Donald McEachern. D.A.Mooney. J.O.Herity. Thos. McMillan. Thos. Marshall. E.A.Lapierre. Albert T.H.Taylor. M.G.Cameron. Geo. Wilkie. W.E.N.Sinclair. J.B.Bartram R.R.Hall. W.H.Harrison. J.M.Mussen. J.A.Young H.H.Horsey. Mrs. Harry Carpenter. Z. Mageau. A.J.Young. H.E.Rice. W.R.Preston.
Hartman, C.W.	J.M.Walton. Sir Allan Aylesworth. Self. J. Robins Arthur. Arch. M. Call. Arthur H. Clute. John McQuaker, Geo. G. Albery. F. Moore Wm. Mulock.
Ahearn. Thomas.	H.B.McGivern. E.R.E.Chevrier. Andrew Haydon. Ed. J. Rainboth. Frank Ahearn.

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ONTARIO.

PERSON RECOMMENDED	BY WHOM RECOMMENDED.
BERTRAND? DAVID	SELF.
Bowlby, J.W.	Self/
Carruthers, Dr. John.	Liberals of East Simcoe. Geo. J. McArthur.
Currie, Dr. Morley.	Willet S. Benson. H.B.Bristol.
Calder, J.B.	Self.
Campbell, John A.	Self.
Rev. S.J.Farmer	Self. G. Murray Farmer.
Fisher, W.F.W.	Self.
Galbraith, John	Self.
Genest, Sam.	Rev. Canon Campeau, Apostolic Protonotary.
German, Wm.M.	R.Cooper.

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SENATORSHIPS.

Ontario.

Person Recommended	By Whom Recommended.
R.R.Hall	J.J.Hartley. Sir Allan Aylesworth. John A. Dewart.
King, John	Self.
Lovelace, Capt. E.J., M.C.	Geo. Mortimer Elson,
McCullough, Col. Chas.	J.J.Jolley.
MacIntosh ., Dr. P.A.	SELF.
McMillan, Thos.	Rev. F.H.Larkin,
Mageau, Zotique.	A.E.Bluğdon, C.W.Gingrich. A.J.Young.
McCoig, A.B.	J.A.Walker.
Muir, John	W.H.Whitaker, Self.
O'Flynn, F.E.	E.D.O'Flynn,

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RECOMMENDED	BY WHOM RECOMMENDED.
Pardee. F.F.	Jno. M. Eastwood. Self Approved By. J.N.MacKendirek. Opposed by Adam Thomson, M D. Daniel MacIntyre.
Pattullo, George R.	Self.
Pedlow, Isaac,	Self. A. R.McMaster. Liberals South Renfrew. W.C.Kennedy.
Prince Edward Representative Pells	W.O.Pellett.
Citizen of the Town of Peterborough.	S.R.Armstrong.
W.T.R.Preston	
Purdom, T.H.	Hume Cronyn Self.

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Person Recommended	Person recommended
Sealey, W.O.	Self. B.E.Thompson. Hugh Bertram W.M.McClermont. Sam. E. Ryder. R.A.THompson. John Newlands. John Bradley J.W.Bowlby. Alex. S. Dickson. R.C.Calder. A.Aldrich E.H.Cleaver, W.B.Calder. A. Wing. C.S.Webber. Wm. B.Brock. Rev. J.T.Kelly. Rev. J.A.O'Sullivan. S.G.Charlton Ernest Forsythe. J. O'Mara. C.A.Maguire. Rev. E.F.Green. W.T.Evans. and about 700 others.
Schell, M.S.	Self.
Smith, Alexander,	Alexander Saunders.
Thomas, Geo. H.O.	H.E.Rice. J.D.McDonald.
Traux, R.E.	Self. J.G.Anderson G.H.Mooney.
~~Watson, R.J.~~	~~Burk's Fall Lib. Assoc.~~

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ONTARIO.

PERSON RECOMMENDED	BY WHOM RECOMMENDED.
Watson, R.J.	Burk's Falls Liberal Association E.L.Kelcey. N.J.Stepham Jas. Sharpe. Manley Chew. Geo. K. Morrison. W.J.Smith. M.E.Lounsbury. Jno. Perks. H.E.Stone. W.J.Snaith.

W.L. Mackenzie King Papers
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PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

C 97164

SENATORSHIPS.
MANITOBA.

PERSON RECOMMENDED	BY WHOM RECOMMENDED.
Dr. P.J.Molloy,	J.D.Baskerville.

W.L. Mackenzie King Papers
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PUBLIC ARCHIVES
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CANADA

C 97165

SENATORSHIPS.

SASKATCHEWAN.

(Y-2507)

PERSON RECOMMENDED	BY WHOM RECOMMENDED.
French Canadian Representative	P.E. Ayotte., M.D.
MOORE, David.	Self.

W.L. Mackenzie King Papers
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CANADA

C 97166

SENATORSHIPS.
ALBERTA.

(Y-2508)

PERSON RECOMMENDED	BY WHOM RECOMMENDED.
McAllister, John	Self.

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C 97166

SENATORSHIPS.
ALBERTA.

(Y-2508)

PERSON RECOMMENDED	BY WHOM RECOMMENDED.
McAllister, John	Self.

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SENATORSHIPS.
ALBERTA.

(Y-2508†

PERSON RECOMMENDED	BY WHOM RECOMMENDED.
McAllister, John	Self.

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C 97167

SENATORSHIPS.

BRITISH COLUMBIA.

(Y-2609)

PERSON RECOMMENDED	BY WHOM RECOMMENDED.
MRS. Ralph Smith re.	
Lt. -col. R. Cartwright.	Self.

W.L. Mackenzie King Papers
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CANADA

C 97168

Private file

THE SENATE
CANADA

Memo for the Premier.

Some of the Maritime delegation coming this week from New Brunswick will press again for Scully's appointment to the Senate.

This is to suggest—

1. Appoint Scully now
2. Have an understanding that Senator King retires for A.B. Copp at your request.
3. Have an election this year — Appoint Copp — Take a new Minister — a younger man if possible
4. Listen to all the plans that may be offered but follow something like this outline in any event.

Andrew Haydon

Ottawa Feb. 23-25

W.L. Mackenzie King Papers
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CANADA

Senatorships - Alberta ✓ C 97169
C. S. Commission ✓
Parliament - Sessions of ✓ (JUNE, 1926)

PRIME MINISTER'S OFFICE

NBM

MEMORANDUM

Mr. King:

Mr. Lemaire has returned and reports that His Excellency has signed the O.C's. re Mr. Riley and Mr. Tremblay.

L.C.M.

L.C. MOYER.

W.L. Mackenzie King Papers
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CANADA

C 97170

PRIME MINISTER'S OFFICE

M-2400

MEMORANDUM

Thursday
June 16
1927

S-1305-C

MR. KING:

Mr. Beniah Bowman, M.P., (Algoma East) is in the city just for today. He telephoned to inquire if you were in the city. I explained that you were in the country and he said that he just wanted to let you know that the hope was entertained in Northern Ontario that Dr. Carruthers might be appointed to the Ontario vacancy in the Senate. I promised to convey the message to you.

Mr. Bowman then made inquiry about the success of your farm at Kingsmere. He referred particularly to sheep, saying that he was very much interested in sheep breeding and had a small flock himself consisting of shropshires and oxfords.

WHM.

W.L. Mackenzie King Papers
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C 97171

SENATORSHIPS VACANCIES - FILLED

1. NOVA SCOTIA

2. NEW BRUNSWICK

4. ONTARIO.

W.L. Mackenzie King Papers
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PUBLIC ARCHIVES
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CANADA

C 97172

FILE No. S-1301-L

RECOMMENDATIONS FOR APPOINTMENT TO

SENATE - NOVA SCOTIA

VICE HONOURABLE SENATOR W.B.ROSS (DECEASED)

LOGAN, HANCE J.

LOVETT, L.J.

KENDALL, A.S.

Bissett Dr.

CHISHOLM WILLIAM, M.P.

of Hance James Logan
Order-In-Council-P.C. 100 - Appointment as member of Senate and Senator for Province of Nova Scotia.

W.L. Mackenzie King Papers
Memoranda & Notes

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C 97173
FILE No. S-1301-B

RECOMMENDATION FOR APPOINTMENT TO

SENATE - NOVA SCOTIA

ON BEHALF OF

DR. BISSETT

ADDRESS

VICE Honourable Senator W.B. Ross (Deceased)

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Worrell Most Reverend Clare L., D.D.	Halifax, N.S.	January 30, 1929	

Order-in-Council P.C. 100 - Appointment of Hance James Logan as member of Senate and Senator for Province of Nova Scotia.

P.M.—1

W.L. Mackenzie King Papers
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CANADA

C 97174

FILE No. S-1301-C

RECOMMENDATION FOR APPOINTMENT TO

SENATE - NOVA SCOTIA

ON BEHALF OF

William Chisholm M.P.

ADDRESS Antigonish, Nova Scotia

VICE Honourable Senator W.B.Ross (Deceased)

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Himself		January 23, 1929	

Order-in-Council P.C. 100 - Appointment of Hance James Logan as member of Senate and Senator for Province of Nova Scotia.

P.M.—1

W.L. Mackenzie King Papers
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CANADA

C 97175

FILE No. S-1301-K

RECOMMENDATION FOR APPOINTMENT TO

SENATE - NOVA SCOTIA

ON BEHALF OF

Dr. A. S. Kendall

ADDRESS

VICE Honourable Senator W.B.Ross (Deceased)

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Cameron, D.A., K.C.	Sydney, N. S.	Jan. 21, 1929	

of Hance James Logan

Order-In-Council P.C.100 - Appointment as member of Senate and Senator for Province of Nova Scotia.

P.M.—1

W.L. Mackenzie King Papers
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C 97176
FILE No. S-1301-L

RECOMMENDATION FOR APPOINTMENT TO

SENATE - NOVA SCOTIA

ON BEHALF OF

Hance J. Logan

ADDRESS

VICE Honourable Senator W.B.Ross (Deceased)

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Read, Charles H. President	Cumberland County Liberal Association, Amherst, N.S.	Jan. 14, 1929	
Carmichael, Miss Carrie	New Glasgow, N.S.	Jan. 16, 1929	
Lavergne, Hon.Louis	The Senate,Ottawa	Jan. 18, 1929	

of Hance James Logan
Order-in-Council P.C.100- Appointment as member of Senate and Senator

for Province of Nova Scotia

P.M.—1

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C 97177

FILE No. S-1301-L

RECOMMENDATION FOR APPOINTMENT TO

SENATE - NOVA SCOTIA

ON BEHALF OF

L.J.Lovett

ADDRESS Bear River, Nova Scotia

VICE Honourable Senator W.B.Ross (Deceased)

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Himself		Jan. 14, 1929	

Order-in-Council P.C.100 - Appointment of Hance James Logan as member of Senate and Senator for Province of Nova Scotia

P.M.—1

W.L. Mackenzie King Papers
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CANADA

C 97178

FILE No. S-1302

RECOMMENDATIONS FOR APPOINTMENT TO

SENATE - NEW BRUNSWICK

VICE HONOURABLE SENATOR G. G. KING (DECEASED)

ARMSTRONG, ROBERT E.

BURGESS, JAMES

DYSART, A. ALLISON

FOSTER, HON. W. E.

McALLISTER, Dr. D. H.

McCAIN, ANDREW D.

MICHAUD, PIUS

ORDER-IN-COUNCIL P. C. 2217 - Appointment of Hon. Walter E. Foster, St. John, N.B. Member of Senate and Senator for Province of New Brunswick.

Dec. 6, 1928.

W.L. Mackenzie King Papers
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C 37179

FILE No. S-1302-A

RECOMMENDATION FOR APPOINTMENT TO

SENATE - NEW BRUNSWICK

ON BEHALF OF

Robert E. Armstrong.

ADDRESS 211 Queen Street, Saint John, New Brunswick.

VICE Senator King.

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Himself		May 29, 1928.	

ORDER-IN-COUNCIL P.C. 2217 - Appointment of Hon. Walter E. Foster, St. John, N.B. Member of Senate and Senator for Province of New Brunswick.

Dec. 6, 1929

P.M.—1

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C 97180

FILE No. S-1302-B

RECOMMENDATION FOR APPOINTMENT TO

SENATE - NEW BRUNSWICK

ON BEHALF OF

James Burgess

ADDRESS Grand Falls , New Brunswick

VICE Senator King (Deceased)

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Collins, David J.	Grand Falls, N.B.	May 15, 1928.	
Morrissy, Charles J., M.P.	House of Commons, Ottawa.	May 31, 1928.	
Tweeddale, J. F. Arthurette	Arthurette, Victoria County, N.B.	July 10, 1928.	
Gallagher, C. E.	Bath, N. B.	June 22, 1928.	

ORDER-IN-COUNCIL P.C. 2217 - Appointment of Hon. Walter E. Foster, St. John, N.B. Member of Senate and Senator for Province of New Brunswick.

Dec. 6, 1928.

P.M.—1

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C 97181

FILE No. S-1302-D

RECOMMENDATION FOR APPOINTMENT TO

SENATE - NEW BRUNSWICK

ON BEHALF OF

A. Allison Dysart, LL. B.

ADDRESS Barrister, Buctouche, N.B.

VICE Senator King (Deceased)

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Himself		May 18, 1928	

ORDER-IN-COUNCIL P.C. 2217 - Appointment of Hon. Walter E. Foster, ST.John,N.B. Member of Senate and Senator for Province of New Brunswick.

Dec. 6, 1928

P.M.—1

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C 97182

FILE No. S-1302-F

RECOMMENDATION FOR APPOINTMENT TO

SENATE - NEW BRUNSWICK

ON BEHALF OF

Hon. W. E. Foster

ADDRESS Saint John - New Brunswick.

VICE Honourable Senator G. G. King (Deceased)

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Curren, L.M., M.D., C.M., F.A.C.S.	Chairman, Liberal Executive, St. John, Albert, St. John, N.B.	June 23, 1928.	

ORDER-IN-COUNCIL P. C. 2217-Appointment Member of Senate and Senator for Province of New Brunswick.

Dec. 6, 1928.

P.M.—1

W.L. Mackenzie King Papers
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C 97183

FILE No S-1302-Mc

RECOMMENDATION FOR APPOINTMENT TO

SENATE - NEW BRUNSWICK

ON BEHALF OF

Dr. D. H. McAllister, B. A., M.D., C.M.

ADDRESS Sussex, New Brunswick.

VICE Senator King, (Deceased)

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Stone, G.A., General Chairman	Brotherhood of Locomotive Engineers, 165 Wesley Street, Moncton, N. B.	Feb. 4, 1928.	
McFadyen, H.J.	Sussex, N.B.	Feb. 20, 1928.	
McIntyre, J.L.M. Barrister	Sackville, N.B.	May 3, 1928.	
Ryan, J. W. T., Secretary	Liberal Committee, Moncton, N.B.	May 4, 1928.	
McAvity, D. L.	Dominion Bank Bldg. St. John, N.B.	May 10, 1928.	
McAlister, D.H., M.D.	Sussex, N.B.	May 10, 1928.	
Stone, G.A.	165 Wesley St., Moncton, N.B.	May 14, 1928.	
Smith, W. C. General Chairman	Canadian Brotherhood of Railroad Employees, Coronation Bldg. 1405 Bishop St.	June 27, 1928.	
McAuley, J. E.	Lower Miklstream, N.B.	July 30, 1928.	

ORDER-IN-COUNCIL P.C. 2217 - Appointment of Hon. Walter E. Foster, St. John, N.B. Member of Senate and Senator for Province of New Brunswick.

Dec. 6, 1928.

P.M.—1

W.L. Mackenzie King Papers
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C 97184

FILE No. S-1302-Mc

RECOMMENDATION FOR APPOINTMENT TO

SENATE - NEW BRUNSWICK

ON BEHALF OF

Andrew D. McCain

ADDRESS Centreville, New Brunswick.

VICE Honourable Senator G. G. King.(Deceased)

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Keith, Sterling I.	Centreville, N.B.	June 1, 1928.	

ORDER-IN-COUNCIL P.C. 2217 - Appointment of Hon. Walter E. Foster, St.John,N.B. Member of Senate and Senator for Province of New Brunswick.

Dec. 6, 1928.

P.M.—1

W.L. Mackenzie King Papers
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C 97185

FILE NoS-1302-M

RECOMMENDATION FOR APPOINTMENT TO

SENATE - NEW BRUNSWICK

ON BEHALF OF

Pius Michaud

ADDRESS Edmundston, New Brunswick.

VICE Honourable Senator G. G. King (Deceased)

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Himself		May 4, 1928	

ORDER-IN-COUNCIL P.C.2217 - Appointment of HOn. Wâlter E. Foster, St. John, N.B Member of Senate and Senator for Province of New Brunswick.

Dec. 6, 1928.

P.M.—1

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C 97186

FILE No. S-1305

RECOMMENDATIONS FOR APPOINTMENT TO

SENATE - ONTARIO

VICE SENATOR WEBSTER

CAMBPELL, J. A.

HORSEY, HENRY HERBERT

McKAY, DR. W.

GAMSBY, CLINTON B.

HANNA, CHARLES

YOUNG, A. J.

ORDER-IN-COUNCIL P. C. 2216 Appointment of Henry Herbert Horsey, Cressy, Ont. Member of the Senate and Senator for Province of Ontario.

Dec. 6, 1928.

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C 97187

FILE NO S-1305-C

RECOMMENDATION FOR APPOINTMENT TO

SENATE - ONTARIO

ON BEHALF OF

J.A.Campbell, Esq.

ADDRESS Room 65, Y. M. C. A., Ottawa.

VICE Senator Webster.

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Himself		Dec. 5, 1928	

ORDER-IN-COUNCIL P.C.2216 Appointment of Henry Herbert Horsey, Cressy, Ont. Member of the Senate and Senator for Province of Ontario.

Dec. 6, 1928.

P.M.—1

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C 97188

FILE No S-1305-C

RECOMMENDATION FOR APPOINTMENT TO

SENATE - ONTARIO

ON BEHALF OF

Clinton B. Gamsby

ADDRESS 49 Anderson Avenue, Toronto 12, Ontario

VICE Senator Webster

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Himself	49 Anderson Avenue, Toronto 12, Ontario	Dec. 11, 1928.	

ORDER-IN-COUNCIL P.C. 2216-Appointment of Henry Herbert Horsey, Cressy, Ont. Member of the Senate and Senator for Province of Ontario.

Dec. 6, 1928

P.M.—1

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C 97189

FILE No. S-1305-H

RECOMMENDATION FOR APPOINTMENT TO

SENATE - ONTARIO

ON BEHALF OF

Charles Hanna

ADDRESS Belleville, Ontario

VICE Senator Webster

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Himself		Dec. 7, 1928	

ORDER-IN-COUNCIL P.C. 2216 - Appointment of Henry Herbert Horsey, Cressy, Ont. Member of the Senate and Senator for Province of Ontario.

Dec. 6, 1928.

P.M.—1

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C 97190

FILE No. S-13.05-H

RECOMMENDATION FOR APPOINTMENT TO

SENATE - ONTARIO

ON BEHALF OF

Henry Herbert Horsey

ADDRESS Cressy, Ontario.

VICE Senator Webster.

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Hardy, Hon. A. C.	Ottawa, Ont.	Dec. 3, 1928.	

ORDER-IN-COUNCIL P. C. 2216 Appointment of Henry Herbert Horsey, Cressy, Ont. Member of the Senate and Senator for Province of Ontario.

Dec. 6, 1928.

P.M.—1

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CANADA

C 37191

FILE No. S-1305-Mc

RECOMMENDATION FOR APPOINTMENT TO

SENATE - ONTARIO

ON BEHALF OF

Dr. W. McKay

ADDRESS Pembroke, Ontario.

VICE Senator Webster

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Himself		Dec. 5, 1928.	

ORDER-IN-COUNCIL P.C. 2216 - Appointment of Henry Herbert Horzey, Cressy, Ont. Member of the Senate and Senator for Province of Ontario.

Dec. 6, 1928.

P.M.—1

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CANADA

C 97192

FILE No. S-1305-Y

RECOMMENDATION FOR APPOINTMENT TO

SENATE - ONTARIO

ON BEHALF OF

A. J. Young

ADDRESS 1700 Sterling Tower Building, 372 Bay Street, Toronto 2, Ontario.

VICE Senator Webster

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Himslef		Dec. 12, 1928	

ORDER-IN-COUNCIL P.C. 2216 - Appointment of Henry Herbert Horsey, Cressy, Ont. Member of the Senate and Senator for Province of Ontario.

Dec. 6, 1928.

P.M.—1

W.L. Mackenzie King Papers
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CANADA

C 97193 S-1304-L

PRIVY COUNCIL
CANADA

Oct-8/29

By request I nominate and recommend for a Senatorship

Hon. Rodolphe Lemieux who has had a long & usefull life in public service James A. Robb

J.B.S.

W.L. Mackenzie King Papers
Memoranda & Notes

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C 97194

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4. ONTARIO

5. SASKATCHEWAN

7. ALBERTA

1. PRINCE EDWARD ISLAND

8. BRITISH COLUMBIA

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C 97195
FILE No. S-1300

RECOMMENDATIONS FOR APPOINTMENT TO

THE SENATE - CANADA.

VICE.....

.....

CARPENTER, MRS. H.H.

CLORAN, MRS. MARY INEZ (H.J.)

McCOIG, MRS. ARCHIE

MURPHY, MRS. EMILY F.

SMITH, MRS. MARY ELLEN

THORBURN, MRS. C.H.

HEATH, MRS. JAMES (ELIZABETH G.)

ENGLAND, DR. RITCHIE

GERIN-LAJOIE, MADAME

BRODEUR, MADAME ALPHONSE

LABOUR REPRESENTATIVE

O'DELL, MRS. M.L.

WOMEN

JEW REPRESENTATIVE (OPPOSING)

P.M.—2

W.L. Mackenzie King Papers
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CANADA

C 97196
FILE NO. S-1300-B

RECOMMENDATION FOR APPOINTMENT TO

THE SENATE - CANADA

ON BEHALF OF

Madame Alphonse Brodeur

ADDRESS

VICE

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Jodoin, Madame Tancrede-du Club Wilfrid Laurier des Femmes Liberales Inc., 969 rue Cherrier, Montreal, Quebec		Dec. 17, 1929.	

P.M.—1

W.L. Mackenzie King Papers
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CANADA

C 97197
FILE No. S-1000-9

RECOMMENDATION FOR APPOINTMENT TO

THE SENATE - CANADA

ON BEHALF OF

Mrs. H.H.Carpenter

ADDRESS

VICE

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Sangster, Miss E.F.	Stouffville, Ontario	October 26, 1929	

P.M.—1

W.L. Mackenzie King Papers
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C 97198

FILE No S-1300-C

RECOMMENDATION FOR APPOINTMENT TO

THE SENATE - CANADA.

ON BEHALF OF

Mrs. Mary Inez Cloran (H.J.)

ADDRESS 4 "The Parkview", 126 Cobourg Street, Ottawa, Ont.

VICE

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Herself		Oct. 25, 1929	

P.M.—1

W.L. Mackenzie King Papers
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C 97199
FILE No. S-1300-E

RECOMMENDATION FOR APPOINTMENT TO

THE SENATE - CANADA.

ON BEHALF OF

Dr. Ritchie England.

ADDRESS

VICE

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Smillie, Mrs.J.Rogers	The Kenniston, 355E Elgin Street, Ottawa	Nov. 2, 1929.	

P.M.—1

W.L. Mackenzie King Papers
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C 97200
FILE No. S-1300-G

RECOMMENDATION FOR APPOINTMENT TO

THE SENATE -- CANADA.

ON BEHALF OF

Madame Gerin-Lajoie

ADDRESS

VICE

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Smillie, Mrs.J. Rogers	The Kenniston, 355E Elgin Street, Ottawa.	Nov. 2, 1929.	

P.M.—1

W.L. Mackenzie King Papers
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CANADA

C 97201

FILE No. S-1300-H

RECOMMENDATION FOR APPOINTMENT TO

THE SENATE - CANADA.

ON BEHALF OF

Mrs. Elizabeth G. Heath (James)

ADDRESS 508 Colborne Street, Brantford, Ontario.

VICE

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Herself		Nov. 12, 1929.	

P.M.—1

W.L. Mackenzie King Papers
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C 97202

FILE No. S-1300-J

RECOMMENDATION FOR APPOINTMENT TO

THE SENATE - CANADA

ON BEHALF OF

Jew Representative

ADDRESS

VICE

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
	57 ouest, rue St-Jacques MOntreal, Que.	Jan. 27, 1930	Anatole Vanier, C.R. apposing appointment of -
McGuire, Hon. W.H.	Sun Life Building, Toronto, Ontario	Feb. 5, 1930	Clipping.

P.M.—1

W.L. Mackenzie King Papers
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CANADA

C 97203

FILE No. S-1300-L

RECOMMENDATION FOR APPOINTMENT TO

THE SENATE - CANADA

ON BEHALF OF

LABOUR REPRESENTATIVE

ADDRESS.....

VICE.....

.....

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Ward, James,Esq., Vice-President	Operative Plasterers' & Cement Finishers' International Association, Toronto, Ontario.	Dec. 26, 1929	
Gillanders, J.L., Esq., President	Toronto Building Trades' Council, 75 Linsmore Crescent, Toronto,Ont.	Dec. 26, 1929	
Healey, Frank H., Esq.	Canadian Organizer,Intl. Union of Operating Engineers, 1013 Jepson Street, Niagara Falls, Ontario.	Dec. 27, 1929	
McLeod, John,Esq.	Third Vice-President, Bricklayers, Masons and Plasterer's International Union of America, 10 Stanton Avenue, Toronto, Ontario.	Dec. 30, 1929	
Molineux,Fred,Esq. General Organizer	Painters, Decorators and Paperhangers of America, 63 Barnesdale Avenue N., Hamilton, Ontario.	Jan. 13, 1930	

P.M.—1

W.L. Mackenzie King Papers
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CANADA

C 97204

FILE No. S-1300-Mc

RECOMMENDATION FOR APPOINTMENT TO

THE SENATE - CANADA.

ON BEHALF OF

Mrs. Archie McCoig

ADDRESS

VICE

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Stokes, Mrs. Nellie M.	88 Lacroix Street, Chatham, Ontario.	Oct. 26, 1929.	

P.M.—1

W.L. Mackenzie King Papers
Memoranda & Notes

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

C 97205

FILE No. S-1300-M

RECOMMENDATION FOR APPOINTMENT TO

THE SENATE - CANADA.

ON BEHALF OF

Mr. James Marsh

ADDRESS

VICE

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Carswell, J.B., Esq. Managing Director	Burlington Steel C., Limited, Hamilton, Ontario.	Dec. 28, 1929	

P.M.—1

W.L. Mackenzie King Papers
Memoranda & Notes

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

C 97206

FILE No. S-1300-M

RECOMMENDATION FOR APPOINTMENT TO

THE SENATE - CANADA.

ON BEHALF OF

Mrs. Emily F. Murphy

ADDRESS 11011 - 88 Avenue, Edmonton, Alberta.

VICE

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Recommending apointment of self to -		Oct. 24, 1929	

P.M.—1

W.L. Mackenzie King Papers
Memoranda & Notes

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

C 97207

FILE No. S-1300-0

RECOMMENDATION FOR APPOINTMENT TO

THE SENATE - CANADA.

ON BEHALF OF

Mrs. M.L.O'Dell

ADDRESS Pres.Women's Lib. Club,St.Antoine & St.Joseph Division,1442Stanley St.Apt.4
Montreal,Quebec.

VICE

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Keegan, Mrs. J. Recording Secretary.	St.Antoine & St.Joseph Women's Liberal Club, 911 Brandon Avenue, Montreal, Quebec.	Dec. 30, 1929.	

P.M.—1

W.L. Mackenzie King Papers
Memoranda & Notes

PUBLIC ARCHIVES
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CANADA

C 97208

FILE NO. S-1300-S

RECOMMENDATION FOR APPOINTMENT TO

THE SENATE - CANADA.

ON BEHALF OF

Mrs. Mary Ellen Smith.

ADDRESS

VICE

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
MacDougall, Mrs. Sadie	1773 Davie Street, English Bay, Vancouver, B.C.	Sept. 24, 1929	
Wright, Dr. J.S., President.	Edmonton Assembly Number 17, Native Sons of Canada, Edmonton, Alberta.	Oct. 30, 1929	
Thompson, Miss Jane	24 Chestnut Street, St. Catherines, Ontario.	Oct. 31, 1929	
Kemp, Mrs. J.C.,	3743 Fifth Ave.West, Vancouver, B.C.	Nov. 26, 1929	
Wilkinson, L., Esq.	Burnaby Riding Liberal Association, 2460 Wellington Ave., Vancouver, B.C.	Nov. 15, 1929	
Greenwood, Mrs. S.F.	27, Church Street, St. Catherines, Ontario.	Jan. 9, 1930	
Legare, A.R.	Secretaire-correspondant du Club Ouvrier Montcalm de St-Jean Berchmans, 1894 rue Des Carrieres, Montreal, Quebec.	Jan. 10, 1930	
McDonald, Mrs. Louise	1191 - 12th Avenue West, Vancouver, B.C.	Jan.11, 1930	
Wilson, Captain Guy, R.N.R., F.R.C.S.	Bank of Nova Scotia Building, 602 Hastings Street West, Vancouver, B.C.	Jan.13, 1930	

P.M.—1

W.L. Mackenzie King Papers
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PUBLIC ARCHIVES
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CANADA

C 37209

FILE No. S-1300-T

RECOMMENDATION FOR APPOINTMENT TO

THE SENATE - CANADA

ON BEHALF OF

Mrs. C.H.Thorburn.

ADDRESS Ottawa, Ontario.

VICE

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Gordon, The Hon. G.N., K.C. Barrister.	Peterborough, Ont.	October 30, 1929.	

P.M.—1

W.L. Mackenzie King Papers
Memoranda & Notes

PUBLIC ARCHIVES
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CANADA

C 97210

FILE No. S-1300-W

RECOMMENDATION FOR APPOINTMENT TO

THE SENATE - CANADA

ON BEHALF OF

Women

ADDRESS

VICE

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Martin, Hon. Mederic, M.L.C.	Laval des Rapides, Quebec	January 14,1930	
Arnold, H.E.,Esq.	The Royal Empire Society-Jan. 28, 1930 Northumberland Avenue, London, W.C.2,England.		
Brown, Mrs. W.T.G. Corresponding Sec.	Canadian Woman's Christian Feb. 1, 1930 Temperance Union, 181 William Street, Kingston, Ontario.		

P.M.—1

W.L. Mackenzie King Papers
Memoranda & Notes

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

C 97211

FILE No. S-1302

RECOMMENDATIONS FOR APPOINTMENT TO

SENATE - NEW BRUNSWICK

VICE .....

.....

ARMSTRONG, ROBERT E.

W.L. Mackenzie King Papers
Memoranda & Notes

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

C 97212
FILE No. S-1302-A

RECOMMENDATION FOR APPOINTMENT TO

SENATE - NEW BRUNSWICK

ON BEHALF OF

ROBERT E. ARMSTRONG

ADDRESS Vice President, Seamen's Institute, 150-152 Prince William St. St. John, N.B

VICE

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Himself		Jan. 26, 1929	

P.M.—1

W.L. Mackenzie King Papers
Memoranda & Notes

PUBLIC ARCHIVES
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CANADA

FILE NO. C 97213

RECOMMENDATIONS FOR APPOINTMENT TO

SENATE - PRINCE EDWARD ISLAND

VICE SENATOR BENJAMIN C. PROWSE (DECEASED) FEB. 22, 1930

7

JOHNSTON, J. J.

LePAGE, THE HON. B.W., M.L.A.

MacDONALD, THE HON. DAVID, M.P.P.

STEWART, MRS. CECIL

ACADIAN REPRESENTATIVE

SINCLAIR, HON. JOHN E.

BLANCHARD, HON. J.E.

JENKINS, J.H.

ORDER-in-Council P.C. 1307- Appointment of Hon. John Ewen Sinclair of Emerald, P.E.I.. as Member of Senate and Senator for Province of Prince Edward Island June 7, 1930

P.M.—2

W.L. Mackenzie King Papers
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PUBLIC ARCHIVES
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CANADA

C 97214
FILE No. S-1303-A

RECOMMENDATION FOR APPOINTMENT TO

SENATE - PRINCE EDWARD ISLAND

ON BEHALF OF

Acadian.

ADDRESS

VICE Senator Benjamin C. Prowse (Deceased) Feb. 22, 1930

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Blanchard, Hon. Jeremiah	House of Assembly, Charlottetown, P.E.I.	March 18, 1930	
Sormany, Dr. A.M.	Edmundston, N.B.	March 25, 1930	
Harnois, J.A.	Secretaire de La Societe l'Assomption, Succursale "Louis Hebert" No 190, Quebec, P.Q.	May 30, 1930	
Cormier, Hector J.	President de La Societe l'Assomption, Succursale "Latour" No 14, Moncton, N.B.	May 30, 1930	
Richard, Narcisse C.	Secretaire-Archiviste du Bureau Central de la Societe Acadienne de Beneficea en maladie, Tignish, I.P.-E	May 28, 1930	
Mathe, H.P.	Secretaire de la Societe l'Assomption de Petit Rocher, Petit Rocher, Comte Gloucester, N.B.	May 28, 1930	
LeBlanc, Leo J.	Secretaire de la Societe L'Assomption Succursale LeFebvre No 13, St-Jospeh, N.B.	May 29, 1930	
Chiasson, Calixte	Secretaire de la Societe L'Assomption Succursale Saint-Oregoire No 108, New Waterford, N.-E.	May 28, 1930	

Order-in-Council P.C. 1307 - Appointment of Hon. John Ewen Sinclair of Emerald, P.E.I. as Member of Senate and Senator for Province of Prince Edward Island June 7, 1930

P.M.—1

W.L. Mackenzie King Papers
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PUBLIC ARCHIVES
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CANADA

MEMORANDUM C 97215

Prime Minister's Office

Ottawa, July 9, 1930.

Information received from the Senate.

No Senate vacancies.

I.B.S.

W.L. Mackenzie King Papers

Memoranda & Notes

PUBLIC ARCHIVES

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CANADA

C 97216

FILE No. S-1303-B

RECOMMENDATION FOR APPOINTMENT TO

SENATE - PRINCE EDWARD ISLAND

ON BEHALF OF

Hon. J. Blanchard, M.L.A.

ADDRESS Duvar, Prince Edward Island.

VICE Senator Benjamin C. Prowse (Deceased) Feb. 22, 1930.

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
MacLean, Hon. A.E., Esq., M.P.	House of Commons, Ottawa.	May 3, 1930	

Order-in-Council P.C. 1308 - appointment of Hon. John Ewen Sinclair as Member of Senate and Senator for Province of Prince Edward Island June 7, 1930

P.M.—1

W.L. Mackenzie King Papers
Memoranda & Notes

PUBLIC ARCHIVES
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CANADA

C 97217

FILE No. S-1303-J

RECOMMENDATION FOR APPOINTMENT TO

SENATE - PRINCE EDWARD ISLAND

ON BEHALF OF

J.H.Jenkins,M.P.

ADDRESS

VICE Senator Benjamin C. Prowse (Deceased) Feb. 22, 1930

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Sinclair, John E.	Emerald, P.E.I.	April 18, 1930	

Oder-in-Council P.C. 1307 - appointment of Hon. John Ewen Sinclair as Member of Senate and Senator for Province of Prince Edward Island June 7, 1930

P.M.—1

W.L. Mackenzie King Papers
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PUBLIC ARCHIVES
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CANADA

C 97218

FILE No. S-1303-J

RECOMMENDATION FOR APPOINTMENT TO

SENATE - PRINCE EDWARD ISLAND

ON BEHALF OF

J.J.Johnston,Esq., K.C.

ADDRESS Charlottetown, Prince Edward Island.

VICE Senator Benjamin C. Prowse (Deceased) Feb. 22, 1930

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Himself		Feb. 27, 1930	

Order-in-Council P.C. 1107 - Appointment of Hon. John Ewan Sinclair as Member of Senate and Senator for Province of Prince Edward Island, June 7, 1910

P.M.—1

W.L. Mackenzie King Papers
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PUBLIC ARCHIVES
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CANADA

C 97219

FILE No. S-1303-L

RECOMMENDATION FOR APPOINTMENT TO

SENATE - PRINCE EDWARD ISLAND

ON BEHALF OF

The Honourable B.W.LePage, M.L.A.,

ADDRESS Charlottetown, Prince Edward Island.

VICE Senator Benjamin C. Prowse (Deceased) Feb. 22, 1930

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Himself		March 11, 1930	

Order-in-Council P.C. 1307 - Appointment of Hon. John Ewen Sinclair as Member of Senate and Senator for Province of Prince Edward Island June 7, 1930

P.M.—1

W.L. Mackenzie King Papers
Memoranda & Notes

PUBLIC ARCHIVES
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CANADA

C 97220

FILE No. S-1303-Mc

RECOMMENDATION FOR APPOINTMENT TO

SENATE - PRINCE EDWARD ISLAND

ON BEHALF OF

The Honourable David MacDonald, M.P.P.

ADDRESS Glenfinnan, Prince Edward Island.

VICE Senator Benjamin C. Prowse (Deceased) Feb. 22, 1930

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Himself		March 10, 1930	

Order-in-Council P.C. 1307 - Appointment of Hon. John Ewen Sinclair as Member of Senate and Senator for Province of Prince Edward Island, June 7, 1930.

P.M.—1

W.L. Mackenzie King Papers
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PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

C 97221

FILE No. S-1303-8

RECOMMENDATION FOR APPOINTMENT TO

SENATE - PRINCE EDWARD ISLAND

ON BEHALF OF

Hon. John E. Sinclair

ADDRESS

VICE Senator Benjamin C. Prowse (Deceased) Feb. 22, 1930

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Maclean, Murdock, Esq.	P.O. Box 223, Charlottetown, P.E.I.	March 19, 1930	

Order-in-Council P.C. 1307 - Appointment of Hon. John Ewen Sinclair as Member of Senate and Senator for Province of Prince Edward Island , June 7, 1930

P.M.—1

W.L. Mackenzie King Papers
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PUBLIC ARCHIVES
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CANADA

C 97222

FILE No. S-1303-S

RECOMMENDATION FOR APPOINTMENT TO

SENATE - PRINCE EDWARD ISLAND

ON BEHALF OF

Mrs. Cecil Stewart

ADDRESS 168 Dorchester Street, Charlottetown, P.E.I.

VICE Senator Benjamin C. Prowse (Deceased) Feb. 22, 1930

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Herself		March 10, 1930	

Order-in-Council P.C. 1307 - Appointment of Hon. John Ewen Sinclair of Emerald. P.E.I. as Member of Senate and Senator for Province of Prince Edward Island.

P.M.—1

W.L. Mackenzie King Papers
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CANADA

C 97223

FILE No. S-1304

RECOMMENDATIONS FOR APPOINTMENT TO

SENATE - QUEBEC

VICE Honourable Senator Henry J. Cloran (Deceased) Feb. 8, 1928

Honourable Senator G. Boyer (Deceased) Dec. 2, 1927

Honourable N.K. Laflamme (Deceased) Aug.10, 1929

Honourable Senator Dessaulles (Deceased) April 19, 1930.

BETTEZ, ARTHUR M.P.

BROWNE, FITZ-JAMES E.

CHARLEBOIS, JULIEN

duTREMBLAY, P.R.

GAUVREAU, DR. JOSEPH

GENDRON, R.M.

GUERIN, Dr. J.J., M.P.

HUSHION, WILLIAM J.

JACOBS, J.H., M.D.

KAY, W.F., M.P.

McCARRON, TERENCE M.

MEMBER OF MEDICAL PROFESSION

MONTPETIT, M. EDOUARD

SEGUIN, P.A., M.P.

TOBIN, E.W., M.P.

TURGEON, LUCIEN

WALLACE, W.M., C.E.

WEIR, WILLIAM M.

WILSON, L.A., M.P.

LEMIEUX, HON. RODOLPHE

ST. JEAN, MLLE. IDOLA

Dr. Joseph Gauvreau

MORIN, MDE. G.D.

DUSSAULT, ROSAIRE, ESQ.

PACAUD, LUCIEN

KENNEBEC REPRESENTATIVE

MEGANTIC REPRESENTATIVE

Order-in-Council P.C. 1260 - Appointment of Honourable Rodolphe Lemieux as Member of Senate and Senator for Division of Rougemont in Province of Quebec June 3, 1930

Order-in-Council P.C. 1262 - Appointment of George Parent, Esq., as Member of Senate and Senator for Division of Kennebec in Province of Quebec June 3. 1930

Order-in-Council P.C. 1263 - Appointment of Jules-Edouard Prevost as Member of Senate and Senator for Division of Mille Isles in Province of Quebec June 3, 1930

Order-in-Council P.C.1261 - Appointment of Emund William Tobin as Member of Senate and Senator for Division of Victoria in Province of Quebec. June 3, 1930

Order-in-Council P.C. 1264 - Appointment of Lawrence Alexander Wilson as Member of Senate and Senator for Division of Rigaud in Province of Quebec June 3, 1930

W.L. Mackenzie King Papers
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PUBLIC ARCHIVES
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CANADA

C 97224
FILE No. S-1304-B

RECOMMENDATION FOR APPOINTMENT TO

SENATE - QUEBEC

ON BEHALF OF

Fitz-James E. Browne

ADDRESS President, The House of Browne, Limited, 512 McGill Street, Montreal, P.Q.

VICE Honourable Senator Henry J. Cloran (Deceased) Feb. 8, 1928
Honourable Senator G. Boyer (Deceased) Dec. 2, 1927
Honourable Senator G.C.Dessaulles (Deceased) April 19, 1930
Honourable Senator N.K.Laflamme(Deceased) Aug. 10, 1929

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Himself		Feb. 17, 1928.	

Order-in-Council P.C. 1260 - Appointment of Honourable Rodolphe Lemieux as Member of Senate and Senator for Division of Rougemont in Province of Quebec. June 3, 1930

Order-in-Council P.C. 1262 - Appointment of George Parent, Esq., as Member of Senate and Senator for Division of Kennebec in Province of Quebec. June 3, 1930

Order-in-Council P.C. 1263 - Appointment of Jules-Edouard Prevost as Member of Senate and Senator for Division of Mille Isles in Province of Quebec. June 3, 1930

Order-in-Council P.C. 1261 - Appointment of Edmund William Tobin as Member of Senate and Senator for Division of Victoria in Province of Quebec. June 3, 1930

Order-in-Council P.C. 1264 - Appointment of Lawrence Alexander Wilson as Member of Senate and Senator for Division of Rigaud in Province of Quebec. June 3, 1930

P.M.—1

W.L. Mackenzie King Papers
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PUBLIC ARCHIVES
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CANADA

FILE NO. C 97225 S-1304-B

RECOMMENDATION FOR APPOINTMENT TO

SENATE - QUEBEC

ON BEHALF OF

Arthur Bettez, M.P.

ADDRESS Three Rivers, Quebec.

VICE Honourable Senator Henry J. Cloran (Deceased) Feb. 8, 1928

Honourable Senator G. Boyer (Deceased) Dec. 2, 1927
Honourable Senator G.C.Dessaulles (Deceased) April 19, 1930
Honourable N.K.Laflamme (Deceased) Aug.10, 1929

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Himself		Jan. 14, 1929	

Order-in-Council P.C. 1260 - Appointment of Honourable Rodolphe Lemieux as Member of Senate and Senator for Division of Rougemont in Provine of Quebec. June 3. 1930

Order-in-Council P.C. 1262 - Appointment of George Parent,Esq., as Member of Senate and Senator for Division of Kennebec in Province of Quebec. June 3, 1930

Order-in-Council P.C. 1263 - Appointment of Jules-Edouard Prevost as Member of Senate and Senator for Division of Mille Isles in Province of Quebec. June 3, 1930

Order-in-Council P.C. 1261 - Appointment of Edmund William Tobin as Member of Senate and Senator for Division of Victoria in Province of Quebec. June 3, 1930

Order-in-Council P.C. 1264 - Appointment of Lawrence Alexander Wilson as Member of Senate and Senator for Division of Rigaud in Province of Quebec. June 3, 1930

P.M.—1

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PUBLIC ARCHIVES
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CANADA

C 97226
FILE No. S-1304-C

RECOMMENDATION FOR APPOINTMENT TO

SENATE - QUEBEC

ON BEHALF OF

Julien Charlebois

ADDRESS Vaudreuil Station, P.Q.

VICE Honourable Senator Henry J. Cloran (Deceased) Feb.8,1928

Honourable Senator G.Boyer (Deceased) Dec. 2,1927

Honourable Senator G.C.Dessaulles (Deceased) April 19, 1930

Honourable N.K.Laflamme (Deceased) Aug. 10, 1929

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Himself		February 1, 1929	

Order-in-Council P.C. 1260 - Appointment of Honourable Rodolphe Lemieux as Member of Senate and Senator for Division of Rougemont in Province of Quebec. June 3, 1930

Order-in-Council P.C. 1262 - Appointment of George Parent,Esq., as Member of Senate and Senator for Division of Kennebec in Province of Quebec. June 3, 1930

Order-in-Council P.C. 1263 - Appointment of Jules-Edouard Prevost as Member of Senate and Senator for Division of Mille Isles in Province of Quebec. June 3, 1930

Order-in-Council P.C. 1261 - Appointment of Edmund William Tobin as Member of Senate and Senator for Division of Victoria in Province of Quebec. June 3, 1930

Order-in-Council P.C. 1264 - Appointment of Lawrence Alexander Wilson as Member of Senate and Senator for Division of Rigaud in Province of Quebec June 3, 1930

P.M.—1

W.L. Mackenzie King Papers
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CANADA

C 97227
FILE No. S-1304-d

RECOMMENDATION FOR APPOINTMENT TO

SENATE - QUEBEC

ON BEHALF OF

P. R. duTremblay

ADDRESS Le Chateau, Montreal, Que.

VICE Honourable Senator Henry J. Cloran (Deceased) Feb. 8, 1928
Honourable Senator G. Boyer (Deceased) Dec. 2, 1927
Honourable Senator G.C.Dessaulles (Deceased) April 19, 1930
Honourable N.K.Laflamme (Deceased) Aug.10, 1929

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Himself		Nov. 1, 1928.	
Himself		August 16, 1929	
Himself		Jan. 20, 1930	

Order-in-Council P.C. 1260 - Appointment of Honourable Rodolphe Lemieux as Member of Senate and Senator for Division of Rougemont in Province of Quebec June 3, 1930

Order-in-Council P.C. 1262 - Appointment af George Parent, Esq., as Member of Senate and Senator for Division of Kennebec in Province of Quebec. June 3, 1930

Order-in-Council P.C. 1263 - Appointment of Jules-Edouard Prevost as Member of Senate and Senator for Division of Mille Isles in Province of Quebec June 3, 1930

Order-in-Council P.C. 1261 - Appointment of Edmund William Tobin as Member of Senate and Senator for Division of Victoria in Province of Quebec. June 3, 1930

Order-in-Council P.C. 1264 - Appointment of Lawrence Alexander Wilson as Member of Senate and Senator for Division of Rigaud in Province of Quebec. June 3, 1930

P.M.—1

W.L. Mackenzie King Papers
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CANADA

C 97228
FILE No. S-1304-G

RECOMMENDATION FOR APPOINTMENT TO

SENATE - QUEBEC

ON BEHALF OF

Dr. Joseph Gauvreau

ADDRESS 364, rue Ste-Catherine Est, Montreal, Que.

VICE Honourable Senator Henry J. Cloran (Deceased) Feb. 8, 1928
Honourable Senator G. Boyer (Deceased) Dec. 2, 1927
Honourable Senator G.C.Dessaulles (Deceased) April 19, 1930
Honourable N.K.Laflamme (Deceased) Aug.10, 1929

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Himself		Nov. 27, 1928	
Himself		Dec. 28, 1928	

Order-in-Council P.C. 1260 - Appointment of Honourable Rodolphe Lemieux as Member of Senate and Senator for Division of Rougemont in Province of Quebec. June 3, 1930

Order-in-Council P.C. 1262 - Appointment of George Parent, Esq., as Member of Senate and Senator for Division of Kennebec in Province of Quebec. June 3, 1930

Order-in-Council P.C. 1263 - Appointment of Jules-Edouard Prevost as Member of Senate and Senator for Division of Mille Isles in Province of Quebec June 3, 1930

Order-in-Council P.C. 1261 - Appointment of Edmund William Tobin as Member of Senate and Senator for Division of Victoria in Province of Quebec. June 3, 1930

Order-in-Council P.C. 1264 - Appointment of Lawrence Alexander Wilson as Member of Senate and Senator for Division of Rigaud in Province of Quebec. June 3, 1930

P.M.—1

W.L. Mackenzie King Papers
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C 97229
FILE No. S-1304-G

RECOMMENDATION FOR APPOINTMENT TO

SENATE - QUEBEC

ON BEHALF OF

Dr. J. J. Guerin, M.P.

ADDRESS Montreal, Quebec.

VICE Honourable Senator Henry J. Cloran (Deceased) Feb. 8, 1928
Honourable Senator G. Boyer (Deceased) Dec. 2, 1927
Honourable Senator G.C.Dessaulles (Deceased) April 19,1930
Honourable N.K.Laflamme (Deceased) Aug.10, 1929

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Romuald, Brother, F.S.C. President	Mount Saint Louis Institute, 144 Sherbrooke St., East, Montreal, P.Q.	May 1, 1928	
Dougherty, J.W., Secretary,	The Mackenzie Club, 507-509 McGill St., Montreal, Que.	July 10, 1928	
Quinn, J. J.	731 Irene St., Montreal,Que.	July11, 1928	
Ryan, W.T. President	Youhg Irishmen's L.& B. Association, Montreal, Que.	July 18, 1928	
Hamill, William James Corresponding & Recording Secretary,	St. Ann's Liberal Club, 230 Young St., Montreal, Que.	July 21, 1928	
Smith, J.W.	39 Fairmount Ave. W., Montreal, P.Q.	Jan. 11, 1928	
Gauvreau, Dr. Joseph	Registraire du College des Medecins et Chirurgiens de la Province de Quebec, Montreal, Que.	Dec. 28, 1928	

Order-in-Council P.C. 1260 - Appointment of Honourable Rodolphe Lemieux as Member of Senate and Senator for Division of Rougemont in Province of Quebec June 3, 1930

Order-in-Council P.C. 1262 - Appointment of George Parent as Member of Senate and Senator for Division of Kennebec in Province of Quebec. June 3, 1930

P.M.—1

W.L. Mackenzie King Papers
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CANADA

C 97229
FILE No. S-1304-G

RECOMMENDATION FOR APPOINTMENT TO

SENATE - QUEBEC

ON BEHALF OF

Dr. J. J. Guerin, M.P.

ADDRESS Montreal, Quebec.

VICE Honourable Senator Henry J. Cloran (Deceased) Feb. 8, 1928
Honourable Senator G. Boyer (Deceased) Dec. 2, 1927
Honourable Senator G.C.Dessaulles (Deceased) April 19,1930
Honourable N.K.Laflamme (Deceased) Aug.10, 1929

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Romuald, Brother, F.S.C. President	Mount Saint Louis Institute, 144 Sherbrooke St., East, Montreal, P.Q.	May 1, 1928	
Dougherty, J.W., Secretary,	The Mackenzie Club, 507-509 McGill St., Montreal, Que.	July 10, 1928	
Quinn, J. J.	731 Irene St., Montreal,Que.	July11, 1928	
Ryan, W.T. President	Youhg Irishmen's L.&-B. Association, Montreal, Que.	July 18, 1928	
Hamill, William James Corresponding & Recording Secretary,	St. Ann's Liberal Club, 230 Young St., Montreal, Que.	July 21, 1928	
Smith, J.W.	39 Fairmount Ave. W., Montreal, P.Q.	Jan. 11, 1928	
Gauvreau, Dr. Joseph	Registraire du College des Medecins et Chirurgiens de la Province de Quebec, Montreal, Que.	Dec. 28, 1928	

Order-in-Council P.C. 1260 - Appointment of Honourable Rodolphe Lemieux as Member of Senate and Senator for Division of Rougemont in Province of Quebec June 3, 1930

Order-in-Council P.C. 1262 - Appointment of George Parent as Member of Senate and Senator for Division of Kennebec in Province of Quebec. June 3, 1930

P.M.—1

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C 97230
FILE No. S-1304-G

Continued: RECOMMENDATION FOR APPOINTMENT TO

SENATE - QUEBEC
ON BEHALF OF

Dr. J. J. Guerin, M.P.

ADDRESS Montreal, Quebec.

VICE			
	Honourable SenaterG. Boyer	(Deceased)	Dec. 2, 1927
	Honourable Senator H.J.Cloran	(Deceased)	Feb. 8, 1928
	Honourable Senator N.K.Laflamme	(Deceased)	Aug.10, 1929
	Honourable Senator G.C.Dessaulles	(Deceased)	Apr.19, 1930

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS

Order-in-Council P.C. 1263 - Appointment of Jules-Edouard Prevost as Member of Senate and Senator for Division of Mille Isles in Province of Quebec. June 3, 1930

Order-in-Council P.C. 1264 - Appointment of Lawrence Alexander Wilson as Member of Senate and Senator for Division of Rigaud in Province of Quebec. June 3, 1930

P.M.—1

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CANADA

C 97231

FILE No. S-1304-G

RECOMMENDATION FOR APPOINTMENT TO

SENATE - QUEBEC

ON BEHALF OF

R. M. Gendron

ADDRESS Maniwaki, Ontario.

VICE Honourable Senator Henry J. Cloran (Deceased) Feb. 8, 1928.

Honourable Senator G. Boyer (Deceased) Dec. 2, 1927
Honourable Senator G.C.Dessaulles (Deceased) April 19, 1930
Honourable N.K.Laflamme (August 10, 1929) Deceased

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Himself		May 8, 1929.	
Tremblay, Alphonse Secretaire-Treas.	Municipalite de Bouchette-Sud, Blue Sez Lake, P.Q.	May 23, 1929	

Order-in-Council P.C. 1260 - Appointment of Honourable Rodolphe Lemieux as Member of Senate and Senator for Division of Rougemont in Province of Quebec. June 3, 1930

Order-in-Council P.C. 1262 - Appointment of George Parent. Esq., as Member of Senate and Senator for Division of Kennebec in Province of Quebec. June 3, 1930

Order-in-Council P.C. 1263 - Appointment of Jules-Edouard Prevost as Member of Senate and Senator for Division of Mille Isles in Province of Quebec. June 3, 1930

Order-in-Council P.C. 1261 - Appointment of Edmund William Tobin as Member of Senate and Senator for Division of Victoria in Province of Quebec. June 3, 1930

Order-in-Council P.C. 1264 - Appointment of Lawrence Alexander Wilson as Member of Senate and Senator for Division of Rigaud in Province of Quebec. June 3, 1930

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C 97232

FILE No. S-1304-G

RECOMMENDATION FOR APPOINTMENT TO

SENATE - QUEBEC

ON BEHALF OF

Dr. Joseph Gauvreau

ADDRESS

VICE Honourable Senator Henry J. Cloran (Deceased) Feb. 8, 1928

Honourable Senator G. Boyer (Deceased) Dec. 2, 1929

Honourable Senator G. C. Dessaulles (Deceased) April 19, 1930

Honourable N.K. Laflamme (Deceased) Aug. 10, 1929

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Forbes, His Grace Guillaume-	Ottawa, Ontario	Feb. 3, 1930	

Order-in-Council P.C. 1260 - Appointment of Honourable Rodolphe Lemieux as Member of Senate and Senator for Division of Rougemont in Province of Quebec. June 3, 1930

Order-in-Council P.C. 1262 - Appointment of George Parent, Esq., as Member of Senate and Senator for Division of Kennebec in Province of Quebec. June 3, 1930

Order-in-Council P.C. 1263 - Appointment of Jules-Edouard Prevost as Member of Senate and Senator for Division of Mille Isles in Province of Quebec. June 3, 1930

Order-in-Council P.C. 1261 - Appointment of Edmund William Tobin as Member of Senate and Senator for Division of Victoria in Province of Quebec. June 3, 1930

Order-in-Council P.C. 1264 - Appointment of Lawrence Alexander Wilson as Member of Senate and Senator for Division of Rigaud in Province of Quebec. June 3, 1930

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C 97233

FILE No. S-1304-H

RECOMMENDATION FOR APPOINTMENT TO

SENATE - QUEBEC

ON BEHALF OF

William J. Hushion

ADDRESS

VICE Honourable SENATOR Henry J. Cloran (Deceased) Feb. 8 1928

Honourable Senator G. Boyer (Deceased) Dec. 2, 1927
Honourable Senator G.C.Dessaulles (Deceased) April 19, 1930
Honourable N.K.Laflamme (Deceased) Aug.10, 1929

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Gregoire, Rev. Father R.	Prince Albert, Saskatchewan.	Nov. 27, 1928	
Walsh, M.J.	142 Notre Dame St. West, Montreal, P.Q.	Dec. 17, 1928	
Gregoire, Rev. R.	Meacham, Sask.	June 11, 1929	

Order-in-Council P.C. 1260 - Appointment of Honourable Rodolphe Lemieux as Member of Senate and Senator for Division of Rougemont in Province of Quebec. June 3, 1930.

Order-in-Council P.C. 1262 - Appointment of George Parent as Member of Senate and Senator for Division of Kennebec in Province of Quebec. June 3, 1930.

Order-in-Council P.C. 1263 - Appointment of Jules-Edouard Prevost as Member of Senate and Senator for Division of Mille Isles in Province of Quebec. June 3, 1930

Order-in-Council P.C. 1261 - Appointment of Edmund William Tobins as Member of Senate and Senator for Division of Victoria in Province of Quebec. June 3, 1930

Order-in-Council P.C. 1264 - Appointment of Lawrence Alexander Wilson as Member of Senate and Senator for Division of Rigaud in Province of Quebec. June 3, 1930

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C 97234

FILE No. S-1304-J

RECOMMENDATION FOR APPOINTMENT TO

SENATE - QUEBEC

ON BEHALF OF

J.H.Jacobs, M.D.

ADDRESS Caughnawaga, P.Q.

VICE Honourable Senator Henry J. Cloran (Deceased) Feb. 8, 1928

Honourable Senator G. Boyer (Deceased) Dec. 2, 1927

Honourable Senator G.C.Dessaulles (Deceased) April 19, 1930

Honourable N.K.Laflamme (Deceased) Aug.10, 1929

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Himself		Jan. 14, 1928	
Goldenberg,H. Carl	417 Mount Stephen Ave., Westmount, Que.	Jan. 30, 1930	

Order-in-Council P.C. 1260 - Appointment of Honourable Rodolphe Lemieux as Member of Senate and Senator for Division of Rougemont in Province of Quebec, June 3, 1930.

Order-in-Council P.C. 1262 - Appointment of George Parent as Member of Senate and Senator for Division of Kennebec in Province of Quebec, June 3, 1930.

Order-in-Council P.C. 1263 - Appointment of Jules-Edouard Prevost as Member of Senate and Senator for Division of Mille Isles in Province of Quebec, June 3, 1930.

Order-in-Council P.C. 1261 - Appointment of Edmund William Tobin as Member of Senate and Senator for Division of Victoria in Province of Quebec, June 3, 1930.

Order-in-Council P.C. 1264 - Appointment of Lawrence Alexander Wilson as Member of Senate and Senator for Division of Rigaud in Province of Quebec, June 3, 1930.

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C 97235

FILE No. S-1304-K

RECOMMENDATION FOR APPOINTMENT TO

SENATE - QUEBEC

ON BEHALF OF

W. F. Kay

ADDRESS Philipsburg, Que.

VICE Honourable Senator Henry J. Cloran (Deceased) Feb. 8, 1928
Honourable Senator G. Boyer (Deceased) Dec. 2, 1927
Honourable Senator G. C. Dessaulles (Deceased) April 19, 1930
Honourable N.K. Laflamme (Deceased) Aug. 10, 1929

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Himself		July 19, 1928	

Order-in-Council P.C. 1260 - Appointment of Honourable Rodolphe Lemieux as Member of Senate and Senator for Division of Rougemont in Province of Quebec, June 3, 1930.

Order-in-Council P.C. 1262 - Appointment of George Parent as Member of Senate and Senator for Division of Kennebec in Province of Quebec, June 3, 1930

Order-in-Council P.C. 1263 - Appointment of Jules-Edouard Prevost as Member of Senate and Senator for Division of Mille Isles in Province of Quebec, June 3, 1930.

Order-in-Council P.C. 1261 - Appointment of Edmund William Tobin as Member of Senate and Senator for Division of Victoriain Province of Quebec, June 3, 1930.

Order-in-Council P.C. 1264 - Appointment of Lawrence Alexander Wilson as Member of Senate and Senator for Division of Rigaud in Province of Quebec, June 3, 1930.

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C 97236

FILE No. S-1304-L

RECOMMENDATION FOR APPOINTMENT TO

SENATE - QUEBEC

ON BEHALF OF

Hon. Rodolphe Lemieux

ADDRESS

VICE Honourable Senator Henry J. Cloran (Deceased) Feb. 8, 1929

Honourable Senator G. Boyer (Deceased) Dec. 2, 1927

Honourable Senator G.C.Dessaulles (Deceased) April 19, 1930
Honourable N.K.Laflamme (Deceased) Aug. 10, 1929

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Robb, Hon. James A.		Oct. 8, 1929	

Order-in-Council P.C. 1260 - Appointment of Honourable Rodolphe Lemieux as Member of Senate and Senator for Division of Rougemont in Province of Quebec. June 3, 1930

Order-in-Council P.C.1262 - Appointment of George Parent, Esq. as Member of Senate and Senator for Division of Kennebec in Province of Quebec, June 3, 1930

Order-in-Council P.C. 1263 - Appointment of Jules-Edouard Prevost as Member of Senate and Senator for Division of Mille Isles in Province of Quebec, June 3, 1930

Order-in-Council P.C. 1261 - Appointment of Edmund William Tobin as Member of Senateand Senator for Division of Victoria in Province of Quebec, June 3, 1930

Order-in-Council P.C. 1264 - Appointment of Lawrence Alexander Wilson as Member of Senate and Senator for Division of Rigaud in Province of Quebec, June 3, 1930.

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FILE No. S-1304-L

RECOMMENDATION FOR APPOINTMENT TO

SENATE - QUEBEC

ON BEHALF OF

Hon. Rodolphe Lemieux

ADDRESS

VICE Honourable Senator Henry J. Cloran (Deceased) Feb. 8, 1929

Honourable Senator G. Boyer (Deceased) Dec. 2, 1927

Honourable Senator G.C.Dessaulles (Deceased) April 19, 1930
Honourable N.K.Laflamme (Deceased) Aug. 10, 1929

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Robb, Hon. James A.		Oct. 8, 1929	

Order-in-Council P.C. 1260 - Appointment of Honourable Rodolphe Lemieux as Member of Senate and Senator for Division of Rougemont in Province of Quebec. June 3, 1930

Order-in-Council P.C.1262 - Appointment of George Parent, Esq. as Member of Senate and Senator for Division of Kennebec in Province of Quebec, June 3, 1930

Order-in-Council P.C. 1263 - Appointment of Jules-Edouard Prevost as Member of Senate and Senator for Division of Mille Isles in Province of Quebec, June 3, 1930

Order-in-Council P.C. 1261 - Appointment of Edmund William Tobin as Member of Senateand Senator for Division of Victoria in Province of Quebec, June 3, 1930

Order-in-Council P.C. 1264 - Appointment of Lawrence Alexander Wilson as Member of Senate and Senator for Division of Rigaud in Province of Quebec, June 3, 1930.

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C 97237

FILE No. S-1304-K

RECOMMENDATION FOR APPOINTMENT TO

SENATE - QUEBEC

ON BEHALF OF

Kennebec Representative

ADDRESS

VICE Hon. G. Boyer (Deceased) Dec. 2, 1927
Hon. H.G.Cloran (Deceased) Feb. 8, 1928
Hon. N.K.Laflamme (Deceased) Aug. 10, 1929
Hon. G.C.Dessaulles (Deceased) April 9, 1930

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Verville, J.A.,Esq., M.P.	House of Commons, Ottawa.	May 24, 1930	

Order-in-Council P.C. 1260 - Appointment of Honourable Rodolphe Lemieux as Member of Senate and Senator for Division of Rougemont in Province of Quebec, June 3, 1930

Order-in-Council P.C. 1262 - Appointment of George Parent as Member of Senate and Senator for Division of Kennebec in Province of Quebec, June 3, 1930

Order-in-Council P.C. 1263 - Appointment of Jules-Edouard Prevost as Member of Senate and Senator for Division of Mille Isles in Province of Quebec, June 3, 1930

Order-in-Council P.C. 1261 - Appointment of Edmund William Tobin as Member of Senate and Senator for Division of Victoria in Province of Quebec, June 3, 1930.

Order-in-Council P.C. 1264 - Appointment of Lawrence Alexander Wilson as Member of Senate and Senator for Division of Rigaud in Province of Quebec, June 3, 1930

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CANADA

C 97238

FILE No. S-1304-Mc.

RECOMMENDATION FOR APPOINTMENT TO

SENATE - QUEBEC

ON BEHALF OF

Terence M. McCarron

ADDRESS Barrister, &c., 122 St. Paul Street, St. Catherines, Ont.

VICE Honourable Senator Henry J. Cloran (Deceased) Feb. 8, 1928

Honourable Senator C. Boyer (Deceased) Dec. 2, 1927
Honourable Senator G.C.Dessaulles (Deceased) April 19, 1930
Honourable N.K.Laflamme (Deceased) Aug.10, 1929

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Himself		Feb. 18, 1928	

Order-in-Council P.C. 1260 - Appointment of Honourable Rodolphe Lemieux as Member of Senate and Senator for Division of Rougemont in Province of Quebec, June 3, 1930

Order-in-Council P.C. 1262 - Appointment of George Parent, Esq., as Member of Senate and Senator for Division of Kennebec in Province of Quebec, June 3, 1930

Order-in-Council P.C. 1263 - Appointment of Jules-Edourard Prevost as Member of Senate and Senator for Division of Mille Isles in Province of Quebec, June 3, 1930

Order-in-Council P.C. 1261 - Appointment of Edmund William Tobin as Member of Senate and Senator for Division of Victoria in Province of Quebec, June 3, 1930

Order-in-Council P.C. 1264 - Appointment of Lawrence Alexander Wilson as Member of Senate and Senator for Division of Rigaud in Province of Quebec, June 3, 1930

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CANADA

C 97239

FILE No. S-1304-M

RECOMMENDATION FOR APPOINTMENT TO

SENATE - QUEBEC

ON BEHALF OF

Member of Medical Profession

ADDRESS

VICE Honourable Senator Henry J. Cloran (Deceased) Feb. 8, 1928

Honourable G. Boyer (Deceased) Dec. 2, 1927
Honourable G.C.Dessaulles (Deceased) April 19, 1930
Honourable N.K.Lafàamme (Deceased) Aug. 10, 1929

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Brassard, Dr. Arthur	Valleyfield, P.Q.	Jan. 23, 1928	
Gauvreau, Dr. Joseph	College des Medecine et Chirurgiens de la Province de Quebec, P.Q.	Jan. 23, 1928	
Morgan, Dr. E.M.	4173 Western Ave., Westmount, Qu.e	Jan. 24, 1928	
Bissonnette, Dr. Rene Secretaire de la	Lociete Medicale de Quebec, Quebec, P.Q.	Jan. 25, 1928	
Gauvreau, Dr. Joseph	Registraire du College des Medecins et Chirurgiens de la Province de Quebec, Montreal, Que.	Oct. 2, 1929	

Order-in-Council P.C. 1260 - Appointment of Honourable Rodolphe Lemieux as Member of Senate and Senator for Division of Rougemont in Province of Quebec, June 3, 1930

Order-in-Council P.C. 1260 - Appointment of George Parent Esq. as Member of Senate and Senator for Division of Kennebec in Province of Quebec, June 3, 1930

Order-in-Council P.C. 1263 - Appointment of Jules-Edouard Prevost as Member of Senate and Senator for Division of Mille Isles in Province of Quebec, June 3, 1930

Order-in-Council P.C. 1261 - Appointment of Edmund William Tobin as Member of Senate and Senator for Division of Victoria in Province of Quebec , June 3. 1930

Order-in-Council P.C. 1264 - Appointment of Lawrence Alexander Wilson as Member of Senate and Senator for Division of Rigaud in Province of Quebec. June 3, 1930

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CANADA

C 97240

FILE No. S-1304-M

RECOMMENDATION FOR APPOINTMENT TO

SENATE - QUEBEC

ON BEHALF OF

Megantic Representative

ADDRESS

VICE			
	Hon. G. Boyer	(Deceased)	Dec. 2, 1927
	Hon. H.G.Cloran	(Deceased)	Feb. 8, 1928
	Hon. N.K.Laflamme	(Deceased)	Aug. 10, 1929
	Hon. C.C.Dessaules	(Deceased)	April 19, 1930

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Lafontaine,Joseph, Esq., Secretary	Liberal Association of Megantic County, Coleraine, Que.	June 6, 1930	

Order-in-Council P.C. 1260 - Appointment of Honourable Rodolphe Lemieux as Member of Senate and Senator for Division of Rougemont in Province of Quebec, June 3, 1930

Order-in-Council P.C. 1262 - Appointment of George Parent, Esq., as Member of Senate and Senator for Division of Kennebec in Province of Quebec, June 3, 1930

Order-in-Council P.C. 1263 - Appointment of Jules-Edouard Prevost as Member of Senate and Senator for Division of Mille Isles in Province of Quebec, June 3, 1930

Order-in-Council P.C. 1261 - Appointment of Edmund William Tobin as Member of Senate and Senator for Division of Victoria in Province of Quebec, June 3, 1930

Order-in-Council P.C. 1264 - Appointment of Lawrence Alexander Wilson as Member of Senate and Senator for Division of Rigaud in Province of Quebec, June 3, 1930

P.M.—1

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C 97241

FILE No. S-1304-M

RECOMMENDATION FOR APPOINTMENT TO

SENATE - QUEBEC

ON BEHALF OF

M. Edouard Montpetit

ADDRESS

VICE Honourable Senator Henry J. Cloran (Deceased Feb.8,1928)

Honourable Senator G.Boyer (Deceased Dec.2,1927)
Honourable N.K.Laflamme Deceased) Aug. 10, 1929
Honourable G.C.Dessaulles (Deceased) April 19, 1930

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Thibaudeau Madame Alfred A.	Montreal,P.Q.	March 14, 1929	

Order-in-Council P.C. 1260 - Appointment of Honourable Rodolphe Lemieux as Member of Senate and Senator for Division of Rougemont in Province of Quebec, June 3, 1930

Order-in-Council P.C. 1262 - Appointment of George Parent, Esq., as Member of of Senate and Senator for Division of Kennebec in Province of Quebec, June 3, 1930

Order-in-Council P.C. 1263 - Appointment of Jules-Edouard Prevost as Member of Senate and Senator for Division of Mille Isles in Province of Quebec, June 3, 1930

Order-in-Council P.C. 1261 - Appointment of Edmund William Tobin as Member of Senate and Senator for Division of Victoria in Province of Quebec, June 3, 1930

Order-in-Council P.C. 1264 - Appointment of Lawrence Alexander Wilson as Member of Senate and Senator for Division of Rigaud in Province of Quebec, June 3, 1930.

P.M.—1

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C 97241
FILE No. S-1304-M

RECOMMENDATION FOR APPOINTMENT TO

SENATE - QUEBEC
ON BEHALF OF

Mde. G.D.Morin

ADDRESS St. Pie de Bagot, Quebec.

VICE Hon. G. Boyer (Deceased) Dec. 2, 1927

Hon. H.J.Cloran (Deceased) Feb. 8, 1928
Hon. G.C.Dessaulles (Deceased) April 19, 1930
Hon. N.K.Laflamme (Deceased) Aug.10, 1929

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Herself		Feb. 5, 1930	

Order-in-Council P.C. 1260 - Appointment of Honourable Rodolphe Lemieux as Member of Senate and Senator for Division of Rougemont in Province of Quebec, June 3, 1930

Order-in-Council P.C. 1262 - Appointment of George Parent, Esq., as Member of Senate and Senator for Division of Kennebec in Province of Quebec, June 3, 1930

Order-in-Council P.C. 1263 - Appointmentof Jules-Edouard Prevost as Member of Senate and Senator for Division of Mille Isles in Province of Quebec, June 3, 1930

Order-in-Council P.C. 1261 - Appointment of Edmund William Tobin as Member of Senate and Senator for Division of Victoria in Province of Quebec, June 3, 1930

Order-in-Council P.C. 1264 - Appointmentof Lawrence Alexander Wilson as Member of Senate and Senator for Division of Rigaud in Province of Quebec, June 3, 1930

P.M.—1

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C 97241

FILE No. S-1304-M

RECOMMENDATION FOR APPOINTMENT TO

SENATE - QUEBEC

ON BEHALF OF

M. Edouard Montpetit

ADDRESS

VICE Honourable Senator Henry J. Cloran (Deceased Feb.8,1928)

Honourable Senator G.Boyer (Deceased Dec.2,1927)
Honourable N.K.Laflamme Deceased) Aug. 10, 1929
Honourable G.C.Dessaulles (Deceased) April 19, 1930

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Thibaudeau Madame Alfred A.	Montreal,P.Q.	March 14, 1929	

Order-in-Council P.C. 1260 - Appointment of Honourable Rodolphe Lemieux as Member of Senate and Senator for Division of Rougemont in Province of Quebec, June 3, 1930

Order-in-Council P.C. 1262 - Appointment of George Parent, Esq., as Member of of Senate and Senator for Division of Kennebec in Province of Quebec, June 3, 1930

Order-in-Council P.C. 1263 - Appointment of Jules-Edouard Prevost as Member of Senate and Senator for Division of Mille Isles in Province of Quebec, June 3, 1930

Order-in-Council P.C. 1261 - Appointment of Edmund William Tobin as Member of Senate and Senator for Division of Victoria in Province of Quebec, June 3, 1930

Order-in-Council P.C. 1264 - Appointment of Lawrence Alexander Wilson as Member of Senate and Senator for Division of Rigaud in Province of Quebec, June 3, 1930.

P.M.—1

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C 97241
FILE No. S-1304-M

RECOMMENDATION FOR APPOINTMENT TO

SENATE - QUEBEC
ON BEHALF OF

Mde. G.D.Morin

ADDRESS St. Pie de Bagot, Quebec.

VICE Hon. G. Boyer (Deceased) Dec. 2, 1927
Hon. H.J.Cloran (Deceased) Feb. 8, 1928
Hon. G.C.Dessaulles (Deceased) April 19, 1930
Hon. N.K.Laflamme (Deceased) Aug.10, 1929

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Herself		Feb. 5, 1930	

Order-in-Council P.C. 1260 - Appointment of Honourable Rodolphe Lemieux as Member of Senate and Senator for Division of Rougemont in Province of Quebec, June 3, 1930

Order-in-Council P.C. 1262 - Appointment of George Parent, Esq., as Member of Senate and Senator for Division of Kennebec in Province of Quebec, June 3, 1930

Order-in-Council P.C. 1263 - Appointmentof Jules-Edouard Prevost as Member of Senate and Senator for Division of Mille Isles in Province of Quebec, June 3, 1930

Order-in-Council P.C. 1261 - Appointment of Edmund William Tobin as Member of Senate and Senator for Division of Victoria in Province of Quebec, June 3, 1930

Order-in-Council P.C. 1264 - Appointmentof Lawrence Alexander Wilson as Member of Senate and Senator for Division of Rigaud in Province of Quebec, June 3, 1930

P.M.—1

W.L. Mackenzie King Papers
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C 97242
FILE No. S-1304-P

RECOMMENDATION FOR APPOINTMENT TO

SENATE - QUEBEC

ON BEHALF OF

Lucien Pacaud

ADDRESS

VICE			
	Hon. G. Boyer	(Deceased)	Dec. 2, 1927
	Hon. H.J.Cloran	(Deceased)	Feb. 8, 1928
	Hon. N.K.Laflamme	(Deceased)	Aug. 10, 1929
	Hon. G.C.Dessaulles	(Deceased)	April 19, 1930

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Pacaud,Mde. Lucien	45 Knightsbridge, London, S.W.1, England.	May 19, 1930	

Order-in-Council P.C. 1260 - Appointment of Honourable Rodolphe Lemieux as Member of Senate and Senator for Division of Rougemont in Province of Quebec, June 3, 1930

Order-in-Council P.C. 1262 - Appointment of George Parent, Esq., as Member of Senate and Senator for Division of Kennebec in Province of Quebec, June 3, 1930

Order-in-Council P.C. 1263 - Appointment of Jules-Edouard Prevost as Member of Senate and Senator for Division of Mille Isles in Province of Quebec, June 3, 1930

Order-in-Council P.C. 1261 - Appointment of Edmund William Tobin as Member of Senate and Senator for Division of Victoria in Province of Quebec, June 3, 1930

Order-in-Council P.C. 1264 - Appointment of Lawrence Alexander Wilson as Member of Senate and Senator for Division of Rigaud in Province of Quebec, June 3, 1930

P.M.—1

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C 97243

FILE No. S-1304-R

RECOMMENDATION FOR APPOINTMENT TO

SENATE - QUEBEC

ON BEHALF OF

Rougemont Representative

ADDRESS

VICE

Hon. G. Boyer	(Deceased)	Dec.	2,1927
Hon. H.J.Cloran	(Deceased)	Feb.	8,1928
Hon. N.K.Laflamme	(Deceased)	Aug.	10,1929
Hon. G.C.Dessaulles	(Deceased)	April	19,1930

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Dussault, Rosaire,Esq.	St. Cesaire, Que.	April 29, 1930.	

Order-in-Council P.C. 1260 - Appointment of Honourable Rodolphe Lemieux as Member of Senate and Senator for Division of Rougemont in Province of Quebec, June 3, 1930

Order-in-Council P.C. 1262 - Appointment of George Parent, Esq., as Member of Senate and Senator for Division of Kennebec in Province of Quebec, June 3, 1930

Order-in-Council P.C. 1263 - Appointment of Jules-Edouard Prevost as Member of Senate and Senator for Division of Mille Isles in Province of Quebec, June 3, 1930

Order-in-Council P.C. 1261 - Appointment of Edmund William Tobin as Member of Senate and Senator for Division of Victoria in Province of Quebec, June 3, 1930

Order-in-Council P.C. 1264 - Appointment of Lawrence Alexander Wilson as Member of Senate and Senator for Division of Rigaud in Province of Quebec, June 3, 1930

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W.L. Mackenzie King Papers
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C 97244

FILE No. S-1304-P

RECOMMENDATION FOR APPOINTMENT TO

SENATE - QUEBEC

ON BEHALF OF

George Parent, Esq.,

ADDRESS

VICE			
	Honourable G. Boyer	(Deceased)	Dec. 2, 1927
	Honourable H.G.Cloran	(Deceased)	Feb. 8, 1928
	Honourable N.K.Laflamme	(Deceased)	Aug. 8, 1929
	Honourable G.C.Dessaules	(Deceased)	Apr. 19, 1930

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS

Order-in-Council P.C. 1260 - Appointment of Honourable Rodolphe Lemieux as Member of Senate and Senator for Division of Rougemont in Province of Quebec, June 3, 1930

Order-in-Council P.C. 1262 - Appointment of George Parent, Esq., as Member of Senate and Senator for Division of Kennebec in Province of Quebec, June 3, 1930

Order-in-Council P.C. 1263 - Appointment of Jules-Edouard Prevost as Member of Senate and Senator for Division of Mille Isles in Province of Quebec, June 3, 1930

Order-in-Council P.C. 1261 - Appointment of Edmund William Tobin as Member of Senate and Senator for Division of Victoria in Province of Quebec, June 3, 1930

Order-in-Council P.C. 1264 - Appointment of Lawrence Alexander Wilson as Member of Senate and Senator for Division of Rigaud in Province of Quebec, June 3, 1930

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C 97245
FILE No. S-1304-P

RECOMMENDATION FOR APPOINTMENT TO

SENATE - QUEBEC

ON BEHALF OF

Jules-Edouard Prevost

ADDRESS

VICE			
	Hon. G. Boyer	(Deceased)	Dec. 2, 1927
	Hon. H.G.Cloran	(Deceased)	Feb. 8, 1928
	Hon. N.K.Laflamme	(Deceased)	Aug.10, 1929
	Hon. G.C.Dessaules	(Deceased)	Apr.19, 1930

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Meunier M. Elie	St.Jerome,P.Q.	June 14, 1930	Congratulations

Order-in-Council P.C. 1260 - Appointment of Honourable Rodolphe Lemieux as Member of Senate and Senator for Division of Rougemont in Province of Quebec, June 3, 1930

Order-in-Council P.C. 1262 - Appointment of George Parent, Esq., as Member of Senate and Senator for Division of Kennebec in Province of Quebec, June 3, 1930

Order-in-Council P.C. 1263 - Appointment of Jules-Edouard Prevost as Member of Senate and Senator for Division of Mille Isles in Province of Quebec, June 3, 1930

Order-in-Council P.C. 1261 - Appointment of Edmund William Tobin as Member of Senate and Senator for Division of Victoria in Province of Quebec, June 3, 1930

Order-in-Council P.C. 1264 - Appointment of Lawrence Alexander Wilson as Member of Senate and Senator for Division of Rigaud in Province of Quebec, June 3, 1930

P.M.—1

W.L. Mackenzie King Papers
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C 97246
FILE No S-1304-S

RECOMMENDATION FOR APPOINTMENT TO

SENATE - QUEBEC

ON BEHALF OF

Mademoiselle Idola Saint Jean

ADDRESS

VICE Hon. G. Boyer (Deceased) Dec. 2, 1927

Hon. H.J.Cloran (Deceased) Feb. 8, 1928
Hon. G.C.Dessaulles (Deceased) April 19, 1930
Hon. N.K.Laflamme (Deceased) Aug.10, 1929

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Cauchon, E.D.,Esq,	1982 Rochel St.,East, Montreal, Que.	Dec. 2, 1929	
Leroux, C. Secretaire-archiviste	du Club Ouvrier Maisonneuve, 601 rue Valois,Montreal, Que.	Dec. 9, 1929	
Bradley,Henri, Secretaire-correspondent	Club Ouvrier Lafontaine 3917 rue St-Andre, Montreal, Que.	Dec. 9, 1929	
Couchon, E.D., Esq.	Montreal, Quebec.	Dec.12, 1929	
Lamarche, Mde. J.A.	Secretaire de l'Alliance Canadienne pour le vote des femmes du Quebec, 4253 rue Boyer, Montreal,Quebec.	Dec.23, 1929	
Herself		Dec. 31, 1929	Enclosing list of supporters.
Herself		Jan. 14, 1930	
Acoulon, A.	Secretaire-correspondant de l'Association Ouvrier de Quartier St-Jean,6923 rue de l'Epee, Montreal, Que.	Jan.21,1930	
Lamarche,Mde. J.A. Secretiare	Alliance Canadienne pour le vote des femmes du Quebec,4253, rue Boyer, Montreal, Que.	Feb. 14, 1930	
Audette,Ulric	Secretaire arc-correspondant, Club Ouvrier Verdun Ste Anne, 3801 blvd. Lasalle, Verdun, Que.	Feb. 13, 1930	

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FILE No. S-1304-S

Continued: **RECOMMENDATION FOR APPOINTMENT TO**

SENATE - QUEBEC

ON BEHALF OF

Mademoiselle Idola Saint Jean

ADDRESS

VICE Hon. G. Boyer (Deceased) Dec. 2, 1927

Hon. H.J.Cloran (Deceased) Feb. 8, 1928
Hon. G.C.Dessaulles(Deceased) April 19, 1930
Hon. N.K.Laflamme(Deceased) Aug.10, 1929

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Graveline,Mde. A.J.	St. Roch de Richelieu, Quebec.	Feb. 13, 1930	
Allard, Mde.H. Choquette,Pres.	Club Laurier des Femmes de Montreal, 8128, rue Saint-Denis, Montreal,Que.	Feb. 15,1930	
DeLuca, Mrs. E.	4655 St. Urbain Street, Montreal, Quebec.	Feb. 21, 1930	
Matteau, Mde. Emilia	603 Davidson,Hochelaga, Montreal,Que.	Feb. 22, 1930	

Order-in-Council P.C. 1260 - Appointment of Honourable Rodolphe Lemieux as Member of Senate and Senator for Division of Rougemont in Province of Quebec, June 3, 1930

Order-in-Council P.C. 1262 - Appointment of George Parent, Esq. as Member of Senate and Senator for Division of Kennebec in Province of Quebec, June 3, 1930

Order-in-Council P.C. 1263 - Appointment of Jules-Edouard Prevost as Member of Senate and Senator for Division of Mille Esles in Province of Quebec, June 3, 1930

Order-in-Council P.C. 1261 - Appointment of Edmund William Tobin as Member of Senate and Senator for Division of Victoria in Province of Quebec, June 3, 1930

Order-in-Council PC. 1264 - Appointment of Lawrence Alexander Wilson as Member of Senate and Senator for Division of Rigaud in Province of Quebec, June 3, 1930

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C 97248
FILE No. S-1304-S

RECOMMENDATION FOR APPOINTMENT TO

SENATE - QUEBEC

ON BEHALF OF

P.A. Seguin, M.P.,

ADDRESS L'Assomption, Quebec.

VICE			
	Honourable N.K. Laflamme	(Deceased)	August 10, 1929
	Hon. H.J. Cloran	(Deceasee)	Feb. 8, 1928
	Hon. G. Boyer	(Deceased)	Dec. 2, 1927
	Hon. G.C. Dessaulles	(Deceased)	April 19, 1930

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Himself		August 20, 1929	

Order-in-Council P.C. 1260 - Appointment of Honourable Rodolphe Lemieux as Member of Senate and Senator for Division of Rougemont in Province of Quebec, June 3, 1930

Order-in-Council P.C. 1262 - Appointment of George Parent, Esq., as Member of Senate and Senator for Division of Kennebec in Province of Quebec, June 3, 1930

Order-in-Council P.C. 1263 - Appointment of Jules-Edourard Prevost as Member of of Senate and Senator for Division of Mille Isles in Province of Quebec, June 3, 1930

Order-in-Council P.C. 1261 - Appointment of Edmund William Tobin as Member of Senate and Senator for Division of Victoria in Province of Quebec, June 3, 1930

Order-in-Council P.C. 1264 - Appointment of Lawrence Alexander Wilson as Member of Senate and Senator for Division of Rigaud in Province of Quebec, June 3, 1930

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C 97249
FILE No. S-1304-T

RECOMMENDATION FOR APPOINTMENT TO

SENATE - QUEBEC

ON BEHALF OF

E. W. Tobin, M.P.

ADDRESS

VICE Honourable Senator Henry J. Cloran (Deceased) Feb. 8, 1928
Hon. N.K.Laflamme (Deceased) Aug.10,1929
Honourable Senator G. Boyer (Deceased) Dec. 2, 1929
Hon. G.C.Dessaulles (Deceased) April 19, 1930

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Grothe, Hon. R.O.,M.L.C.	Montreal, P.Q.	April 11, 1928	
Farwell E.W.	Sherbrooke,P.Q.	Feb. 2, 1929	

Order-in-Council P.C. 1260 - Appointment of Honourable Rodolphe Lemieux as Member of Senate and Senator for Division of Rougemont in Province of Quebec. June 3. 1930

Order-in-Council P.C. 1262 - Appointment of George Parent, Esq., as Member of Senate and Senator for Division of Kennebec in Province of Quebec. June 3. 1930

Order-in-Council P.C. 1263 - Appointment of Jules-Edourard Prevost as Member of Senate and Senator for Division of Mille Isles in Province of Quebec. June 3. 1930

Order-in-Council P.C. 1261 - Appointment of Edmund William Tobin as Member of Senate and Senator for Division of Victoria in Province of Quebec. June 3. 1930

Order-in-Council P.C. 1264 - Appointment of Lawrence Alexander Wilson as Member of Senate and Senator for Division of Rigaud in Province of Quebec. June 3. 1930

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W.L. Mackenzie King Papers
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CANADA

C 97250

FILE No. S-1304-T

RECOMMENDATION FOR APPOINTMENT TO

Senate - Quebec

ON BEHALF OF

Lucien Turgeon

ADDRESS Rock Forest, Quebec.

VICE Hon. N.K.Laflamme (Deceased) August 10, 1929.
Hon. G. Boyer (Deceased) Dec. 2, 1927
Hon. Henry J. Cloran (Deceased) Feb. 8, 1928
Hon. G.C.Dessaulles (Deceased) April 19, 1930

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Himself		August 22, 1929	

Order-in-Council P.C. 1260 — Appointment of HOnourable Rodolphe Lemieux as Member of Senate and Senator for Division of Rougemont in Province of Quebec, June 3, 1930

Order-in-Council P.C. 1262 — Appointment of George Parent, Esq., as Member of Senate and Senator for Division of Kennebec in Province of Quebec, June 3, 1930

Order-in-Council P.C. 1263 — Appointment of Jules-Edourard Prevost as Member of Senate and Senator for Division of Mille Isles in Province of Quebec, June 3, 1930

Order-in-Council P.C. 1261 — Appointment of Edmund William Tobin as Member of Senate and Senator for Division of Victoria in Province of Quebec, June 3, 1930

Order-in-Council P.C. 1264 — Appointment of Lawrence Alexander Wilson as Member of Senate and Senator for Division of Rigaud in Province of Quebec, June 3, 1930

P.M.—1

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C 97251

FILE No. S-1304-W

RECOMMENDATION FOR APPOINTMENT TO

SENATE - QUEBEC

ON BEHALF OF

W. M. Wallace, C.E.

ADDRESS 58 Palace Hill, Quebec, Que.

VICE Honourable Senator Henry J. Cloran (Deceased) Feb. 8, 1928
Hon. N.K.Laflamme (Deceased) Aug. 10, 1929
Honourable Senator G. Boyer (Deceased) Dec. 2, 1927
Hon. G.C.Dessaulles (Deceased) April 19, 1930

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Himself		January 10, 1929	

Order-in-Council P.C. 1260 — Appointment of Honourable Rodolphe Lemieux as Member of Senate and Senator for Division of Rougemont in Province of Quebec. June 3, 1930

Order-in-Council P.C. 1262 — Appointment of George Parent, Esq., as Member of Senate and Senator for Division of Kennebec in Province of Quebec. June 3, 1930

Order-in-Council P.C. 1263 — Appointment of Jules-Edouard Prevost as Member of Senate and Senator for Division of Mille Isles in Province of Quebec, June 3, 1930

Order-in-Council P.C. 1261 — Appointment of Edmund William Tobin as Member of Senate and Senator for Division of Victoria in Province of Quebec, June 3, 1930

Order-in-Council P.C. 1264 — Appointment of Lawrence Alexander Wilson as Member of Senate and Senator for Division of Rigaud in Province of Quebec, June 3, 1930

P.M.—1

W.L. Mackenzie King Papers
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PUBLIC ARCHIVES
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CANADA

C 97252
FILE No. S-1304-W

RECOMMENDATION FOR APPOINTMENT TO

SENATE - QUEBEC

ON BEHALF OF

William M. Weir

ADDRESS President Canada Foundries & Forgings Ltd.

VICE Honourable Senator Henry J. Cloran (Deceased) Feb. 8, 1928
Hon. Senator G. Boyer (Deceased) Dec. 2, 1927
Hon. N.K.Laflamme (Deceased) Aug. 10, 1929
Hon. G.C.Dessaulles (Deceased) April 19, 1930

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Bartlett, Rev. E.G.,S.J. Rector	Loyola College, Montreal, Quebec.	March 23, 1928	

Order-in-Council P.C. 1260 - Appointment of Honourable Rodolphe Lemieux as Member of Senate and Senator for Division of Rougemont in Province of Quebec, June 3, 1930

Order-in-Council P.C. 1262 - Appointment ofGeorge Parent, Esq., as Member of Senate and Senator for Division of Kennebec in Province of Quebec, June 3, 1930

Order-in-Council P.C. 1263 - Appointment of Jules-Edouard Prevost as Member of Senate and Senator for Division of Mille Isles in Province of Quebec, June 3, 1930

Order-in-Council P.C. 1261 - Appointment of Edmund William Tobin as Member of Senate and Senator for Division of Victoria in Province of Quebec, June 3, 1930

Order-in-Council P.C. 1264 - Appointment of Lawrence Alexander Wilson as Member of Senate and Senator for Division of Rigaud in Province of Quebec, June 3, 1930

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C 97253

FILE No. S-1304-W

RECOMMENDATION FOR APPOINTMENT TO

SENATE - QUEBEC

ON BEHALF OF

L. A. Wilson

ADDRESS

VICE	Honourable Senator Henry J. Cloran	(Deceased)	Feb. 8, 1928
	Hon. Senator G. Boyer	(Deceased)	Dec. 2, 1927
	Hon. N.K.Laflamme	(Deceased)	Aug. 10, 1929
	Hon. G.C.Dessaulles	(Deceased)	April 19, 1930

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Dubeau, Adrien	Ste-Justine Station, Quebec.	Mar. 14, 1928	
Branchaud, Mrs. Arthur	1455 Drummond St., Montreal, Que.	Nov. 19, 1928	

Order-in-Council P.C. 1260 - Appointment of Honourable Rodolphe Lemieux as Member of Senate and Senator for Division of Rougemont in Province of Quebec, June 3, 1930

Order-in-Council P.C. 1262 - Appointment of George Parent, Esq., as Member of Senate and Senator for Division of Kennebec in Province of Quebec, June 3, 1930

Order-in-Council P.C. 1263 - Appointment of Jules-Edouard Prevost as Member of Senate and Senator for Division of Mille Isles in Province of Quebec, June 3, 1930

Order-in-Council P.C. 1261 - Appointment of Edmund William Tobin as Member of Senate and Senator for Division of Victoria in Province of Quebec, June 3, 1930

Order-in-Council P.C. 1264 - Appointment of Lawrence Alexander Wilson as Member of Senate and Senator for Division of Rigaud in Province of Quebec, June 3, 1930

P.M.—1

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FILE No. S-1304-M

RECOMMENDATIONS FOR APPOINTMENT TO

SENATE - QUEBEC

VICE

MARTIN, HON. MEDERIC

P.M.—2

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C 97255
FILE No. S-1304-M

RECOMMENDATION FOR APPOINTMENT TO

SENATE - QUEBEC

ON BEHALF OF

Hon. Mederic Martin

ADDRESS

VICE

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Tatarinsky, M.?ESQ. Secretary	Hebrew Political Club of Montreal, 5375 Park Avenue, Montreal, Que.	June 10, 1930	

P.M.—1

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C 97256
FILE No. S-1305

RECOMMENDATIONS FOR APPOINTMENT TO

SENATE - ONTARIO

VICE .....

.....

BADIE, W. McLAWS, ESQ.

RAYMOND, W.G., ESQ.

VERRAL, GEORGE

WATSON, R.J., ESQ.

CAMERON, A.D.

O,MISS J.W., ESQ.

DUNNELL, JOHN,ESQ.

P.M.—2

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C 97256
FILE No. S-1305

RECOMMENDATIONS FOR APPOINTMENT TO

SENATE - ONTARIO

VICE .....

.....

EADIE, W. McLAWS, ESQ.

RAYMOND, W.G., ESQ.

VERRAL, GEORGE

WATSON, R.J., ESQ.

CAMERON, A.D.

O,MISS J.W., ESQ.

DUNNELL, JOHN,ESQ.

P.M.—2

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C 97257

FILE No. S-1305-C

RECOMMENDATION FOR APPOINTMENT TO

SENATE - ONTARIO

ON BEHALF OF

A.D. Cameron

ADDRESS

VICE

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Stewart, Mrs. A.M.	Owen Sound, Ontario.	March 26, 1930	

P.M.—1

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CANADA

C 97258

FILE No. S-1305-D

RECOMMENDATION FOR APPOINTMENT TO

SENATE - ONTARIO

ON BEHALF OF

John Dunnell, Esq.

ADDRESS 96 King Street, London, Ontario.

VICE

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Himself		May 22, 1930	

P.M.—1

W.L. Mackenzie King Papers
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PUBLIC ARCHIVES
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CANADA

C 97259
FILE No. S-1305 -E

RECOMMENDATION FOR APPOINTMENT TO

SENATE - ONTARIO

ON BEHALF OF

W. McLaws Eadie, Esq.,

ADDRESS Brant Street School, Toronto, Ontario.

VICE

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Himself		March 22, 1930	

P.M.—1

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CANADA

C 97260

FILE No. S-1305-0

RECOMMENDATION FOR APPOINTMENT TO

SENATE - ONTARIO

ON BEHALF OF

Miss J.W.Ogilvie

ADDRESS St. T homas, Ontario.

VICE

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Ferguson, G.A.	St. Thomas, Ontario.	April 1, 1930	
McKeon, Esq.	Chancellor, St.Martin's Rectory, London, Ontario.	April 1, 1930	
The Service Lamp Co., Ltd.	London, Ontario.	July 9, 1930	
Wilson, John, Esq., President.	Aylmer Steam Laundry, Aylmer, Ontario.	July 9, 1930	
McKeon, P.J., ESQ.,	Chancellor, St.Martin's Rectory, London,Ontario.	July 15, 1930	
Vincent, Joseph	Ontario.	July 2, 1930	

P.M.—1

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CANADA

C 97261

FILE No. S-1305-R

RECOMMENDATION FOR APPOINTMENT TO

SENATE - ONTARIO

ON BEHALF OF

W. G. Raymond, Esq.,

ADDRESS Brantford, Ontario.

VICE

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Himself		March 31, 1930.	

P.M.—1

W.L. Mackenzie King Papers
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CANADA

C 97262

FILE No. S-1305-V

RECOMMENDATION FOR APPOINTMENT TO

SENATE - ONTARIO

ON BEHALF OF

George Verral, Esq.,

ADDRESS

VICE

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Green, Duncan, Esq., Secretary.	West York Liberal Association, Swansea, Ont.	March 24, 1930	

P.M.—1

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CANADA

C 97263

FILE No. S-1305-W

RECOMMENDATION FOR APPOINTMENT TO

SENATE - ONTARIO

ON BEHALF OF

R.J.Watson, ESQ.

ADDRESS Burk's Falls, Ontario.

VICE

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Himself		March 24, 1930	

P.M.—1

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CANADA

FILE No. C 27364

RECOMMENDATIONS FOR APPOINTMENT TO

SENATE - SASKATCHEWAN

VICE

McDONALD, CHARLES

P.M.—2

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CANADA

C 97265

FILE No. S-1307-Mc

RECOMMENDATION FOR APPOINTMENT TO

SENATE - SASKATCHEWAN

ON BEHALF OF

Charles McDonald

ADDRESS

VICE

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Lacroix, C.S. Secretary-Treasurer	Lacroix Brothers & Co., Ltd.	Dec. 31, 1928	

P.M.—1

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C 97266

FILE No. S-1308

RECOMMENDATIONS FOR APPOINTMENT TO

SENATE - ALBERTA

VICE .....

.....

MURPHY, MRS. EMILY

P.M.—2

W.L. Mackenzie King Papers
Memoranda & Notes

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C 97267

FILE No. S-1308-M

RECOMMENDATION FOR APPOINTMENT TO

SENATE - ALBERTA

ON BEHALF OF

Mrs. Emily Murphy

ADDRESS

VICE

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Simpson-Hayes, Mrs. Kate	"Lynwood" 1175 Haro Street, Vancouver, B.C.	January 6, 1930	
Howson, W.R., Esq., President.	Alberta Federal Liberal Executive, Bank of Commerce Chambers, Edmonton, Alberta.	January 13, 1930	

P.M.—1

W.L. Mackenzie King Papers
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FILE No. S-1308-M

RECOMMENDATION FOR APPOINTMENT TO

SENATE - ALBERTA

ON BEHALF OF

Mrs. Emily Murphy

ADDRESS

VICE

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Simpson-Hayes, Mrs. Kate	"Lynwood" 1175 Haro Street, Vancouver, B.C.	January 6, 1930	
Howson, W.R., Esq., President.	Alberta Federal Liberal Executive, Bank of Commerce Chambers, Edmonton, Alberta.	January 13, 1930	

P.M.—1

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FILE No. S-1308-M

RECOMMENDATION FOR APPOINTMENT TO

SENATE - ALBERTA

ON BEHALF OF

Mrs. Emily Murphy

ADDRESS

VICE

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Simpson-Hayes, Mrs. Kate	"Lynwood" 1175 Haro Street, Vancouver, B.C.	January 6, 1930	
Howson, W.R., Esq., President.	Alberta Federal Liberal Executive, Bank of Commerce Chambers, Edmonton, Alberta.	January 13, 1930	

P.M.—1

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FILE No. S-1309 C 97268

RECOMMENDATIONS FOR APPOINTMENT TO

SENATE - BRITISH COLUMBIA

VICE HON. SENATOR BOSTOCK (DECEASED) APRIL 28, 1930

KING, DR. J.H.

SMITH, MRS. MARY ELLEN

MacDONALD, DR. K.C.

COSSITT, F.B., ESQ.

McDonald, Charles

Order-in-Council P.C. 1308 - Appointment of Hon. J.H.King, M.D., C.m., F.A.S.C., LL.D. as Member of Senate and Senator for Province of British Columbia June 7. 1930.

P.M.—2

W.L. Mackenzie King Papers
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CANADA

C 97269

FILE No. S-1309-C

RECOMMENDATION FOR APPOINTMENT TO

SENATE - ONTARIO

ON BEHALF OF

F. B. Cossitt, Esq.

ADDRESS Vernon, British Columbia.

VICE Hon. Senator Bostock (Deceased) April 28, 1930

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Himself		May 17, 1930	

Order-in-Council P.C. 1308 - Appointment of Hon. James H. King, M.C., C.M., F.A.C.S., LL.D., as Member of Senate and Senator for Province of British Columbia. June 7, 1930

P.M.—1

W.L. Mackenzie King Papers
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CANADA

C 97270

FILE No. S-1309-S

RECOMMENDATION FOR APPOINTMENT TO

SENATE - BRITISH COLUMBIA

ON BEHALF OF

Mrs. Mary Ellen Smith

ADDRESS

VICE Hon. Senator Bostock (Deceased) April 28, 1930

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Wilson, Guy, Esq.	Bank of Nova Scotia Bldg. 602 Hastings Street West, Vancouver, British Columbia	May 9, 1930	

Order-in-Council P.E. 1308 - Appointment of Hon. James H. King, M.D., C.M., F.A.C.S., LL.D., as Member of Senate and Senator for Province of British Columbia, June 7, 1930.

P.M.—1

W.L. Mackenzie King Papers
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C 97271

FILE No. S-1309-K
(Confl.)

RECOMMENDATION FOR APPOINTMENT TO

SENATE - BRITISH COLUMBIA

ON BEHALF OF

Dr. J. H. King

ADDRESS

VICE Hon. Senator Bostock (Deceased) April 28, 1930

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Munn, A.E., Esq.,	736 Granville Street, Vancouver, B.C.	May 10, 1930	

Oder-in-Council P.C. 1308 - Appointment of Hon. James H. King, M.D., C.M., F.A.C.S., LL.D., as Member of Senate and Senator for Province of British Columbia. June 7, 1930.

P.M.—1

W.L. Mackenzie King Papers
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PUBLIC ARCHIVES
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CANADA

C 97272

FILE No. S-1309-Mc

RECOMMENDATION FOR APPOINTMENT TO

SENATE - BRITISH COLUMBIA

ON BEHALF OF

Charles MacDonald

ADDRESS

VICE Hon. Senator Bostock (Deceased) April 28, 1930

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
MacRae, C., Esq.	Vancouver, B.C.	June 6, 1930	

Order-in-Council P.C. 1308 - Appointment of Hon. James H. King, M.D., C.M., F.A.C.S., LL.D., as Member of Senate and S Senator for Province of British Columbia. June 7, 1930.

P.M.—1

W.L. Mackenzie King Papers
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C 97272

FILE No. S-1309-Mc

RECOMMENDATION FOR APPOINTMENT TO

SENATE - BRITISH COLUMBIA

ON BEHALF OF

Charles MacDonald

ADDRESS

VICE Hon. Senator Bostock (Deceased) April 28, 1930

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
MacRae, C., Esq.	Vancouver, B.C.	June 6, 1930	

Order-in-Council P.C. 1308 - Appointment of Hon. James H. King, M.D., C.M., F.A.C.S., LL.D., as Member of Senate and S Senator for Province of British Columbia. June 7, 1930.

P.M.—1

W.L. Mackenzie King Papers
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C 97273

FILE No. S-1309-Mc

RECOMMENDATION FOR APPOINTMENT TO

SENATE - BRITISH COLUMBIA

ON BEHALF OF

Dr. K.C. Macdonald

ADDRESS Vernon, B.C.

VICE Hon. Senator Bostock (Deceased) April 28, 1930

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Gillis, J.J., Esq., M.L.A.	Kamloops, British Columbia.	June 3, 1930	
MacLaren, Kenneth, Esq.	Kamloops, British Columbia.	June 3, 1930	

Order-in-Council P.C. 1308 - Appointment of Hon. James H. King, M.D., C.M F.A.C.S., LL.D., as Mmeber of Senate and Senator for Province of British Columbia, June 7, 1930.

P.M.—1

W.L. Mackenzie King Papers
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C 37274
FILE No. S-1306

RECOMMENDATIONS FOR APPOINTMENT TO

SENATE / MANITOBA

VICE SENATOR WALSH (DECEASED) May 19, 1929.

PATERSON, H.S.

BREAKEY, JAMES

CAMBPELL, J.A.

IVERACH, WILLIAM

THORNTON, DR. R.S.,
M.B., C.M., LL.D., L.M.C.C.

JOHANNESSON, DR. S.J.

KIRVAN, A.W.

HAMILTON, FRED C.

FORKE, HON. ROBERT

HILL, A.E.

LACKNER, FRANK A.

LAIDLAW, JOHN W.

WILLIAMS, JOHN

LEADER, HARRY

CAMERON, DUNCAN

CREIGHTON, DAVID

CAMPBELL, DAVID

LABOUR REPRESENTATIVE

ORDER-IN-COUNCIL P.C.2539 - Appointment of Honourable Robert Forke as Member of Senate and Senator for Province of Manitoba. Dec. 30, 1929

P.M.—2

W.L. Mackenzie King Papers
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CANADA

C 97275

FILE No. S-1306-B

RECOMMENDATION FOR APPOINTMENT TO

SENATE - MANITOBA

ON BEHALF OF

James W. Breakey, M.L.A.

ADDRESS

VICE Senator Watson (Deceased) May 19, 1929.

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Robson, Hon. H.A.,K.C.	704 Trust and Loan Building, Winnipeg, Manitoba.	May 23, 1929	
McPherson, E.A.	Ottawa, Ontario	June 13, 1929	

ORDER-IN-COUNCIL P.C. 2539 - Appointment of Honourable Robert Forke as a Member of the Senate and Senator of Province of Manitoba. Dec. 30, 1929

P.M.—1

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C 97276

FILE No. S-1306-C

RECOMMENDATION FOR APPOINTMENT TO

SENATE - MANITOBA

ON BEHALF OF

Duncan Cameron

ADDRESS Messrs. D. C. Adams Coal Company Ltd.,

Winnipeg, Manitoba.

VICE Senator Watson, (Deceased) May 19, 1929.

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Himself		July 5, 1929.	

ORDER-IN-COUNCIL P.C. 2539 - Appointment of the Honourable Robert Forke as Member of Senate and Senator for the Province of Manitoba. Dec. 30, 1929.

P.M.—1

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C 97277
FILE No. S-1306-C

RECOMMENDATION FOR APPOINTMENT TO

SENATE - MANITOBA

ON BEHALF OF

David Campbell, K.C.

ADDRESS

VICE Senator Watson (Deceased) May 19, 1929.

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Nichol, J., Esq. Secretary.	Order of Railway Conductors and Brotherhood of Railroad Trainmen, North Battleford, Saskatchewan.	Nov. 13, 1929	
Barry, W. J.,Esq. Chairman	Order of Railroad Telegraphers Regina Division, Canadian Pacific Railway, Regina, Saskatchewan	Nov.20, 1929	
Trinder, W., Esq. Recording Secretary.	Coronation Lodge No. 809, Brotherhood of Locomotive Firemen and Engineman, Edmonton, Alberta.	Nov. 22, 1929	
Laing, R.M.,Esq.	C/o Order of Railway Conductors and Brotherhood of Railroad Trainmen, Prince Albert, Saskatchewan.	Nov. 22, 1929.	
McAndrew, A., ESQ.	427 Iroquois Street W., Moose Jaw, Saskatchewan	Nov. 23, 1929.	
Chester, W.G.,Esq. General Chairman	Order of Railway Conductors Canadian Pacific Railway Co. Winnipeg, Manitoba.	Nov. 7, 1929.	
McTavish,L.D.,Esq.	47 Coteau Street East, Moosejaw, Saskatchewan	Nov. 25, 1929.	
Ainsley, R.B.,Esq.	Local Chairman,Division 43 C.N.R.,Order Railroad Telegraphers, Prince Albert, Sask.	Nov. 25, 1929.	

P.M.—1

W.L. Mackenzie King Papers
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C 97278
FILE No. S-1306-C

Continued **RECOMMENDATION FOR APPOINTMENT TO**

SENATE - MANITOBA

ON BEHALF OF

David Campbell, K.C.

ADDRESS

VICE Senator Watson (Deceased) May 19th, 1929.

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Phillips, W.H., ESQ. General Chairman	Order of Railroad Telegraphers, C.N.R., Winnipeg, Manitoba.	Nov. 23, 1929	
Whiting, F.,Esq. Chairman	Brotherhood of Locomotive Firemen and Enginemen, Mirror, Alberta.	Nov.23, 1929	
Wedge, James,Esq.	Order of Railway Conductors, Brotherhood Railroad Trainmen,Saskatoon, Sask.	Nov.23,1929	
Himself		Nov. 6, 1929	
Mathieson, R.F.,Esq. Secretary.	Division 583,Brotherhood of Locomotive Engineers, 642 Walker Avenue, Winnipeg, Manitoba.	Nov.28, 1929	
Harris, C.H., Esq. Recording Secretary.	North Star Lodge No.810 Brotherhood of Locomotive Firemen and Enginemen, Edmonton, Alberta.	Nov.29, 1929	
Taylor, W.,Esq. Secretary	North Star Lodge No.261, Brotherhood of Maintenance of Way Employees,Prince Albert, Saskatchewan.	Nov.29, 1929	
Miller, George,Esq. Secretary-Treasurer	Lodge 1686, Maintenance of Way Employees,Watrous, Saskatchewan.	Nov.29, 1929	
Rumley, William,Esq. Recording Secretary	Lodge 696,Brotherhodd of Locomotive Firemen and Enginemen, Regina,Sask.	Nov. 30,1929	
Feaveryear,G.,Esq.	1147 Ingersoll Street, Winnipeg, Manitoba.	Dec. 2, 1929	

P.M.—1

W.L. Mackenzie King Papers
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C 97279
FILE No. S-1306-C

Continued RECOMMENDATION FOR APPOINTMENT TO

SENATE - MANITOBA
ON BEHALF OF

David Campbell, K.C.

ADDRESS

VICE Senator Watson (Deceased) May 19th, 1929.

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Draper,N.S., Esq.	Elm Grove,Manitoba.	Dec. 2, 1929	
Stuckey,W.G.,Esq.	P.O.Box 195,Portage la Prairie,Manitoba.	Dec. 2, 1929	
McMurray, Hon. E.J.	410 Electric Railway Chambers,Winnipeg,Man.	Nov. 29, 1929	
Webber, H.,Esq.	577 Walker Avenue, Winnipeg, Manitoba	Dec. 3, 1929	
Conyers, J.M.,Esq.	Melfort, Saskatchewan.	Dec. 5, 1929	
Coulson, L.,Esq.	90 McAdam Avenue, Winnipeg, Manitoba	Dec. 6, 1929	
Ward, J.B.,Esq.	503 Harvard Avenue, Notre Dame de Grace, Montreal, Que.	Dec. 6, 1929	
Best, W.L., ESQ.	135 Powell Avenue, Ottawa.	Dec. 6, 1929	
Pearce, A.E., Esq.	15 th.Avenue and Pasqua Street, Regina, Saskatchewan.	Dec. 7, 1929	
Donnelly,Thos.F., Esq.,M.P.	Kincaid, Sask.	Dec. 7, 1929	
Kranz, J.,ESQ. Secretary.	Buffalo Park Lodge,No. 581,Brotherhood of Railroad Trainmen, Biggar,Saskatchewan.	Dec. 10, 1929	
Martin, D.M.,Esq. Local Chairman.	The Order of Railroad Telegraphers,Moose Jaw, Saskatchewan.	Dec. 10, 1929	

P.M.—1

W.L. Mackenzie King Papers
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C 97280
FILE No. S-1306-C.

Continued **RECOMMENDATION FOR APPOINTMENT TO**

SENATE / MANITOBA

ON BEHALF OF

David Campbell,K.C.

ADDRESS

VICE Senator Watson (Deceased) May 19th, 1929.

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Godley, S.H.,Esq. Secretary-Treasurer	International Brotherhood of Locomotive Engineers, 215 Fifth Street, Brandon,Manitoba.	Dec. 11, 1929	
Coote, G.G., Esq., M.P.	Nanton, Alberta.	Dec. 10, 1929	
Reynolds,E.C.,ESQ.	Secretary-Treasurer, Division No. 847, Brotherhood of Locomotive Engineers, Biggar, Saskatchewan.	Dec. 13, 1929	
Worsley, J.H.,Esq.	Local Chairman, Brotherhood of Locomotive Firemen and Enginemen, Kamloops, B.C.	Dec. 13, 1929	
Campbell, Thomas,Esq.	Secretary of Lodge 635, Brotherhood of Locomotive Firemen and Enginemen, Calgary,Alberta.	Dec. 13, 1929	
Doan, George F.,Esq.	Lake of the Woods Lodge No. 270, Brotherhood of Railroad Trainmen, Kenora, Ontario.	Dec. 14, 1929	
McIntosh,James Secretary.	Crow's Nest Lodge No. 785, Brotherhood of Railroad Trainmen,Lethbridge, Alberta.	Dec.16, 1929	
Glenwright,Thomas F., Secretary Division 47,Winnipeg, Manitoba.	Order of Railway Conductors	Dec.16,1929	
Herr,W.F.,Esq. Secretary-Treasurer	Fort Garry Lodge No.323, 608 Garwood Avenue, Winnipeg, Manitoba.	Dec. 16, 1929	

P.M.—1

W.L. Mackenzie King Papers
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PUBLIC ARCHIVES
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FILE No. S-1306-C

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RECOMMENDATION FOR APPOINTMENT TO

SENATE - MANITOBA

ON BEHALF OF

David Campbell, K.C.

ADDRESS

VICE Senator Watson (Deceased) May 19th, 1929.

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Wetsch, W.P.,Esq.	Jasper, Alberta.	Dec. 17, 1929	
Noble,M.N., Esq.	J.M.Egan Lodge No 223, Brotherhood of Railroad Trainmen, Winnipeg, Manitoba.	Dec. 17, 1929	
Adams, Miss Mabel Secretary	Prairie Flower Lodge No. 208, Ladies' Society of the Brotherhood of Locomotive Firemen and Enginemen, Winnipeg, Manitoba.	Dec. 17, 1929	
Bracken, E., Esq.	Legislative Representative, Lodge 521, Brotherhood of Locomotive Firemen and Enginemen, 476 Ominica St., West, Moose Jaw,Saskatchewan	Dec.18,1929	
Vincent, T.H,Esq. Secretary.	Division 604,Order of Railway Conductors of America, 695 Mulvey Ave., Winnipeg, Manitoba.	Dec. 18, 1929	
Lynch, H.H., Esq.,	Brotherhood of Locomotive Firemen & Enginemen, 805 Ottawa Electric Building, Ottawa.	Dec.18, 1929	
Marshall, Sam	Round Hills, Alberta.	Dec. 21, 1929	
Bothwell, Charles E. Esq., M.P.	Swift Current, Sask.	Dec. 28, 1929	
Chapman,W.H.,Esq., Secretary.	Division No. 832,International Brotherhood of Locomotive Engineers, 549 - 19th Street East,Prince Albert, Saskatchewan.	Jan. 17, 1930	

P.M.—1

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FILE No. S-1306-C

RECOMMENDATION FOR APPOINTMENT TO

SENATE - MANITOBA

ON BEHALF OF

David Campbell, K.C.

ADDRESS

VICE Senator Watson 'Deceased) May 19th, 1929.

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Westbury, E.H., Esq., Secretary	Wheat City Lodge 464, Brotherhood of Locomotive Firemen and Enginemen, Brandon, Manitoba.	Dec. 26, 1929	
Williams, A.G., Esq.	Recording Secretary, Cascade Lodge No. 342, Brotherhood of Locomotive Firemen and Enginemen, Medicine Hat, Alberta.	Dec. 26, 1929	
Lee, C.W., Esq.,	Legislative Committee, Division 591, Brotherhood of Railroad Trainmen, Edmonton, Alberta.	Dec. 26, 1929	
Patton, F.A., Esq. Secretary	Charity Lodge No. 304, Brotherhood of Railroad Trainmen, Medicine Hat, Alberta.	Dec. 30, 1929	
Cooper, Thomas, Treasurer-Secretary	Brotherhood of Maintenance of Way Employees, Edson, Alberta.	Jan. 4, 1930	

ORDER-IN-COUNCIL - COUNCIL P.C. 2539 - Appointment of Honourable Robert Forke as Member of Senate and Senator for Province of Manitoba. Dec. 30, 1929.

Carlton, T., Esq.,	Secretary, Lodge No. 169, Maintenance of Way Employees, P.O. Box 23, Melville, Sask.	Jan. 7, 1930	
Dare, A.E., Esq.,	Secretary, Prince Albert Lodge, #784, Prince Albert, Sask.	Jan. 10, 1930	
Robertson, P.J.	Spring Valley, Sask.	Nov. 19, 1929	

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FILE NO. S-1306-C

RECOMMENDATION FOR APPOINTMENT TO

SENATE - MANITOBA

ON BEHALF OF

J. A. Campbell

ADDRESS

VICE Senator Watson - (Deceased) May 19, 1929

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Ross, D.A. Secretary	Northern Manitoba Proppectors' Ass'n., The Pas, Man.	May 29, 1929.	
Henderson, W.R.	The Pas, Man.	May 30, 1929	
Fagen, Robert President.	Liberal Ass'n., Dauphin, Man.	May 30, 1929	
Bennett, H.W. President	Bd. of Trade, The Pas, Man.	May 30, 1929	
Butning, W. H. Secretary	Northern Manitoba Liberal Ass'n. The Pas, Man.	May 30, 1929	
Thompson, W.T. President	Cranberry Portage Lib. Ass'n., The Pas, Manitoba	May 31, 1929	
Wilson, W.W.W. President	Russell Lib. Ass'n., Russell, Man.	May 31, 1929	
Shortreed, Dr. George D., Grandview, Man.		June 4, 1929	
McDonald, E.W. President	Swan, Valley Lib. Ass'n, Swan River, Manitoba.	June 4, 1929	
Smith, Richard C. Barrister	Dauphin, Man.	June 5, 1929	
McConnell, J.H.	Hamiota, Man.	June 5, 1929	

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FILE NoS-1306-C

RECOMMENDATION FOR APPOINTMENT TO

SENATE - MANITOBA

ON BEHALF OF

J.A.Campbell

ADDRESS

VICE Senator Watson - Deceased(May 19, 1929.

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Harrington, Dr. W.J.	Dauphin, Manitoba	June 8, 1929	
Davis,Hon. T.C.	Regina, Sask.	June 24, 1929	
Bell, G.M.	Canada Life Bldg., Regina,Saskatchewan.	July 2, 1929	
Baggett, Fred,Esq.	Secretary Executive Committee,Box 183, Dauphin, Manitoba.	Dec. 13, 1929	
Dales, C.M., Esq., Secretary.	Division No. 464, Order of Railway Conductors, Brandon, Manitoba.	Dec. 26, 1929	
Galbraith, P.C.,Esq., Business Manager	"The Northern Mail", The Pas, Manitoba.	Dec. 28, 1929	

ORDER-IN-COUNCIL P.C. 2539 - Appointment of Honourable Robert Forke as Member of Senate and Senator for Province of Manitoba.
Dec. 30, 1929.

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FILE No. S-1306-C

RECOMMENDATION FOR APPOINTMENT TO

SENATE - MANITOBA

ON BEHALF OF

David Creighton

ADDRESS

VICE Senator Watson (Deceased) May 19, 1929

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Himself		Sept. 6, 1929	

ORDER-IN-COUNCIL - P.C.2539 - Appointment of the Honourable Robert Forke as a Member of the Senate and Senator for the Province of Manitoba. Dec. 30, 1929.

P.M.—1

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FILE NO. S-1306-F

RECOMMENDATION FOR APPOINTMENT TO

SENATE - MANITOBA

ON BEHALF OF

Hon. Robert Forke,

ADDRESS

VICE Senator Watson (Deceased) May 19, 1929

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Iverach, William	Isabella, Manitoba.	June 7, 1929	

ORDER-IN-COUNCIL P.C. 2539 - Appointment of Honourable Robert Forke as a Member of the Senate and Senator for the Province of Manitoba Dec. 30. 1929

P.M.—1

W.L. Mackenzie King Papers
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C 97287
FILE No. S/1306-G

RECOMMENDATION FOR APPOINTMENT TO

SENATE - MANITOBA

ON BEHALF OF

J. F. Greenway

ADDRESS

VICE Senator Watson (Deceased) May 19, 1929

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Himself		June 13, 1929	

ORDER/IN/COUNCIL P.C. 2539 - Appointment of Honourable Robert Forke as Member of Senate and a Senator for the Province of Manitoba.
Dec. 30, 1929.

P.M.—1

W.L. Mackenzie King Papers
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C 97288

FILE No. S-1306-H

RECOMMENDATION FOR APPOINTMENT TO

SENATE - MANITOBA

ON BEHALF OF

Fred C? Hamilton

ADDRESS

VICE Senator Watson (Deceased) May 19, 1929

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Murray, A.H.S., M.A., LL.B.	514 Standard Bank Bldg. Winnipeg, Manitoba	June 4, 1929	

ORDER-IN-COUNCIL P.C. 2539 - Appointment of the Honourable Robert Forke as Member of the Senate and Senator for the Province of Manitoba Dec. 30, 1929.

P.M.—1

W.L. Mackenzie King Papers
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FILE No. S-1306-H

RECOMMENDATION FOR APPOINTMENT TO

SENATE - MANITOBA

ON BEHALF OF

A.E.Hill

ADDRESS

VICE Senator Watson (Deceased) May 19, 1929

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Smith, R.K.	P.O.Box 151, Oak Lake, Man.	June 8, 1929	
Sutherland, Robt. Sr., President	Lib. Ass'n. of Lansdowne, Griswold, Man.	June 11, 1929	
McKenzie, JHon. J.G.	Minister of Mines & Natural Resources Winnipeg, Manitoba	June 24, 1929	

ORDER-IN-COUNCIL P.C. 2539 - Appointment of the Honourable Robert Forke as Member of the Senate and Senator from the Province of Manitoba. Dec. 30, 1929.

P.M.—1

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FILE No. S-1306-I

RECOMMENDATION FOR APPOINTMENT TO

Senate - Manitoba

ON BEHALF OF

William Iverach

ADDRESS Issabella, Manitoba.

VICE Senator Watson (Deceased) May 19, 1929

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Mitchell, J.W. President	Marquette Lib. Ass'n, Miniota, Man.	May 31, 1929	
Glen, J. Allison	House of Commons, Ottawa	June 7, 1929	

ORDER-IN-COUNCIL P.C. 2539 - Appointment of Honourable Robert Forke as member of the Senate and Senator of the Province of Manitoba. Dec. 30, 1929.

P.M.—1

W.L. Mackenzie King Papers

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FILE No. S-1306-J

RECOMMENDATION FOR APPOINTMENT TO

SENATE - MANITOBA

ON BEHALF OF

Dr. S.J.Johannesson

ADDRESS 532 Sherburn Street, Winnipeg, Manitoba.

VICE Senator Watson (Deceased) May 19, 1929

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Himself		June 1, 1929	
McPherson, E.A.	Ottawa, Ontario	June 13, 1929	

ORDER-IN-COUNCIL P.C. 2539 - Appointment of Honourable Robert Forke as Member of the Senate and Senator of the Province of Manitoba. Dec. 30, 1929.

P.M.—1

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C 97292
FILE No. S-1306-K

RECOMMENDATION FOR APPOINTMENT TO

SENATE - MANITOBA

ON BEHALF OF

A. W. Kirvan

ADDRESS Manitoba Liberal Association, Room 202, Avenue Block, Winnipeg, Man.

VICE Senator Watson (Deceased) May 19, 1929

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Himself		June 4, 1929	
McPherson, E.A.	Ottawa, Ontario.	June 13, 1929	

ORDER-IN-COUNCIL P.C. 2539 - Appointment of HOnourable Robert Forke as Member of the Senate and Senator for the Province of Manitoba. Dec. 30, 1929.

P.M.—1

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FILE No. S-1306-L

RECOMMENDATION FOR APPOINTMENT TO

SENATE - MANITOBA

ON BEHALF OF

Labour Representative

ADDRESS

VICE Senator Watson (Deceased) May 19, 1929.

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Ward, James, Esq., Vice-President	Operative Plasterers' & Cement Finishers' International Association, Toronto, Ontario.	Dec. 26, 1929.	
Gillanders, J.L.,Esq. President	Toronto Building Trades' Council, 75 Linsmore Crescent, Toronto,Ont.	Dec. 26, 1929	

ORDER-IN-COUNCIL P.C. 2539 - Appointment of Honourable Robert Forke as Member of the Senate and Sebator for the Province of Manitoba. Dec. 30, 1929.

P.M.—1

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FILE No. S-1306-L

RECOMMENDATION FOR APPOINTMENT TO

SENATE - MANITOBA

ON BEHALF OF

Frank A. Lackner.

ADDRESS The Pas, Manitoba.

VICE Senator Watson (Deceased) May 19, 1929

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Himself		June 7, 1929	

ORDER-IN-COUNCIL P.C. 2539 - Appointment of Honourable Robert Forke as Member of the Senate and Senator for the Province of Manitoba Dec. 30, 1929.

P.M.—1

W.L. Mackenzie King Papers
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PUBLIC ARCHIVES
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CANADA

C 97295
FILE NO. S-1306-L

RECOMMENDATION FOR APPOINTMENT TO

SENATE - MANITOBA

ON BEHALF OF

Harry Leader

ADDRESS

VICE Senator Watson (Deceased) May 19, 1929

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
McPherson, E.A.	Ottawa, Ontario.	June 13, 1929	

Order-in-Council P.C. 2539 - Appointment of the Honourable Robert Forke as Member of the Senate nd Senator for the Province of Manitoba, Dec. 30, 1929.

P.M.—1

W.L. Mackenzie King Papers
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PUBLIC ARCHIVES
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CANADA

FILE No. C 37296
S-1306-L

RECOMMENDATION FOR APPOINTMENT TO

SENATE - MANITOBA

ON BEHALF OF

John W. Laidlaw, Esq.

ADDRESS 154 Burrows Avenue, Winnipeg, Manitoba.

VICE Senator Watson (Deceased) May 19, 1929

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Himslef		June 11, 1929	

Order-in-Council P.C. 2539 - Appointment of the Honourable Robert Forke as Member of the Senate and Senator for the Province of Manitoba

Dec. 30, 1929.

P.M.—1

W.L. Mackenzie King Papers
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CANADA

FILE No. C 97297 S-1306-P

RECOMMENDATION FOR APPOINTMENT TO

SENATE - MANITOBA

ON BEHALF OF

H. S. Paterson

ADDRESS 54 Donald Street, Winnipeg, Manitoba

VICE Senator Watson (Deceased) May 19, 1929

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Himself		May 22, 1929.	

Order-in-Council P.C. 2539 - Appointment of the Honourable Robet Forke as Member of the Senate and Senator for the Province of Manitoba. Dec. 30, 1929.

P.M.—1

W.L. Mackenzie King Papers
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PUBLIC ARCHIVES
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CANADA

FILE NO. C 97298 S/1306-1

RECOMMENDATION FOR APPOINTMENT TO

SENATE - MANITOBA

ON BEHALF OF

Dr. R. S. Thornton, M.B., C.M., LL.D., L.M.C.C.

ADDRESS Deloraine, Manitoba.

VICE Senator Watson (Deceased) May 19, 1929

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Himself		May 28, 1929.	
McPherson, E.A.	Ottawa, Ontario.	June 13,1929.	

Order-in-Council P.C. 2539 - Appointment of the Honourable Robert Forke as Member of the Senate and Senator for the Province of Manitoba Dec. 30, 1929.

P.M.—1

W.L. Mackenzie King Papers
Memoranda & Notes

PUBLIC ARCHIVES
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CANADA

C 37299
FILE NO. S-1306-W

RECOMMENDATION FOR APPOINTMENT TO

SENATE - MANITOBA

ON BEHALF OF

John Williams

ADDRESS Melita, Manitoba

VICE Senator Watson, (Deceased) May 19, 1929

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Himself		June 11, 1929	
Bower, W. J.,Esq.	Melita, Manitoba.	June 29, 1929	

Order-in-Council P.C. 2539 - Appointment of the Honourable RobertForke as Member of the Senate and Senator for the Province of Manitoba
Dec. 30. 1929.

P.M.—1

W.L. Mackenzie King Papers
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PUBLIC ARCHIVES
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Y-25-05-D
C 97300

Applications for Senate Vacancy

(the late Senator Proudfoot)

Number of applications 42

Number of recommendations received
(self and others) 207

W.L. Mackenzie King Papers
Memoranda & Notes

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Applications and recommendations for Senate vacancy

(the late Senator Proudfoot)

Name of applicant.	Recommended by
W. G. Charlton,	G. A. McCaulley, Ridgeway, Ontario.
	John T. James, Bridgeburg, "
	Alexander McKinnon, Hillsburg,
	George Russell, St. Thomas,
	Mrs. Charles Taylor, St. Catharines.
	Henry F. Wismer, Windsor,
	C.J. McMillan, Hillsburg,
	Dr. C. C. Lumley, St. Thomas,
	E. McCredie, St. Thomas,
	Alex. Darrach, St. Thomas,
	Jno. Coutts, Thasmesville,
	Mrs. Peter Mitchell, London,
	Blake Miller, Brantford,
	John McKee, Norwich,
	J.A. Campbell, St..Thomas,
	I. Greenizen, Petrolea, Ontario.
	Amos Tovell, Guelph, "
	T. W. Bradt, , Aylmer, West, Ont.,
	H. G. McKillop, West Lorne, Ontario.
	A. A. Veitch, Corinth, "
	F. W. Kent, Aylmer, Ontario.
	Dr. S. E. Charlton, Galt, Ontario.
	D. J. Sinclair, M.P.,
	F. H. Leslie, Niagara Falls.
	Peter A. Thomson, Hillsburg,
	O. J. Culver, South Cayuga.
	Frank L. Webb, B.A., Toronto.
	J. B. Ferguson, West Lorne.
	Reverend Thomas L Fowler, Ridgetown,
	C. A. Brooks, Aylmer, Ontario.
	H. F. Kent, Aylmer, Ontario.
	C. O. Luton, Belmont, Ontario.
	John Cowan, K.C., Sarnia, Ontario.
	F.A.J. Sheppard, St.Catharines,
	Cecil S. Miller, Hagarsville,
	W. H. Mills, Sparta, Ont.,
	E.E. McTaggart, Aylmer, Ont.,
	Allan Kneale, Brantford, Ont.,
	J. L. Stansell, M.P., Straffordville.
	L. Johnson, Straffordville.
	John Macaulay, Wiarton. Ont.,

W.L. Mackenzie King Papers
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PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

C 97302

Applications and recommendations for Senate vacancy

(the late Senator Proudfoot)

Name of applicant.	Recommended by
	6
W. G. Charlton.	J. Kohler, Cayuga. B. J. McCormick, Welland, M. M. Black, Springfield E. W. Cheesman, Corinth. T. C. Jones, Welland Liberal Association. A. V. Coulter, St. Thomas, Ont., C. W. Wonnecott, Aylmer, Ontario. Rev. A. McCaffrey, Welland, Ontario. E.W.H. Laidlaw, Aylmer. (East Elgin Lib.Assn.) R. F. Miller, Selkirk, P.C., Ont., N. S. Cornell, Port Stanley. R.P. McKinnon, St. Petersburg, Florida. C.H. Denton, South Oxford Reform Association Dr. George B. Snyder, Niagara Falls. Reverend G. C. Welsman, Marshville, S. J. Cameron, Wiarton, Ontario. D. M. Leitch, West Lorne. 17. Dr. Adam Thomson, Galt, Ont., Professor A.D.Robertson, London, Ont., His Honour Judge C.W.Colter, (Florida)

W.L. Mackenzie King Papers
Memoranda & Notes

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

C 97303

Applications and Recommendations for Senate vacancy

(the Late Senator Proudfoot)

Name of applicant.	Recommended by
George Wilkie, K.C.,	Major J.E.L. Streight, Toronto. West York Liberal Association (Islington) Mrs. Harry Carpenter, Hamilton K. Sweetman, Pres.Fairbank Lib.Assn. S. G. Whaley, South York Liberal Assn. C.E. Glendinning, East York -do- O.N. Birchard, Aurora Y.M.Liberal Assn. Dr. H. Freel, Stouffville Liberal Assn. Dr. T. H. Norman, West York Lib.Assn., James E. Day, K.C., Toronto. W. H. McGuire, Toronto. C. N. Gordon, M.P., Peterborough Lt.Colonel A.R.Kirkpatrick, Toronto. Frank Denton, Toronto. H. J. Kirby, Toronto Alexr. McGregor, Toronto. 16. Donald Young, Toronto. H. Trudelle, Toronto. H. S. Mullowney, North York Lib.Assn. Alex. D. Bruce, Unionville. William Wallace, Willowdale. Hon. P.C. Larkin, High Commissioner, L/n

W.L. Mackenzie King Papers
Memoranda & Notes

PUBLIC ARCHIVES
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CANADA

C 97304

Applications and recommendations for Senate

vacancy (the late Senator Proudfoot)

Name of applicant.	Recommended by
R. E. Truax, Toronto.	J. A. Johnston, Mildmay, Ontario. I. Shoemaker, Paisley, Ontario. John A. Black, Chesley, " J. G. Anderson, Lucknow, " Frank Rennie, M.P.P., Walkerton, " S. R. Brill, Esq. Teeswater, Ontario. T. R. Wilson, Walkerton, " W.D. Euler, M.P., Kitchener. " Dr. J.P. Rankin, M.P., Stratford, Ont., Mayor MacKay, of Walkerton, Ontario. P. A. Malcomson, Kincardine, Ont., Isaac E. Pedlow, Renfrew, Ontario. Alex. D. Bruce, Unionville.
C. W. Hartman, Clarksburg,	Self. Dr. J. Robins Arthur, Collingwood, David Williams, Collingwood, ~~J. M. Mussen, Mayor of Niagara, Ontario.~~ Dr. F. Moore, M.B., Clarksburg. A.R. Clute, Toronto. H. S. Cane, Newmarket, Ontario. Mrs. Walter Buchanan, Ravenna, Ont., W. P. Telford, Jr., Owen Sound, Ontario. W. H. Sing, Meaford, Ont., Professor A. E. Webster, Toronto. Geo. G. Albery, Meaford. Dr. H. McCullum, Thornbury. W. H. Wright, Esq., K.C., Owen Sound, Ont., H.W. Fleury, Aurora.
M. G. Cameron, K.C.,	A. B. MacDonald, K.C., Vancouver, B.C., W. H. Robertson, Goderich, Ontario.
Colonel Andrew Thompson,	His Worship J.M. Mussen, Mayor, Niagara, Thomas Marshall, M.L.A., Dunnville. J. W. Richardson, Caledonia.

W.L. Mackenzie King Papers
Memoranda & Notes

PUBLIC ARCHIVES
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CANADA

C 97305

Applications and recommendations for Senate vacancy

(the late Senator Proudfoot)

Name of applicant.	Recommended by
H. H. Dewart.	L. E. McCaffrey, Esq., Port Arthur. R. R. Hall, Esq., M.P.P., Parry Sound. Thomas Marshall, M.L.A., Dunnville, Ont., M. J. O'Leary, Toronto. M. Kang, South Porcupine.
James Dixon, Hamilton.	Sir John Gibson, K.C., Hamilton.
A.T.H. Taylor, Cochrane.	David MacEachern, Cobalt. Gus McManus, Hearst, Ontario.
W. D. Ross,	W. J. Boland, Toronto.
E. Herbert Adams, M.D.,	Self.
N. Vermilyea, Belleville.	Self.

W.L. Mackenzie King Papers
Memoranda & Notes

PUBLIC ARCHIVES
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CANADA

C 97306

Applications and recommendations for Senate vacancy

(the late Senator Proudfoot)

Name of applicant.	Recommended by
Z. Mageau,	Self. M. Langis (Desjardins & Langis) Theodore Legault, Sturgeon Falls. T. H. Wolfe, Chapleau, Ontario. Ls.Rod. Vannier, Sturgeon Falls, A. E. Blagdon, Esq., do. R. Rodolphe Serre, Chapleau, Ont. Rev. Romeo Gascon, do. Albert Desjardins, do. J. Telesphore Serre, Chapleau, Ont. L. P. Levesque, Sturgeon Falls, Ont. J. A. Trahamm Blind River, Ontario. Thomas Marshall, M.L.A., Dunnville. J. M. Cousineau, Sturgeon Falls. J. P. Marchildon, Sturgeon Falls.
T. H. Purdom, K.C.,	T. D. McCullough, London. W. J. Taylor, Woodstock, Ont., M. McGugan, Mount Brydges, Ontario.
John Galbraith, Toronto.	Self.
Udney Richardson, Elora.	Self. Sir John Gibson, K.C., Hamilton.
Wm. F. Fisher, (See W.F.W.Fisher)	Self. Robert D. Warren, Toronto. 23

W.L. Mackenzie King Papers
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C 37307

Applications and recommendations for Senate vacancy

(the late Senator Proudfoot)

Name of Applicant.	Recommended by:
D. M. Cameron,	Self. (London, Ont.,)
M. S. Schell, Woodstock.	Made in person to Mr. King.
W.F.W. Fisher, Burlington.	Self. Burlington Fruit & Veg.Assn. (W.E.A.Peer, Secretary) Robert D. Warren, Toronto. Jas. E. Johnson, Norfolk Fruit Grwrs Assn W. J. Bragg, Bowmanville, Ont., Mrs. Fred Dewar, Milton, Ont., T. J. Mahoney, Grimsby. (Pres. Peninsula Growers, Ltd) Hon. Manning Doherty, Hon. E. C. Drury, W. D. Gregory, Toronto. Duncan Campbell, Moffat, Ontario.
John King,	Self. (Fort William)
R. J. Watson,	L.J. Breithaupt, Kitchener. Peter Hutchison, Bracebridge, Ont., Lieut.Colonel D. M. Grant, Huntsville, M.E.Lounsbury, Burks Falls, Ont., Rev. Gilbert Agar, Toronto. Honourable V. Ratz. New Hamburg. A. E. Dyment, Toronto, (Can.Gen.Electr.) W. F. Armstrong, Porquis Junction. Ont., John Perks, Sec'y, Distr.Reform Assn. James Ludgate, Pakesley, Ontario.
Alex. Saunders,	Self. John M. Godfrey, K.C., LL.B., Toronto. 21.

W.L. Mackenzie King Papers
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C 97308

Name of Applicant.	Recommended by:
Walter T. Evans,	Self.
Dr. A. P. MacIntosh,	Self.
G. H. O. Thomas,	Self. H. E. Rice, Huntsville, Ontario. J. D. MacDonald, M.D., Huntsville. Wm. J. Hammell.
Col. L. R. Mayberry,	Alex. Rose, Esq., Ingersoll. Dr. J.M. Rogers, Ingersoll.
Edward Grange, London.	Self. Arthur Kennedy, London Advertiser.
Dr. W. J. Stevenson,	G. W. H. Hill, R.N.R., Hamilton. 6

W.L. Mackenzie King Papers
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PUBLIC ARCHIVES
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CANADA

C 97309

Applications and recommendations for Senate vacancy

(The late Senator Proudfoot)

Name of applicant	Recommended by
R. D. Warren, Toronto.	Self.
James H. Spence, K.C.,	J. Malcolm, M.P., Kincardine.
J. E. Sinclair, Oshawa,	Self.
George W. Verral,	Jas. Culnan, West York Lib.Assn, Toronto.

W.L. Mackenzie King Papers
Memoranda & Notes
PUBLIC ARCHIVES
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CANADA

C 97310

Applications and recommendations for Senate vacancy

(the late Senator Proudfoot)

Name of applicant.	Recommended by
Thomas McMillan, Seaforth, Ont.,	Self. Reverend F. H. Larkin, D.D., Seaforth, Keith McLean, Esq., Seaforth, Gordon Young, Goderich, T.G.Shillington, Huron Lib.Assn., Seaforth. J. W. King, Bluevale, Ontario
V. T. Bartram,	Fred. W. Rose, Toronto, Ontario. Self.
Rev. S. J. Farmer,	Self, Mrs. W. W. Wylie, Ottawa, (Women's Liberal Association, Capital Ward).
A. Frame, Esq.,	Self. 10.

W.L. Mackenzie King Papers
Memoranda & Notes

PUBLIC ARCHIVES
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CANADA

C 97311

Applications and recommendations for Senate vacancy

(the late Senator Proudfoot)

Name of applicant.	Recommended by
Thomas Bengough, Toronto.	Dr. J. L. Hughes, Toronto.
W. C. Brown, Tillsonburg.	Self.
Philip B. Proudfoot, Russel.	Self.
R. E. O'Flynn, Belleville.	Self. Rev. S.D.Chown, D.D., LL.D., Toronto.
J. G. Ramsden, Toronto.	Self.

W.L. Mackenzie King Papers
Memoranda & Notes

PUBLIC ARCHIVES
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CANADA

C 97312
FILE No. S-1305

RECOMMENDATIONS FOR APPOINTMENT TO

SENATE - ONTARIO

VICE SIR EDWARD KEMP (DECEASED) AUGUST 12, 1929

SENATOR J.D. REID (DECEASED) AUGUST 26, 1929

BARROW, E.D.

BYAM, C.H.

CAMPBELL, J.A.

CANE, W.H.S.

CARRUTHERS, DR.

CLAVIR, MAX

COLE, MR. A.E.

DIXON, JAMES

DONNELLY, PATRICK, ESQ.

EDWARDS, GORDON C.

FREIMAN, A.J.

GALBRAITH, JOHN

GALLAGHER, CHARLES V.

GULLEN, DR. AUGUSTA STOW

HALL, R.R.

HANNA, CHAS. E.

HARTMAN, C.W.

HISLOP, ARCHIBALD

HOLMES, M.B., ESQ.

HUGHES, DR. JAMES L.

JEW REPRESENTATIVE

JOHNSON, D.M., ESQ.

KING, JOHN

KIRKPATRICK, COL. A.E.

KOHLER, JACOB

LABOUR REPRESENTATIVE

LAWSON, W.B.

LOW, THOMAS

LOWE, WILLIAM JAMES

McCABE, CORNELIUS

McCANN, THOMAS

McINNES, DR. J.A.

MacINTOSH, P.A., B.A., M.C.

McKAY, DR. M.

McKINNEY, MRS.

MACDONALD, MRS. E.K.

MARCHAND, MDE. P.E.

MATTHEWS, ALBERT

MINER, MANLEY F.

NORTH TEMESKAMING

NORTHERN ONTARIO

OAKE, MR. H.

PARKER, W.R.P.

RAMSDEN, J.G.

RAYMOND, W.G.

ROSS, R.D.

ROSSIE, M.W.

SAMUEL, S.

SIMS, H.J., ESQ., K.C.

SINCLAIR, W.E.N., ESQ., M.L.A.

P.M.—2

W.L. Mackenzie King Papers
Memoranda & Notes

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CANADA

C 97313

FILE No. S-1305

Continued: **RECOMMENDATIONS FOR APPOINTMENT TO**

SENATE - ONTARIO

VICE SIR EDWARD KEMP (DECEASED) AUGUST 12, 1929.

SENATOR J.D. REID (DECEASED) August 26, 1929.

SINGER, J.	
TALLMAN, E.H.	
TORY, JOHN A.	
WALKER, FRANK N., M.A., M.G.	
WALLACE, J. ALEX., M.A.	
YOUNG, A.J.	
PETERBOROUGH REPRESENTATIVE	
WRIGHT, MRS. GORDON (SARA ROWELL)	
WOMAN REPRESENTATIVE	
WATSON, R.J.	
CALVERT, W.S.	
LAPIERRE, E.A.	
~~SAMUEL, SIGMUND~~	
WILSON, MRS. NORMAN	
MOESER, F.W., ESQ.	ORDER-IN-COUNCIL P.C.381 Appointing Mrs. Cairine Mackay Wilson-Ottawa as Member of Senate and Senator to Ontario February 15, 1930. to fill vacancy caused by death of Hon. J.D.Reid.
KENNEDY, MRS. W.C.	
McLEAN, MRS. DONALD	
FRENCH REPRESENTATIVE	
WHITE, JOHN A.	Order-in-Council P.C. 634 Appointing Hon. James Murdock as Member of Senate and Senator for Province of Ontario March 20, 1930 to fill vacancy caused by death of Sir Edward Kemp.

P.M.—2

W.L. Mackenzie King Papers
Memoranda & Notes

PUBLIC ARCHIVES
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CANADA

C 97314
FILE No. S-1305-B

RECOMMENDATION FOR APPOINTMENT TO

SENATE - ONTARIO

ON BEHALF OF

E.D.Barrow.

ADDRESS Chilliwack, British Columbia.

VICE Senator J.D.Reid (Deceased) August 26, 1929.

Senator Sir Edward Kemp (Deceased) August 12, 1929.

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Thorne, John	Chilliwack, B.C.	Oct. 14, 1929	

Order-in-Council P.C. 381 - Appointing Mrs..Cairine Mackay Wilson, Ottawa as Member of Senate and Senator for Ontario. February 15, 1930.to fill vacancy caused by death of Hon. J.D.Reid.

Order-in-Council P.C. 634- Appointment of Hon. James Murdock, Ottawa. as Member of Senate and Senator for Ontario. March 20, 1930. to fill vacancy caused by death of Sir Edward Kemp.

P.M.—1

W.L. Mackenzie King Papers
Memoranda & Notes

PUBLIC ARCHIVES
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CANADA

C 97315
FILE No. S-1305-B

RECOMMENDATION FOR APPOINTMENT TO

SENATE - ONTARIO

ON BEHALF OF

C.H.Byam, Esq.,

ADDRESS Maple, Ontario.

VICE SIR Edward Kemp (Deceased) August 12, 1929

Senator J.D.Reid(Deceased) August 26, 1929

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Himself		Jan. 22, 1930.	

Order-in-Council P.C. 634 Appointing Hon. James Murdock as Member of Senate and Senator for Province of Ontario, March 20, 1930, to fill vacancy caused by death of Sir Edward Kemp.

Order-in-Council P.C. 381 - Appointing Mrs. Cairine Mackay Wilson, Ottawa, as Member of Senate and Senator for Ontario. February 15, 1930, to fill vacancy caused by death of Hon. J.D.Reid.

P.M.—1

W.L. Mackenzie King Papers
Memoranda & Notes

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CANADA

C 97316

FILE No. S-1305-C

RECOMMENDATION FOR APPOINTMENT TO

SENATE - ONTARIO

ON BEHALF OF

W.S.Calvert

ADDRESS

VICE Senator J.D.Reid (Deceased) August 26, 1929.

Sir Edward Kemp (Deceased) August 12, 1929.

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Himself	Memo to P.M. from H.B.	Feb. 13, 1930	

Order-in-Council P.C. 381 - Appointing Mrs. Cairine Mackay Wilson, Ottawa, as Member of Senate and Senator for Ontario, February 15, 1930. to fill vacancy caused by death of Hon. J.D.Reid.

Order-in-Council P.C.634 - Appointing Hon. James Murdock, Ottawa, as Member of Senate and Sentor for Province of Ontario, March 20. 1930, to fill vacancy caused by death of Sir Edward Kemp.

P.M.—1

W.L. Mackenzie King Papers

Memoranda & Notes

PUBLIC ARCHIVES

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CANADA

C 97317
FILE No. S-1305-C

RECOMMENDATION FOR APPOINTMENT TO

SENATE - ONTARIO

ON BEHALF OF

J.A. Campbell, Esq.

ADDRESS Room 206, Booth Building, O t t a w a .

VICE Senator J.D.Reid, (Deceased) August 26, 1929.

Sir Edward Kemp (Deceased) August 12, 1929.

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Himself		August 30, 1929.	
Himself		January 13, 1930.	

Order-in-Council P.C.381 - Appointing Mrs. Cairine Mackay Wilson, Ottawa, as Member of Senate and Senator for Ontario., February 15, 1930, to fill vacancy caused by death of Hon. J.D.Reid.

Order-in-Council P.C. 634 -Appointing Hon. James Murdock as Member of Senate. and Senator for Province of Ontario. March 20, 1930 to fill vacancy caused by death of Sir Edward Kemp.

P.M.—1

W.L. Mackenzie King Papers
Memoranda & Notes

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

C 97318
FILE No. S-1305-C

RECOMMENDATION FOR APPOINTMENT TO

SENATE - ONTARIO

ON BEHALF OF

W.H.S. Cane

ADDRESS Newmarket, Ontario

VICE Sir Edward Kemp (Deceased) August 12, 1929

Senator J.D.Reid(Deceased) August 26, 1929

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Himself		August 16, 1929	

Order-in-Council P.C. 381 - Appointing Mrs. Cairine Mackay Wilson, Ottawa, as Member of Senate and Senator for Ontario, February 15, 1930., to vacancy caused by death of Hon. J.D.Reid.

Order-in-Council P.C. 634 - Appointing Hon. James Murdock as Member of Senate and Senator for Province of Ontario March 20, 1930. to fill vacancy caused by death of Sir Edward Kemp

P.M.—1

W.L. Mackenzie King Papers
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CANADA

C 97319

FILE No. S-1305-C

RECOMMENDATION FOR APPOINTMENT TO

SENATE - ONTARIO

ON BEHALF OF

DR. Carruthers (JOHN)

ADDRESS Little Current, Ontario.

VICE Sir Edward Kemp (Deceased) August 12, 1929.

Senator J.D.Reid(Deceased) August 26, 1929.

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Himself		Aug. 13, 1929.	
Bowman Beniah, M.P.	Gore Bay, Ont.	Aug. 19, 1929	
Sims, F. Lyle,Esq. President.	Manitoulin Liberal Ass'n., Little Current, Ontario.	Jan.29, 1930	
Himself		Feb. 26, 1930	

Order-in-Council P.C. 381 - Appointing Mrs. Cairine Mackay Wilson, Ottawa, as Member of Senate and Senator for Ontario February 15, 1930., to fill vacancy caused by death of Hon. J.D.Reid.

Order-in-Council P.C. 634 - Appointing Hon. James Murdock as Member of Senate and Senator for Province of Ontario. March 20. 1930. to fill vacauncy caused bv death of Sir Edward Kemp.

P.M.—1

W.L. Mackenzie King Papers
Memoranda & Notes

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

C 97320

FILE No. S-1305-C

RECOMMENDATION FOR APPOINTMENT TO

SENATE - ONTARIO

ON BEHALF OF

Max Clavir

ADDRESS

VICE Sir Edward Kemp (Deceased) August 12, 1929

Senator J.D.Reid(Deceased) August 26, 1929

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Lennox James	Toronto,Ontario	August 23, 1929	
Himself		August 26, 1929	
Axler, M., Esq.	425 Palmerston Blvd., Toronto, Ontario	August 29 , 1929	
Kertzer, DAve	159 Grace Street, Toronto, 4	August 31, 1929	
Rubin, J. President.	Ward 4 Liberal Ass'n., 370 College Street, Toronto, Ont.	August 31, 1929	
Phillips, Nathan, Esq., K.C.	Imperial Bank Building, Corner Yonge & Queen Sts. Toronto 2, Ontario.	Sept. 4, 1929	
Sussman, F., Esq. President	Bais Hakmasis Hegudel, Anshi Ostrowce, 407 Palmerston Blvd., Toronto, Ontario.	Sept. 5, 1929	
FACTOR, Alderman Samuel	Toronto, Ontario	Sept. 10, 1929	
Zale, B., Esq. President	Pride of Israel Sick Benefit Society, 83 Beatrice Street, Toronto, Ontario.	Sept. 9, 1929	
Florence, S. President	Congregation Beth Jacob, Kitchener, Ontario	Sept. 9, 1929	
GORDON, RABBI Jacob	116 Beverley Street, Toronto, Ontario.	Sept. 17, 1929	

P.M.—1

W.L. Mackenzie King Papers
Memoranda & Notes

PUBLIC ARCHIVES
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CANADA

C 97321

FILE No. S-1305-C

Continued RECOMMENDATION FOR APPOINTMENT TO

SENATE - ONTARIO

ON BEHALF OF

Max Clavir

ADDRESS

VICE Sir Edward Kemp (Deceased) August 12, 1929.

Senator J.D.Reid(Deceased) August 26, 1929.

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Johnston, Col. Fred	159 Bay Street, Toronto, Ontario.	Sept. 20, 1929.	
Lyonde, Louis L.	188 Yonge Street, Toronto, Ontario.	Sept. 20, 1929.	
Lent, Samuel President	Hebrew National Ass'n, 26 Cecil Street, Toronto, Ontario.	Oct. 2, 1929	
Fine, Louis	121 Beatrice Street, Toronto, Ontario.	Oct. 21, 1929	
Shapiro, M., Esq.	389 Spadina Avenue, Toronto, Ontario.	Nov. 9, 1929	
Scher, Abraham Honourary President	The Hebrew National Ass'n., 26 Cecil St., Toronto 2, Ontario.	Nov. 9, 1929	
Schwartz, Mrs. L.M.	206 Beverley Street, Toronto, Ontario.	Nov. 13, 1929	
Levinter, S., Esq.	987 Bloor Street West, Toronto, Ontario.	Nov. 15, 1929	
Kronick, S.	47-49 Bathurst Street, Toronto, Ontario.	Nov. 19, 1929	
Gordon, Rabbi J.	Chief Rabbi, The Rabbinical Council of the Orthodox Rabbis of Toronto, Toronto, Ont.	Nov. 25, 1929	

P.M.—1

W.L. Mackenzie King Papers
Memoranda & Notes

PUBLIC ARCHIVES
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CANADA

C 97322
FILE No. S-1305-C

Continued **RECOMMENDATION FOR APPOINTMENT TO**

SENATE - ONTARIO

ON BEHALF OF

Max Clavir

ADDRESS

VICE Sir Edward Kemp (Deceased) August 12, 1929

Senator J.D.Reid(Deceased) August 26, 1929

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Singer, E.F., Esq., K.C., M.P.P.	Federal Office Building 85 Richmond St., West, Toronto, Ontario.	Nov. 26, 1929	
McBride, Samuel,Esq.	The Mayor, Toronto, Ontario.	Nov. 26, 1929	
Abromowitz, D.,Esq.	206 Beverley Street, Toronto, Ontario.	Nov. 27, 1929	
Weiss, Barney		Dec. 3, 1929	Opposing appointment of -
Schacter,O., Esq. President.	Congregation Sons of Jacob Incorporated,North Bay, Ontario.	Jan. 17, 1930	
Barker, D., Esq. President	Nipissing Liberal Ass'n., North Bay, Ontario.	Jan. 21, 1930	
Spiegel, W., ESQ. President.	375 Grace Street, Toronto, Ontario.	Jan. 29, 1930	
Jaffey, K.,Esq. Secretary	The Wilner Hebrew Society, 1126 Dundas Street West, Toronto, Ontario.	Feb. 10, 1930	

Order-in-Council P.C. 381 - Appointing Mrs. Cairine Mackay Wilson,Ottawa as Senator for Ontario and Member of Senate, February 15. 1930. to fill vacancy caused by death of Hon. J.D.Reid.

Order-in-Council P.C. 634 - Appointing Hon. James Murdock as Member of Senate. and Senator for Province of Ontario MARch 20, 1930. to fill vacancy caused by death of Sir Edward Kemp.

P.M.—1

W.L. Mackenzie King Papers
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PUBLIC ARCHIVES
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CANADA

C 97323

FILE No. S-1305-C

RECOMMENDATION FOR APPOINTMENT TO

SENATE - ONTARIO

ON BEHALF OF

Mr. A.E. Cole

ADDRESS 1837 Main St., Niagara Falls, Ontario.

VICE Sir Edward Kemp (Deceased) August 12, 1929

Senator J.D. Reid (Deceased) August 26, 1929

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Cole, Mrs. A.E.	1837 Main Street, Niagara Falls, Ont.	Dec. 28, 1929	

Order-in-Council P.C. 381 - Appointing Mrs. Cairine Mackay Wilson. Ottawa as Member of Senate and Senator for Ontario. February 15, 1930. to fill vacancy caused by death of Hon. J.D. Reid.

Order-in-Council P.C. 634 - Appointing Hon. James Murdock as Member of Senate. and Senator for Ontario, March 20, 1930. to fill vacancy caused by Sir Edward Kemp.

P.M.—1

W.L. Mackenzie King Papers
Memoranda & Notes

PUBLIC ARCHIVES
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CANADA

C 97324
FILE NO S-1305-D

RECOMMENDATION FOR APPOINTMENT TO

SENATE - ONTARIO

ON BEHALF OF

James Dixon

ADDRESS

VICE Sir Edward Kemp (Deceased) August 12, 1929.

Senator J.D.Reid(Deceased) August 26, 1929.

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Newlands, John, Esq. President.	Liberal Executive of Hamilton, Hamilton, Ontario.	Dec. 18, 1929.	
Himself		Dec. 31, 1929.	
Hunt, J.J., ESQ.	32-36 Main Street East, Hamilton, Ontario.	Jan. 27, 1930	
Treleaven, Russell W.	The Birks Building, Hamilton, Ontario.	Jan. 27, 1930	
O'Reilly, M.J., Esq., K.C.	No. 7 Hughson Street, South, Hamilton, Ontario.	Feb. k, 1930	
Crerar, T.H., Esq., K.C.	Huron & Erie Building, Hamilton, Ontario.	Feb. 5, 1930	
Dickenson, John, Esq.	R. R. No. 4, Hamilton, Ontario.	Feb. 6, 1930	

Order-in-Council P.C. 381 - Appointing Mrs. Cairine Mackay Wilson, Ottawa as Member of Senate and Senator for Ontario. February 15, 1930. to fill vacancy caused by death of Hon. J.D.Reid.

Order-in-Council P.C. 634 - Appointing Hon. James Murdock, Ottawa, as Member of Senate and Senator for Ontario. March 20, 1930. to fill vacancy caused by death of Sir Edward Kemp.

P.M.—1

W.L. Mackenzie King Papers
Memoranda & Notes

PUBLIC ARCHIVES
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CANADA

C 97325
FILE No. S-1305-D

RECOMMENDATION FOR APPOINTMENT TO

SENATE - ONTARIO

ON BEHALF OF

Patrick Donnelly, Esq.

ADDRESS 119 Wellesley Crescent, Toronto, Ontario.

VICE Sir Edward Kemp (Deceased) August 12, 1929.

Senator J.D.Reid (Deceased) August 26, 1929.

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
		Jan. 11, 1930	General representations Senate appointments
Himself		Feb. 1, 1930	

Order-in-Council P.C. 381 - Appointing Mrs. Cairine Mackay Wilson, Ottawa, as Member of Senate and Senator for Ontario, February 15, 1930. to fill vacancy caused by death of Hon. J.D.Reid.

Order-in-Council P.C. 634 - Appointing Hon. James Murdock as Member of Senate and Senator for Province of Ontario, March 20, 1930 to fill vacancy caused by death of Sir Edward Kemp.

P.M.—1

W.L. Mackenzie King Papers
Memoranda & Notes

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

C 97326

FILE No. S-1305-2

RECOMMENDATION FOR APPOINTMENT TO

SENATE - ONTARIO

ON BEHALF OF

Gordon Edwards

ADDRESS 24 Sussex St., Ottawa, Ontario.

VICE Sir Edward Kemp (Deceased) August 12, 1929.

Senator J.D.Reid(Deceased) August 26, 1929.

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Hardy, Hon. Arthur C.	Brockville, Ontario.	Sept. 5, 1929.	

Order-in-Council P.C. 381 - Appointing Mrs. Cairine Mackay Wilson, Ottawa, as Member of Senate and Senator for Ontario. February 15, 1930. to fill vacancy caused by death of Hon. J.D.Reid .

Order-in-Council P.C. 634 - Appointing Hon. James Murdock, Ottawa. as Member of Senate and Senator for Province of Ontario, March 20, 1930 to fill vacancy caused by death of Sir Edward Kemp.

P.M.—1

W.L. Mackenzie King Papers
Memoranda & Notes

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

C 97327

FILE No. S-1305-E

RECOMMENDATION FOR APPOINTMENT TO

SENATE - ONTARIO

ON BEHALF OF

David Epstein

ADDRESS

VICE Sir Edward Kemp (Deceased) August 12, 1930.

Senator J.D.Reid(Deceased) August 26, 1930.

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Moeser, F.W.,Esq.	110 Osgoode Street, Ottawa, Ontario.	Feb. 13, 1930	
		Feb. 12, 1930	Comments re appt. of - E.R.E. Chevrier
The Society Shirt Company, Limited.	44-46 York Street, Toronto, Ontario.	March 4, 1930	

Order-in-Council P.C. 381 - Appointing Mrs. Cairine Mackay Wilson, Ottawa, as Member of Senate and Senator for Ontario. February 15, 1930. To fill vacancy caused by death of Hon. J.D.Reid.

Order-in-Council P.C. 634 - Appointing Hon. James Murdock as Member of Senate, and Senator for Ontario, March 20, 1930, to fill vacancy caused by death of Sir Edward Kemp.

P.M.—1

W.L. Mackenzie King Papers
Memoranda & Notes

PUBLIC ARCHIVES
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CANADA

C 97328

FILE No. S-1305-F

RECOMMENDATION FOR APPOINTMENT TO

SENATE - ONTARIO

ON BEHALF OF

A. J. FREIMAN

ADDRESS Ottawa, Ontario

VICE Sir Edward Kemp (Deceased) August 12, 1929

Senator J.D.Reid (Deceased) August 26, 1929

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
WEISS MR.	Ottawa, Canada	August 19, 1929	
Bishop, Chas.,Esq.	The Press Gallery, House of Commons, Ottawa.	December 7, 1929	
Weiss, Barney,Esq.	Weiss Construction and Equipment Company, 56 Sparks St., Ottawa.	January 13, 1930	
Siskind, I, Esq. President,	London Lodge Bnai Brith, London, Ontario.	January 16, 1930	
Ellman, I.,Esq.,Jr. Secretary	Lodge No. 7,Zionist Order Habonim,St.John, N.B.	January 16, 1930	
Levy, Rabbi Jack, President	Victoria Order Bnai Buth, Ottawa, Ontario.	Jan. 17, 1930	
The Congregation	Tifereth Israel, Windsor, Ontario.	January 17, 1930	
Adler, Miss M.	Young Judea Organization, Windsor, Ontario.	Jan. 17, 1930	
Golding,Mrs. President	Hebrew Ladies Auxiliary, Windsor, Ontario.	January 17, 1930	
Gelber, M., Esq. President	Zionist Council of Toronto, Ontario.	January 17, 1930	
Hurwitz, B., Esq. President	Fordcity Hebrew School, Windsor, Ontario.	January 17, 1930	
Green,Mrs. H. President	Ladies Aid Society, Sydney Daughters of Jacob,Sydney, N.S.	January 17, 1930	

P.M.—1

W.L. Mackenzie King Papers

Memoranda & Notes

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CANADA

C 97329

Continued: RECOMMENDATION FOR APPOINTMENT TO

SENATE - ONTARIO

ON BEHALF OF

A.J.Freiman

ADDRESS Ottawa, Ontario.

VICE Sir Edward Kemp (Deceased) August 12, 1929

Senator J.D.Reid(Deceased) August 26, 1929

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Ellman, I., Esq., Sr., President	Zionist Organization of St. John, St.John N.B.	Jan. 17, 1930	
Darwin, R.A., Esq., President	The Supreme Council of Zionist Order, 215 Montclair Avenue, Montreal, Que.	Jan. 17, 1930	
Nodek, I.M., Esq., President	Congregation Emanuel, Victoria, B.C.	Jan. 17, 1930	
Shane, Mrs. B. President	Hebrew Ladies Benevolent Society, Yarmouth, N.S.	Jan. 17, 1930	
Miller, Mr. Secretary	Viceroy Reading Lodge, Independent Order Bnai Brith, Hamilton, Ontario.	Jan. 17, 1930	
Spiro, Rabbi L.	Congregation Shaaeri Zedek, St. John, N.B.	Jan. 17, 1930	
Rabin, A.H., Esq. President.	Geulah Lodge, 5162 Jeanne Mance Street, Montreal, Que.	Jan. 17, 1930	
Brody, Mrs. J.H. President	Yarmouth Chapter of Hadassa Organization, Yarmouth, N.S.	Jan. 17, 1930	
Levina, P.M., Esq. President	Sgoolai Israel Synagogue, Fredericton, N.B.	Jan. 17, 1930	
Forman, H., Esq. Secretary.	The Kamsack Jewish Community, Kamsack, Sask.	Jan. 17, 1930	
Shapiro, William, Esq., President	Agudath Achim Society of Yarmouth, Yarmouth, N.S.	Jan. 17, 1930	

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W.L. Mackenzie King Papers
Memoranda & Notes

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C 97330

FILE No. S-1305-F

Continued: **RECOMMENDATION FOR APPOINTMENT TO**

SENATE - ONTARIO

ON BEHALF OF

A.J.Freiman,

ADDRESS Ottawa, Ontario.

VICE Sir Edward Kemp (Deceased) August 12, 1929

Senator J.D.Reid(Deceased) August 26, 1929

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
The Committee,	Individual Jewry of Walkerville, Windsor, Ontario.	January 17, 1930	
Sourkes, H.L., Esq. President	The Sons of Israel Fraternal Organization, 251 Delepee Avenue, Montreal, Quebec.	January 17, 1930	
Levine, Mrs. P.M. President	Hadasha Chapter of Fredericton, Fredericton, N.B.	January 17, 1930	
	P.O.Box 1284, Montreal, Quebec.	January 17, 1930	S.W.Jacobs,Esq.K.C. M.P., Confidential letter opposing -
	10 St. James St.,East, Montreal, Quebec.	January 20, 1930	J.A.Mercier,Esq., M.P.,Confidential letter opposing -
Beube, Miss Lillian Secretary	National Council of Jewish Women, Hamilton, Ontario.	January 20, 1930	
Boleslawsky, Z President	Congregation Adas Israel, Hamilton, Ontario.	January 17, 1930	
Axelrod,M.H. President	Hebrew Sick Benefit Society, 4077 Esplanade Ave., Montreal,Que.	January 17, 1930	
Raginsky, A. President	Bnai Jacob Congregation 714 Bloomfoeld Ave., Montreal, Que.	January 17, 1930	
Queen Esther Chapter of Hadassah	Sydney, N.S.	January 18, 1930	

P.M.—1

W.L. Mackenzie King Papers
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C 97331

FILE No. S-1305-F

Continued: RECOMMENDATION FOR APPOINTMENT TO

SENATE - ONTARIO

ON BEHALF OF

A.J.Freiman

ADDRESS Ottawa, Ontario.

VICE Sir Edward Kemp (Deceased) August 12, 1929

Senator J.D.Reid(Deceased) August 26, 1929

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
The Daughters of Israel-Sydney,N.S. Sydney		Jan. 18, 1930	
Caiserman, H.M. President	Phoneix Bond and Share Co,Ltd.,Montreal,Que.	Jan. 17, 1930	
Percy Hermant	Toronto, Ontario	Jan. 17, 1930	
Weidenhaum,D. President	London, Ontario Congregation Sons of Israel	Jan. 17, 1930	
Newfield,M.S. Vice President	Congregation Shaarei Zedek, Saint John, N.B.	Jan. 17, 1930	
Fishbein,Mrs. M. President	Hadassah Chapter of London, London, Ontario	Jan. 17, 1930	
Platus, S.C.	Timmins, Ontario	Jan. 17, 1930	
Dauphin Jewish Community	Dauphin, Manitoba	Jan. 17, 1930	
Merson, J. President	Jewish Community Council of Montreal, 563 Querbes Avenue, Montreal, Que.	Jan. 17, 1930	
Michalefsky, George President	Beth Yehuda Congregation 4371 Esplanade Ave., Montreal, Quebec.	Jan. 17, 1930	
Nathanson, Maurice President	Congregation Shaar Hash-omayim, Windsor, Ontario.	Jan. 17, 1930	
Meretsky, Simon President	Shaar Tzedec Congregation Windsor, Ontario	Jan. 17, 1930	
Croll, David A. President	Zionist Society of Windsor Windsor, Ontario	Jan. 17, 1930	

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C 97331

FILE No. S-1305-F

Continued: RECOMMENDATION FOR APPOINTMENT TO

SENATE - ONTARIO

ON BEHALF OF

A.J.Freiman

ADDRESS Ottawa, Ontario.

VICE Sir Edward Kemp (Deceased) August 12, 1929

Senator J.D.Reid(Deceased) August 26, 1929

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
The Daughters of Israel-Sydney,N.S. Sydney		Jan. 18, 1930	
Caiserman, H.M. President	Phoneix Bond and Share Co,Ltd.,Montreal,Que.	Jan. 17, 1930	
Percy Hermant	Toronto, Ontario	Jan. 17, 1930	
Weidenhaum,D. President	London, Ontario Congregation Sons of Israel	Jan. 17, 1930	
Newfield,M.S. Vice President	Congregation Shaarei Zedek, Saint John, N.B.	Jan. 17, 1930	
Fishbein,Mrs. M. President	Hadassah Chapter of London, London, Ontario	Jan. 17, 1930	
Platus, S.C.	Timmins, Ontario	Jan. 17, 1930	
Dauphin Jewish Community	Dauphin, Manitoba	Jan. 17, 1930	
Merson, J. President	Jewish Community Council of Montreal, 563 Querbes Avenue, Montreal, Que.	Jan. 17, 1930	
Michalefsky, George President	Beth Yehuda Congregation 4371 Esplanade Ave., Montreal, Quebec.	Jan. 17, 1930	
Nathanson, Maurice President	Congregation Shaar Hash-omayim, Windsor, Ontario.	Jan. 17, 1930	
Meretsky, Simon President	Shaar Tzedec Congregation Windsor, Ontario	Jan. 17, 1930	
Croll, David A. President	Zionist Society of Windsor Windsor, Ontario	Jan. 17, 1930	

P.M.—1

W.L. Mackenzie King Papers
Memoranda & Notes

PUBLIC ARCHIVES
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CANADA

C 97332

FILE No. S-1305-F

Continued: RECOMMENDATION FOR APPOINTMENT TO

SENATE - ONTARIO

ON BEHALF OF

A.J.Freiman

ADDRESS Ottawa, Ontario.

VICE Sir Edward Kemp (Deceased) August 12, 1929

Senator J.D.Reid(Deceased) August 26, 1929

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Harris, H. President	Shaarei Zfilah Congregation Montreal, Que.	Jan17, 1930	
The Ladies Auxiliary of the Regina Hebrew School	Regina, Sask.	Jan. 17, 1930	
Regina Hebrew Ladies Benevolent Society	Regina, Sask.	Jan. 17, 1930	
The Regina Zionist Council	Regina, Sask.	Jan. 17, 1930	
The Congregation of the House of Jacob	Regina, Sask.	Jan. 17, 1930	
The Trustees of the Regina Hebrew School	Regina, Sask.	Jan. 17, 1930	
Sanderson, W.	Drumheller, Alberta	Jan. 17, 1930	
Wilder, H.E. Managing Editor Israelite Press Daily	Winnipeg, Manitoba.	Jan. 16, 1930	
Nathanson, I President	The Sydney Chapter of Hadassah, Sudney, N.S.	Jan. 16, 1930	
Gherman, Mrs. J. President	Saskatoon Hadaffah Chapter Saskatoon, Sask.	Jan. 16, 1930	
Wershof,Dr. President	Bnai Zion, Edmonton, Alberta.	Jan. 16, 1930	

P.M.—1

W.L. Mackenzie King Papers
Memoranda & Notes

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C 97333

FILE No. S-1305-F

Continued: RECOMMENDATION FOR APPOINTMENT TO

SENATE - ONTARIO

ON BEHALF OF

A.J.Freiman

ADDRESS Ottawa, Ontario.

VICE Sir Edward Kemp (Deceased) August 12, 1929

Senator J.D.Reid(Deceased) August 26, 1929

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Goldstock, Dr. I.	London, Ontario.	Jan. 16, 1930	
Coppelman,Mrs. Albert-President	London, Ontario.	Jan. 16, 1930	
Secretary	Hebrew Ladies Aid Society, GlaceBay,N.S.	Jan. 16, 1930	
Spiro, M. Secretary	Agidas Achim Congregation, New Glasgow, N.S.	Jan. 16, 1930	
Hoichberg, M., President	4137 Esplanade Ave., Montreal,Quebec. Chevra Kadisha Synagogue.	Jan. 16, 1930	
Freedman, J. Secretary.	Grand Order of Israel Benefit Society, Hamilton, Ontario.	Jan. 16, 1930	
Regina Jewish Literary Society.	Regina, Saskatchewan.	Jan. 17, 1930	
Ogilvie, C.C. Secretary.	The Glace Bay Liberal Club, Glace Bay, N.S.	Jan. 16, 1930	
The Regina Sick Benefit Association.	Regina, Saskatchewan.	Jan. 17, 1930	
Moses, H. President	Share Shumain Congregation Sudbury, Ontario.	Jan.16, 1930	
Benjamin, I. Secretary	Sudbury, Ontario. Sudbury Bonay Zion.	Jan. 17, 1930	
Berger, Joseph Secretary	Congregation House of Jacob, Estevan,Sask.	Jan. 16, 1930	
Parks,Mrs. C.P. President	Estevan Hadassah Chapter Estevan, Saskatchewan.	Jan. 16, 1930	

P.M.—1

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C 97334

FILE No. S-1305-F

Continued: RECOMMENDATION FOR APPOINTMENT TO

SENATE - ONTARIO

ON BEHALF OF

A.J.Freiman

ADDRESS Ottawa, Ontario.

VICE Sir Edward Kemp (Deceased) August 12, 1929

Senator J.D.Reid(Deceased) August 26, 1929

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Vancouver Zionist Organization, Vancouver, B.C.		Jan. 16, 1930	
The Lillian Freiman Chapter of the Hadassah Organization Beatrice Dubinsky, Secretary	Moosejaw, Sask.	Jan. 16, 1930	
Schwartz, Ben L. Secretary	Moosejaw Hebrew Community, MOssejaw, Sask.	Jan. 16, 1930	
Goodman, B. President	Jewish Community of Quebec, Quebec, Que.	Jan. 16, 1930	
Lillian Freiman Hadassah	Vancouver, B.C.	Jan. 16, 1930	
Klein, A. President	Adath Yeshurin Congregation, 234 St. Joseph Blvd., Montreal, Que.	Jan. 16, 1930	
Needle, Mrs. A. President	The Ladies Auxiliary Beth Jacob Congregation Hamilton, Ontario.	Jan. 20, 1930	
Halpern, Mrs. A. President	Daughters of Israel, Hamilton, Ontario.	Jan. 20, 1930	
Goldblatt, J. President	United Hebrew Benevolent Society, Hamilton, Ont.	Jan. 20, 1930	
Segal, I. President	The Agudath Zion of Hamilton, Hamilton, Ont.	Jan. 20, 1930	
Smith, Mrs. E. President	Jewish National Workers Alliance Ladies Club, Hamilton, Ontario.	Jan. 20, 1930	

P.M.—1

W.L. Mackenzie King Papers
Memoranda & Notes

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C 97335

FILE No. S-1305-F

Continued: RECOMMENDATION FOR APPOINTMENT TO

SENATE - ONTARIO

ON BEHALF OF

A.J.Freiman,

ADDRESS Ottawa, Ontario.

VICE Sir Edward Kemp (Deceased) August 12, 1929

Senator J.D.Reid(Deceased) August 26, 1929

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Levy, Ida	Naomi Chapter of Junior Hadassah, Hamilton, Ont.	Jan. 20, 1930	
Circulnikof,Mrs.	Jewish National Ass'n., Branch 12, Hamilton,Ont.	Jan. 19, 1930	
Kessler,Charles Secretary	Jewish National Ass'n., Branch 215,Hamilton,Ont.	Jan. 19, 1930	
Loomer, M. Secretary	Jewish National Ass'n., Branch 11, Hamilton,Ont.	Jan. 19, 1930	
Gatelbaum,Malie Secretary	Hamilton, Ont. Women's Pioneer Organization.	Jan. 19, 1930	
Hershkovitz,Mrs.J. President	Hamilton Chapter of Hadassah, Hamilton, Ontario.	Jan. 20, 1930	
Lightstone,Herman B., President	Hamilton Council of Young Judea, Hamilton, Ontario.	Jan. 20, 1930	
Olyan, Harry Chairman	Vegreville Jewish Community, Vegreville, Alta.	Jan. 19, 1930	
Winnipeg Hadassah Council	Winnipeg, Manitoba.	Jan. 20, 1930	
Siegel, Mrs. Ben President	G.B.Hadassah,Glace-Bay, N.S.	Jan. 20, 1930	
Scott, I, President	The Jewish National Workers Alliance Branch 215	Jan.20, 1930	
Kauffman,Mrs.D.F. Secretary	The Mothers Club, Hamilton, Ontario.	Jan. 21, 1930	
Nathanson, J.S.	New Waterford, N.S.	Jan. 20, 1930	

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W.L. Mackenzie King Papers
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FILE No. S-1305-F

CONTINUED: RECOMMENDATION FOR APPOINTMENT TO

SENATE - ONTARIO

ON BEHALF OF

A.J.Freiman.

ADDRESS Ottawa, Ontario.

VICE Sir Edward Kemp (Deceased) August 12, 1929

Senator J.D.Reid(Deceased) August 26, 1929

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
The Brantford Zionist,	Brantford, Ontario.	January 24, 1930	
B Hadassah Organization of Ansonville,	Iroquois Falls, Ont.	January 24, 1930	
Bnai Zion of Ansonville-	Iroquois Falls, Ontario.	January 24, 1930	
Hebrew Congregation of Ansonville	Iroquois Falls, Ont.	January 24, 1930	
Yarmovsky, Mrs. H. President	London Hebrew School Mothers Club, London, Ontario.	January 23, 1930	
	417 Mount Stephen Ave., Westmount, Quebec.	Jan. 27, 1930	Opposing appt. of- H. Carl Goldenberg.
Weiss, B., Esq. President	Ottawa Hebrew Benefit Society, 1102 Wellington Street, Ottawa, Ont.	Feb. 12, 1930	
Caplan, C., Esq.	Ottawa.	Feb. 12, 1930	
Endleman, Arthur, Esq.	508 Besserer Street, Ottawa.	Feb. 13, 1930	
Slover, Dave, Esq. President	Hazomir Literary and Dramatic Society, Ottawa	Feb. 17, 1930	
Goldfield, Benjamin, Esq. President	Ottawa Lodge Number 885 Independent Order "B'nai B'rith Ottawa.	Feb. 17, 1930	
Brougham, Thos., Esq.	155 Laurier Ave., W. Ottawa, Ontario.	Feb. 15, 1930	T.Brougham, Opposing appt. -
McLeod, D.I., Esq.	Metropolitan Bldg., Toronto 2, Ontario.	Feb. 15, 1930	

P.M.—1

W.L. Mackenzie King Papers
Memoranda & Notes

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CANADA

C 97337
FILE No. S-1305-F

Continued: RECOMMENDATION FOR APPOINTMENT TO

SENATE - ONTARIO

ON BEHALF OF

A.J.Freiman

ADDRESS Ottawa, Ontario.

VICE Sir Edward Kemp (Deceased) August 12, 1929

Senator J.D.Reid(Deceased) August 26, 1929

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
	Ottawa, Ontario	Feb. 12, 1930	E.R.E.Chevrier - Comments re -
Edwards, Gordon C., Esq., M.P.	128 Wellington Street, Ottawa.	Feb. 19, 1930	

Order-in-Council P.C. 381 - Appointing Mrs. Cairine Mackay Wilson. Ottawa, as Member of Senate and Senator for Ontario. February 15, 1930. to fill vacancy caused by death of Hon. J.D.Reid.

Order-in-Council P.C. 634 - Appointing Hon. James Murdock as Member of Senate and Senator for Province of Ontario March 20, 1930, to fill vacancy caused by death of Sir Edward Kemp.

P.M.—1

W.L. Mackenzie King Papers
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CANADA

C 97338

FILE No. S-1305-F

RECOMMENDATION FOR APPOINTMENT TO

SENATE - ONTARIO

ON BEHALF OF

French Representative

ADDRESS

VICE Sir Edward Kemp (Deceased) August 12, 1929.

Senator J.D.Reid(Deceased) August 26, 1929.

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Dubois, Philippe	Secretaire de l'Association St-Jean-Baptiste d'Ottawa, 45 rue Rideau, Ottawa.	Feb.22,1930.	
Maurice, Hermes	Secretaire du Cercle Dollard, Sturgeon Falls, Ontario.	Feb. 22, 1930.	

Order-in-Council P.C.381 - Appointing Mrs. Cairine Mackay Wilson, Ottawa, as Member of Senate and Senator for Ontario, February 15, 1930. to fill vacancy caused by death of Hon. J.D.Reid.

Order-in-Council P.C. 634 - Appointing Hon. James Murdock as Member of Senate and Senator for Province of Ontario, March 20, 1930, to fill vacancy caused by death of Sir Edward Kemp.

P.M.—1

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C 97339
FILE No. S-1305-G

RECOMMENDATION FOR APPOINTMENT TO

SENATE - ONTARIO

ON BEHALF OF

John Galbraith

ADDRESS Toronto, Ont.

VICE Sir Edward Kemp (Deceased) August 12, 1929.

Senator J.D.Reid (Deceased) August 26, 1929.

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
MacArthur, D.A., Esq. President.	Monetary Reform Ass'n., 392 Bay Street, Toronto, Ont.	Aug. 26, 1929	
Galbraith, John,Esq.	113 Sammon, Avemue, Toronto 6, Ontario.	Sept.11, 1929	
Himself		Feb. 25, 1930	

Order-in-Council P.C. 381 - Appointing Mrs. Cairine Mackay Wilson, Ottawa, as Member of Senate and Senator for Ontario, February 15, 1930. to fill vacancy caused by death of Hon. J.D.Reid.

Order-in-Council P.C. 634 - Appointing Hon. James Murdock as Member of Senate and Senator for Province of Ontario March 20, 1930 to fill vacancy caused by death of Sir Edward Kemp.

P.M.—1

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C 97340
FILE No. S-1305-G

RECOMMENDATION FOR APPOINTMENT TO

SENATE - ONTARIO

ON BEHALF OF

Charles V. Gallagher, Esq., O.L.S.

ADDRESS South Porcupine, Ontario.

VICE Sir Edward Kemp (Deceased) August 12, 1929.

Senator J.D.Reid (Deceased) August 26, 1929.

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Himself		Dec. 13, 1929	
Kehoe, C.A., Esq.	South Porcupine, Ontario.	Dec. 19, 1929	

Order-in-Council P.C. 381 - AAppointing Mrs. Cairine Mackay Wilson, Ottawa, as Member of Senate and Senator for Ontario. February 15, 1930. to fill vacancy caused by death of Hon. J.D.Reid.

Order-in-Council P.C.634 - Appointing Hon. James Murdock as Member of Senate and Senator for Province of Ontario March 20, 1930. to fill vacancy caused by death of Sir Edward Kemp.

P.M.—1

W.L. Mackenzie King Papers
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CANADA

C 97341

FILE No. S-1305-G

RECOMMENDATION FOR APPOINTMENT TO

SENATE - ONTARIO

ON BEHALF OF

Dr. Augusta Stowe Gullen,

ADDRESS Toronto, Ontario.

VICE Sir Edward Kemp (Deceased) August 12, 1929

Senator J.D.Reid(Deceased) August 26, 1929

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Becker, Mrs. W.H.	326 Quebec Avenue, Toronto, Ontario.	January 14, 1930.	

Order-in-Council P.C. 381 - Appointing Mrs. Cairine Mackay Wilson. Ottawa, as Member of Senate and Senator for Ontario. February, 15, 1930. to fill vacancy caused by death of Hon. J.D.Reid.

Order-in-Council P.C. 634 - Appointing Hon. James Murdock as Member of Senate and Senator for Province of Ontario March 20, 1930. to fill vacancy caused by death of Sir Edward Kemp.

P.M.—1

W.L. Mackenzie King Papers
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C 97342

FILE No. S-1305-H

RECOMMENDATION FOR APPOINTMENT TO

SENATE - ONTARIO

ON BEHALF OF

R.R.Hall, K.C.

ADDRESS

VICE SIR EDWARD KEMP (DECEASED) AUGUST 12, 1929

SENATOR J.D.REID(DECEASED) AUGUST 26, 1929

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
GLOVER, R.M., Esq. President	The Peterborough Examiner Limited, Peterborough,Ont.	Sept. 18, 1929	
Fowler, E.B. Manager	Canadian Hood Haggie Co., Peterborough, Ontario.	Sept. 24, 1929	
Himself		Jan. 17, 1930	

Order-in-Council P.C. 381 - Appointing Mrs. Cairine Mackay Wilson, Ottawa, as Member of Senate and Senator for Ontario. February 15, 1930. to fill vacancy caused by death of Hon. J.D.Reid.

Order-in-Council P.C. 634 - Appointing Hon. James Murdock as Member of Senate and Senator for Ontario March 20, 1930, to fill vacancy caused by death of Sir Edward Kemp.

P.M.—1

W.L. Mackenzie King Papers
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C 97343
FILE No. S-1305-H

RECOMMENDATION FOR APPOINTMENT TO

SENATE - ONTARIO

ON BEHALF OF

Chas. E. Hanna

ADDRESS

VICE SIR EDWARD KEMP (DECEASED) AUGUST 12, 1929.

SENATOR J.D.REID(DECEASED) AUGUST 26, 1929.

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Rowland, Arthur W.	19 Isabel St., Belleville, Ont.	June 4, 1929	

Order-in-Council P.C. 381 - Appointing Mrs. Cairine Mackay Wilson, Ottawa, as Member of Senate and Senator for Ontario. February 15. 1930. to fill vacancy caused by death of Hon. J.D.Reid.

Order-in-Council P.C. 634 - Appointing Hon. James Murdock as Member of Senate and Senator for Ontario. March 20, 1930, to fill vacancy caused by death of Sir Edward Kemp.

P.M.—1

W.L. Mackenzie King Papers
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CANADA

C 97344
FILE No. S-1305-H

RECOMMENDATION FOR APPOINTMENT TO

SENATE - ONTARIO

ON BEHALF OF

C.W. Hartman

ADDRESS Clarksburg, Ontario.

VICE Sir Edward Kemp (Deceased) August 12, 1929.

Senator J.D.Reid (Deceased) August 26, 1929.

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Himself		Aug. 23, 1929	
Telford, W.P., M.P.	Owen Sound, Ontario.	Sept. 19, 1929	
Aylesworth, Sir Allen B., K.C.	21 Walmer Road, Toronto, 4, Ontario.	Sept. 23, 1929	
Himself		Sept. 27, 1929	
Gundy, S.B., Esq.	128 University Ave., Toronto, Ontario.	Oct. 24, 1929	
Telford, W.P., Esq., M.P.	Owen Sound, Ontario.	Nov. 20, 1929	
Himself		Jan. 15, 1930	
Mitchell, G.H., Esq. President	Ontario Fruit Growers Association	Feb. 4, 1930	

Order-in-Council P.C. 381 - Appointing Mrs. Cairine Mackay Wilson, Ottawa, as Member of Senate and Senator for Ontario, February 15, 1930 to fill vacancy caused by death of Hon. J.D.Reid.

Order-in-Council P.C. 634 - Appointing Hon. James Murdock as Member of Senate and Senator for Province of Ontario March 20, 1930, to fill vacancy caused by death of Sir Edward Kemp.

P.M.—1

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C 97345

FILE No. S-1305-H

RECOMMENDATION FOR APPOINTMENT TO

SENATE - ONTARIO

ON BEHALF OF

Archibald Hislop

ADDRESS

VICE Sir Edward Kemp (Deceased) August 12, 1929

Senator J.D.Reid(Deceased) August 26, 1929

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Porterfield, Alex. Secretary	North Huron Lib. Ass'n. Belgrave, Ont.	August 31, 1929	

ORDER-in-Council P.C. 381 - Appointing Mrs. Cairine Mackay Wilson, Ottawa, as Member of Senate and Senator for Ontario, February 15, 1930, to fill vacancy caused by death of Hon. J.D.Reid.

Order-in-Council P.C. 634 Appointing Hon. James Murdock as Member of Senate and Senator for Ontario. March 20, 1930, to fill vacancy caused by death of Sir Edward Kemp.

P.M.—1

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C 97346

FILE No. S-1305-H

RECOMMENDATION FOR APPOINTMENT TO

SENATE - ONTARIO

ON BEHALF OF

M. B. Holmes, Esq.

ADDRESS P. O. Box 164, Athens, Ontario.

VICE Sir Edward Kemp (Deceased) August 12, 1929

Senator J.D.Reid(Deceased) August 26, 1929

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Himself		Jan. 30, 1930	

Order-in-Council P.C.381 - Appointing Mrs. Cairine Mackay Wilson, Ottawa, as Member of Senate and Senator for Ontario. February 15. 1930. to fill vacancy caused by death of Hon. J.D.Reid.

Order-in-Council.P.C. 634 - Appointing Hon. James Murdock, Ottawa, as Member of Senate and Senator for Ontario, March 20, 1930, to fill vacancy caused by death of Sir Edward Kemp.

P.M.—1

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CANADA

C 97347

FILE No. S-1305-H

RECOMMENDATION FOR APPOINTMENT TO

SENATE - ONTARIO

ON BEHALF OF

Dr. James L. Hughes

ADDRESS 47 Dundonald Street, Toronto, Ontario.

VICE Sir Edward Kemp (Deceased) August 12, 1929

Senator J.D.Reid(Deceased) August 26, 1929

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Himself		January 27, 1930	

Order-in-Council P.C. 381 - Appointing Mrs. Cairine Mackay Wilson, Ottawa, as Member of Senate and Senator for Ontario. February 15, 1930. to fill vacancy caused by death of Hon. J.D.Reid.

Order-in-Council P.C. 634 - Appointing Hon. James Murdock , Ottawa, as Member of Senate and Senator for Province of Ontario, March 20, 1930, to fill vacancy caused by death of Sir Edward Kemp.

P.M.—1

W.L. Mackenzie King Papers
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C 97348

FILE No. S-1305-J

RECOMMENDATION FOR APPOINTMENT TO

SENATE - ONTARIO

ON BEHALF OF

Jew Representative

ADDRESS

VICE Sir Edward Kemp (Deceased) August 12, 1929;

Senator J.D.Reid(Deceased) August 26, 1929.

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
	518 Jarvis Street, Toronto, Ontario.	January 25, 1930	Opposing appt. of - Rt. Hon. Sir Wm. Mulock, K.C.M.G, LL.D.

Order-in-Council P.C. 381 - Appointing Mrs. Cairine Mackay Wilson, Ottawa, as Member of Senate and Senator for Ontario, February 15. 1930. to fill vacancy caused by death of Hon. J.D.Reid.

Order-in-Council P.C. 634 - Appointing Hon. James Murdock, Ottawa, as Member of Senate and Senator for Ontario, March 20, 1930, to fill vacnacy caused by death of Sir Edward Kemp.

P.M.—1

W.L. Mackenzie King Papers
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C 97349

FILE No. S-1305-J

RECOMMENDATION FOR APPOINTMENT TO

SENATE - ONTARIO

ON BEHALF OF

D.M.Johnson,Esq.

ADDRESS Matheson, Ontario.

VICE Sir Edward Kemp (Deceased) August 12, 1929

Senator J.D.Reid(Deceased) August 26, 1929

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Himself		Jan. 29, 1930	

Order-in-Council P.C. 381 - Appointing Mrs. Cairine Mackay Wilson, Ottawa, as Member of Senate and Senator for Ontario, February 15, 1930. to fill vacancy caused by death of Hon. J. D. Reid.

Order-in-Council P.C. 634 - Appointing Hon. James Murdock, Ottawa, as Member of Senate and Senator for Province of Ontario, March 20, 1930, to fill vacancy cuased by death of Sir Edward Kemp.

P.M.—1

W.L. Mackenzie King Papers
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C 97350
FILE No. S-1305-K

RECOMMENDATION FOR APPOINTMENT TO

SENATE - ONTARIO

ON BEHALF OF

Mrs. W.C.Kennedy

ADDRESS

VICE Sir Edward Kemp (Deceased) August 12, 1930

Senator J.D.Reid(Deceased) August 26, 1930

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Fox, Helen M. Secretary	Womens Liberal Ass'n., London, Ontario.	Feb. 11, 1930	

Order-in-Council P.C. 381 - Appointing Mrs. Cairine Mackay Wilson, Ottawa, as Member of Senate and Senator for Ontario, February 15, 1930. to fill vacancy caused by death of Hon. J.D.Reid.

Order-in-Council P.C. 634 - Appointing Hon. James Murdock as Member of Senate and Senator for Province of Ontario, March 20, 1930, to fill vacancy caused by death of Sir Edward Kemp.

P.M.—1

W.L. Mackenzie King Papers
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PUBLIC ARCHIVES
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CANADA

C 97351

FILE No. S-1305-K

RECOMMENDATION FOR APPOINTMENT TO

SENATE - ONTARIO

ON BEHALF OF

John King

ADDRESS

VICE SIR EDWARD KEMP (DECEASED) AUGUST 12, 1929.

SENATOR J.D.REID(DECEASED) AUGUST 26, 1929.

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Wilson, Charles W. President,	Liberal Association, Fort William, Ont.	Jan. 17, 1929	
Himself		Feb. 1, 1930	

Order-in-Council P.C. 381 - Appointing Mrs. Cairine Mackay Wilson, Ottawa, as Member of Senate and Senator for Ontario, February 15, 1930. to fill vacancy caused by death of Hon. J.D.Reid.

Order-in-Council P.C. 634 - Appointing Hon. James Murdock as Member of Senate and Senator for Province of Ontario March20, 1930, to fill vacancy caused by death of Sir Edward Kemp.

P.M.—1

W.L. Mackenzie King Papers
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CANADA

FILE No. C 27352
S-1308-K

RECOMMENDATION FOR APPOINTMENT TO

SENATE - ONTARIO

ON BEHALF OF

Colonel A.E. Kirkpatrick

ADDRESS Toronto,Ontario

VICE Sir Edward Kemp (Deceased) August 12, 1929

Senator J.D.Reid(Deceased) August 26, 1929

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
McEvoy John A.	Toronto,Ontario	August 21, 1929	

Order-in-Council P.C. 381 - Appointing Mrs. Caiirine Mackay Wilson. Ottawa, as Member of Senate and Senator for Ontario. February 15. 1930. to fill vacancy caused by death of Hon. J.D.Reid.

Order-in-Council P.C. 634 - Appointing Hon. James Murdock, Ottawa, as Member of Senate and Senator for Province of Ontario, March 20, 1930, to fill vacancy caused by death Sir Edward Kemp.

P.M.—1

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C 97353

FILE No. S-1305-K

RECOMMENDATION FOR APPOINTMENT TO

SENATE - ONTARIO

ON BEHALF OF

Jacob Kohler

ADDRESS

VICE Sir Edward Kemp (Deceased) August 12, 1929.

Senator J.D.Reid(Deceased) August 26, 1929.

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Colter, R.S., K.C.	Barrister, Cayuga, Ontario	Sept. 6, 1929.	
Himself		Oct. 4, 1929.	
Kohler, J.,Esq.	Cayuga, Ontario.	Oct. 29, 1929.	
Smith, Stuart	Caledonia, Ontario	Nov. 26, 1929.	
Levack,Alex.Esq.	Union Stock Yards, West Toronto, Ont.	Nov. 27, 1929.	
SHIELDS, MESSRS.J.B. & Son.	Union Stock Yards, West Toronto, Ont.	Nov. 27, 1929.	
Gehl, Rev. Father W.C.	Brantford, Ontario.	Nov. 27, 1929.	
Fox, E.C., ESQ. President	The William Davies Co., Limited, Toronto 2, Ontario.	Nov. 29, 1929.	
Himself		Nov. 29, 1929.	
Himself		Jan. 15, 1930.	
Petitions signed by	Ontario Live Stock Dealers and Farmers,	Jan. 30, 1930	
Davey,R.H.,Esq.	Cayuga,Ontario.	Feb. 12, 1930	

Order-in-Council P.C. 381 - Appointing Mrs. Cairine Mackay Wilson. Ottawa, as Member of Senate and Senator for Ontario. February 15, 1930 to fill vacancy caused by death of Hon. J.D.Reid.

Order-in-Council P.C. 634 - Appointing Hon. James Murdock, Ottawa, as Member of Senatd and Senator for Ontario, March 20, 1930, to fill vacancy caused by death of Sir Edward Kemp.

P.M.—1

W.L. Mackenzie King Papers
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CANADA

C 97354

FILE No. S-1305-L

RECOMMENDATION FOR APPOINTMENT TO

SENATE - ONTARIO

ON BEHALF OF

LABOUR REPRESENTATIVE

ADDRESS

VICE Sir Edward Kemp (Deceased) August 12, 1929

Senator J.D.Reid(Deceased) August 26, 1929

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
O'Dell,E.W.A.,Esq.	20 Rutherford Avenue, Hamilton, Ontario.	Dec. 20, 1929.	
Hunter, Joseph P., Esq.	Canadian General Vice-President,Brotherhood of Painters,Decorators and Paperhangers of America, 1438 Bridge Street,Niagara Falls, Ontario	Dec. 27, 1929.	
Crawford, A.J.,Esq.	International Representative Sheet Metal Workers' International Association, 109 Geoffrey Street, Toronto, Ontario.	Dec.27,1929.	

Order-in-Council P.C. 381 - Appointing Mrs. Cairine Mackay Wilson. Ottawa, as Member of Senate and Senator for Ontario. February 15, 1930. to fill vacancy caused by death of Hon. J.D.Reid.

Order-in-Council P.C. 634 - Appointing Hon. James Murdock as Member of Senate and Senator for Province of Ontario March 20, 1930, to fill vacancy caused by death of Sir Edward Kemp.

P.M.—1

W.L. Mackenzie King Papers
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CANADA

C 97355

FILE No. S-1305-L

RECOMMENDATION FOR APPOINTMENT TO

SENATE - ONTARIO

ON BEHALF OF

E.A.Lapierre.

ADDRESS

VICE Sir Edward Kemp (Deceased) August 12, 1929

Senator J.D.Reid(Deceased) August 26, 1929

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Montfort,E.	Secretaire Archiviste, Cercle Canadien d'Ansonville,Ansonville,Quebec.	Feb. 14, 1930	

Order-in Council P.C. 381 - Appointing Mrs. Cairine Mackay Wilson. Ottawa, as Member of Senate and Senator for Ontario, February 15, 1930. to fill vacancy caused by death of Hon. J.D.Reid.

Order-in-Council P.C. 634 - Appointing Hon. James Murdock as Member of Senate and Senator for Province of Ontario, March 20, 1930 to fill vacancy caused by death of Sir Edward Kemp.

P.M.—1

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PUBLIC ARCHIVES
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CANADA

FILE No. S-130571 C 87356

RECOMMENDATION FOR APPOINTMENT TO

SENATE - ONTARIO

ON BEHALF OF

W. B. Lawson

ADDRESS

VICE Sir Edward Kemp (Deceased) August 12, 1929

Senator J.D.Reid(Deceased) August 26, 1929

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Meikle, J.H.,Esq.	Morrisburg, Ontario	Sept. 25, 1929	
Hamilton, W.,Esq., President	Dundas County Liberal Ass'n. Post Office Box 672, Chesterville,Ont.	Sept. 25, 1929	
"	"	Oct. 5, 1929	
Smith,Arnold N., Esq.,M.P.	Cornwall, Ontario.	Oct. 28, 1929	
MacMillan,A.H.,Esq. President	Stormont Liberal Association, Avonmore, Ontario.	Nov. 29, 1929	
Brennan,George E., Esq.,B.A.	102 Pitt Street, Cornwall, Ontario.	Dec. 7, 1929	
Hamilton,Wesley,Esq.	P.O. Box 672, Chesterville,Ontario.	Dec. 21, 1929	
Himself		Feb. 3, 1930	
Smith, Arnold N., Esq., M.P.	House of Commons, Ottawa,	March 11, 1930	

Order-in-Council P.C. 381 - Appointing Mrs. Cairine Mackay Wilson, Ottawa, as Member of Senate and Senator for Ontario, February 15, 1930 to fill vacancy caused by death of Hon. J.D.Reid.

Order-in-Council P.C. 634 - Appointing Hon. James Murdock as Member of Senate and Senator for Province of Ontario March 20, 1930 to fill vacancy caused by death Sir Edward Kemp.

P.M.—1

W.L. Mackenzie King Papers
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CANADA

C 97357

FILE No. S-1305-L

RECOMMENDATION FOR APPOINTMENT TO

SENATE - ONTARIO

ON BEHALF OF

Thomas Low

ADDRESS

VICE Sir Edward Kemp (Deceased) August 12, 1929

Senator J.D.Reid(Deceased) August 26, 1929

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Gordon, Hon. G.N.,K.C.	395 George St., Peterborough, Ont.	Sept. 3, 1929	
Hardy, Hon. A.C.	Brockville,Ontario	Sept. 5, 1929	

Order-in-Council P.C. 381 - Appointing Mrs. Cairine Mackay Wilson, Ottawa, as Member of Senate and Senator for Ontario, February 15, 1930. to fill vacancy caused by Hon. H.D.Reid. (Deceased)

Order-in-Council P.C.634 - Appointing Hon. James Murdock. as Member of Senate and Senator for Province of Ontario March 20, 1930 to fill vacancy caused by death of Sir Edward Kemp

P.M.—1

W.L. Mackenzie King Papers
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CANADA

C 97358

FILE No. S-1305-L

RECOMMENDATION FOR APPOINTMENT TO

SENATE - ONTARIO.

ON BEHALF OF

William James Low

ADDRESS Snelgrove, Ontario.

VICE Sir Edward Kemp (Deceased) August 12, 1929

Senator J.D.Reid(Deceased) August 26, 1929

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Atkinson, J.E.	Toronto, Ontario.	August 21, 1929	Order-in-Council P.C. 634 Appointing Hon. James Murdock as Member of Senate and Senator for Province of Ontario, March 20, 1930 to fill vacancy caused by death of Sir Edward Kemp.
Himself		August 21, 1929	
Maybee, E.	Toronto, Ontario.	August 21, 1929	
Cotbett, T.J.,Esq.	Messrs. Corbett & McCurdy, Union Stock Yards, Toronto, Ont.	Sept. 3, 1929	
Gardhouse, J.M.,Esq.	Weston, Ontario.	Sept. 5, 1929	
Zeagman, Charles	Live Stock Commission Dept., Union Stock Yards, West Toronto 9, Ontario.	Sept. 9, 1929	
Rowell, Hon. N.W.	38 King Street West, Toronto, Ontario.	Sept. 12, 1929	
McLean, J.S.,Esq.	c/o Canada Packers Limited, Toronto, Ont.	Dec. 12, 1929	
Sifton, Harry	Canada Permanent Bldg. Toronto, Ontario.	Jan. 11, 1930	
Kehoe, H.J.		Feb. 4, 1930	
Lowry, R.W.	Brampton, Ontario.	Feb.14, 1930	
Godfrey, John M., President	Peel County Liberal Ass'n., Port Credit, Ontario.	Feb. 18,1930	

Order-in-Council P.C. 381 - Appointing Mrs. Cairine Mackay Wilson, Ottawa, as Member of Senate and Senator for Ontario, February 15, 1930. to fill vacancy caused by death of Hon. J.D.Reid.

P.M.—1

W.L. Mackenzie King Papers
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C 97359
FILE No. S-1305-Mc

RECOMMENDATION FOR APPOINTMENT TO

SENATE - ONTARIO.

ON BEHALF OF

Cornelius McCabe

ADDRESS Schomberg, Ontario.

VICE Sir Edward Kemp (Deceased) August 12, 1929

Senator J.D.Reid(Deceased) August 26, 1929.

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Himself		Nov. 30, 1929.	

Order-in-Council P.C. 381 - Appointing Mrs. Cairine Mackay Wilson, Ottawa, as Member of Senate and Senator for Ontario. February 15, 1930. to fill vacancy caused by death of Hon. J.D.Reid.

Order-in-Council P.C. 634 - Appointing Hon. James Murdock as Member of Senate and Senator for Province of Ontario March 20. 1930 to fill vacancy caused by death of Sir Edward Kemp.

P.M.—1

W.L. Mackenzie King Papers
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C 97360

FILE No. S-1305-Mc.

RECOMMENDATION FOR APPOINTMENT TO

SENATE - ONTARIO

ON BEHALF OF

Thomas McCann

ADDRESS R.R. No., Auburn, Ontario

VICE Sir Edward Kemp (Deceased) August 12, 1929

Senator J.D.Reid(Deceased) August 26, 1929

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Himself	Auburn, Ontario	August 16, 1929	
Robertson, W.H.,ESQ. Editor & Manager	The Signal Printing Co. Ltd.,Goderich,Ontario.	Sept. 25, 1929	
Himself		Nov. 25, 1929	
Himself		Jan. 7, 1930	
Boyle, W.A., Esq.	St. Augustine, Ontario	Feb. 17, 1930	
Smyth, G. Brown	Rural Route Number 2, Auburn, Ontario.	Feb. 17, 1930	
Murphy, Michael,Esq.	St. Augustine, Ont.	Feb. 17, 1930	
McCann, Miss Caroline	R.R.No. 2, Auburn, Ontario.	March 10, 1930	

Order-in-Council P.C. 381 - Appointing Mrs. Cairine Mackay Wilson, Ottawa, as Member of Senate and Senator for Ontario, February 15, 1930. to fill vacancy caused by death of Hon. J.D.Reid.

Order-in-Council P.C. 634 - Appointing Hon. James Murdock as Member of Senate and Senator for Province of Ontario, March 20, 1930, to fill vacancy caused by death of Hon. James Murdock.

P.M.—1

W.L. Mackenzie King Papers
Memoranda & Notes
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

C 97361

FILE No. S-1305-Mc

RECOMMENDATION FOR APPOINTMENT TO

SENATE - ONTARIO

ON BEHALF OF

MRS. E.K. Macdonald (Donald)

ADDRESS "Sunnyside" Cobourg, Ontario.

VICE Sir Edward Kemp (Deceased) August 12, 1929

Senator J.D.Reid(Deceased) August 26, 1929

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Herself		January 15,1930	
Herself		Feb. 4,1930	
Aylesworth,Sir Allen	21 Walmer Road, Toronto 4, Ontario.	Feb. 14, 1930	
Mowat, W.H., Esq., B.A.,Barrister	Kirkland Lake, Ontario.	Feb. 14, 1930	

Order-in-Council P.C. 381, Appointing Mrs. Cairine Mackay Wilson, Ottawa, as Member of Senate and Senator for Ontario, February 15, 1930. to fill vacancy caused by death of Hon. J.D.Reid.

Order-in-Council P.C. 634-Appointing Hon. James Murdock as Member of Senate and Senator for Province of Ontario March 20, 1930. to fill vacancy caused by death of Sir Edward Kemp.

P.M.—1

W.L. Mackenzie King Papers
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PUBLIC ARCHIVES
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CANADA

C 97362

FILE No S-1305-Mc

RECOMMENDATION FOR APPOINTMENT TO

SENATE - ONTARIO.

ON BEHALF OF

Dr. J.A. McInnis

ADDRESS Timmins, Ontario.

VICE Sir Edward Kemp (Deceased) August 12, 1929.

Senator J.D.Reid(Deceased) August 26, 1929.

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Moore, Hugh		Dec. 11, 1928	
Hurtubise, Omer, Esq.	P.O.Box 813, Kirkland Lake, Ont.	Dec. 10, 1929	
Valois, Frank, Esq.	Timmins, Ontario.	Dec. 11, 1929	
Ashby, Percy J., Esq.	Sesikinika Lake, Ontario.	Dec. 11, 1929	
Young, J.W., Esq.	South Porcupine, Ont.	Dec. 11, 1929	
Moore, Hugh, Esq.	Matheson Station, Ontario.	Dec. 12, 1929	
Wilkes, T.H., Esq.	District Deputy, District No. 13, Knights of Columbus, Iroquois Falls, Ontario.	Dec. 13, 1929	
Hayward, Mrs. Catherine M.	Box 643, Schumacher, Ont.	Dec. 13, 1929	
Racicot, L.L., Esq.	Connaught Station, Ontario.	Dec. 13, 1929	
Caron, N., Esq. Vice-President	The Provincial Liberal Ass'n, for South Cochrane Timmins, Ontario.	Dec. 14, 1929	
Ostrosser, Dayton, Esq., President	Timmins Liberal Ass'n., Timmins, Ontario.	Dec. 16, 1929	
Sky, Sol., Esq. President.	South Porcupine Lib. Ass'n., South Porcupine, Ontario.	Dec. 18, 1929	

P.M.—1

W.L. Mackenzie King Papers
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PUBLIC ARCHIVES
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C 97363

FILE No. S-1305-Mc

Continued **RECOMMENDATION FOR APPOINTMENT TO**

SENATE - ONTARIO

ON BEHALF OF

Dr. J.A.McInnis

ADDRESS Timmins, Ontario.

VICE Sir Edward Kemp (Deceased) August 12, 1929.

Senator J.D.Reid(Deceased) August 26, 1929.

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
LaFontaine,Joseph E., Esq., Secretary.	Connaught Station Lib. Ass'n., Connaught Station, Ontario.	Dec. 19, 1929	
Wright, Mrs. T.J.	South Porcupine, Ontario	Dec. 21, 1929	
Racicot,L. Leo	Case postale 37, Connaught Sta. Nord Ontario.	Dec. 21, 1929	
Himself		Dec. 21, 1929	
Sicard,P.P.	Timmins, Ontario	Jan. 4, 1930	
Himself		Jan. 7, 1930	
Elliott,Mrs.Geo.L.	Schumacher, Ontario	Jan. 13 , 1930	
Himself		Jan. 15, 1930	
Murphy, George C., Esq.	P.O.Box 31, Schumacher,Ontario.	Jan. 16, 1930	
Hayward, A.J., Esq.	P.O.Box 643, Schumacher, Ontario	Jan. 16, 1930	
Copps, Miss Ellen	Timmins, P.O., Ont.	Jan. 16, 1930	
Dipoolo, Ralph,Esq. President.	Northern Prospectors' and Claim-Owners' Association, South Porcupine, Ontario.	Feb. 7, 1930	

Order-in-Council P.C. 634 - Appointing Hon. James Murdock Ottawa, as Member of Senate and Senator for Province of Ontario.

Order-in-Council.P.C. 381 - Appointing Mrs. Cairine Mackay Wilson, Ottawa, as Member of Senate and Senator for Ontario, February 15, 1930 to fill vacancy caused by death of Hon. J.D. Reid.

P.M.—1

W.L. Mackenzie King Papers
Memoranda & Notes

PUBLIC ARCHIVES
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CANADA

C 97364

FILE No. S-1305-Mc

RECOMMENDATION FOR APPOINTMENT TO

SENATE - ONTARIO

ON BEHALF OF

P.A.MacIntosh, B.A., M.D.

ADDRESS Spencerville, Ontario.

VICE Sir Edward Kemp (Deceased) August 12, 1929

Senator J.D.Reid (Deceased) August 26, 1929

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Himself		August 29, 1929	
DuBrule, Frank, Esq.	Prescott, Ontario	Sept. 3, 1929	
Walsh, George, Esq.	Prescott, Ontario	Sept. 3, 1929	
Snyder, W.M., Esq. Sec. Treas.	The Grenville Patron Mutual Fire Insurance Company, Spencerville, Ontario.	Sept. 4, 1929	
Merrifield, John	Burritt's Rapids, Ontario	Sept. 6, 1929	
Judson, Dr. Arthur H.	28 Victoria Ave., Brockville, Ontario.	Sept. 16, 1929	
Weir, Robert	Edwardsburg Liberal Ass'n., Spencerville, Ontario.	Sept. 16, 1929	
Schlichter, J.E.,Esq.	Cardinal Public School, Cardinal, Ontario.	Sept. 16, 1929	
Delaney, John,Esq.	President, Cardinal Liberal Club, Cardinal, Ontario.	Sept. 19, 1929	
Weir, Bruce S.	Easton's Corners, Ontario.	Sept. 18, 1929	
Macdonald, A.J.,M.P.	North Lancaster, Ontario.	Sept. 19, 1929	

P.M.—1

W.L. Mackenzie King Papers
Memoranda & Notes

PUBLIC ARCHIVES
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CANADA

C 97365
FILE No. S-1305-Mc

Continued

RECOMMENDATION FOR APPOINTMENT TO

SENATE - ONTARIO.

ON BEHALF OF

P.A.MacIntosh, B.A., M.D.

ADDRESS Spencerville, Ontario.

VICE Sir Edward Kemp (Deceased) August 12, 1929

Senator J.D.Reid(Deceased) August 26, 1929

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Bayne, J.N.,Esq.	The Local Government Board, (Non-Official) Regina, Saskatchewan.	Sept. 23,1929	
Williams,Dr. W. OLiver	Cardinal, Ontario.	Sept. 24,1929	
Barclay,P.J., Esq.	Iroquois, Ontario.	Sept. 24,1929	
Donaldson,His Worship Mayor Allan	Victoria Bldg. Brock-ville, Ontario.	Oct. 9,1929	
Anderson,Wm. Garnet	Kemptville, Ontario.	Oct. 19, 1929	
Fitzgerald,J.J.	Daniels, Hotel, Prescott, Ontario.	Oct. 24, 1929	
Fulton, S.R.,Esq.	Chesterville,Ontario.	Oct. 24, 1929	
Williams,Dr. W. Oliver	Cardinal, Ontario.	Oct. 26, 1929	
Weir, James,Esq.	R. R. #2, Prescott, Ontario.	Nov. 12, 1929	
Bell, Howard,Esq.	Merrickville, Ontario.	Dec. 3, 1929	
Throop,G.A.,Esq.	Prescott, Ontario.	Dec. 9, 1929	
Taugher,Dr.W.E.	The Mayor,Prescott, Ontario.	Dec. 12, 1929	
MacIntosh,Dr. L. Dec.,C.M.	Hartland, N.B.	Dec. 23, 1929	
Webb, C.W.,Esq.	Cardinal, Ontario.	Jan. 7, 1930	
MacIntosh,Dr.P.A.	Spencerville,Ontario.	Jan. 10, 1930	

P.M.—1

W.L. Mackenzie King Papers
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PUBLIC ARCHIVES
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CANADA

C 97366

FILE No. S-1305-Mc

Continued: RECOMMENDATION FOR APPOINTMENT TO

SENATE - ONTARIO

ON BEHALF OF

P.A.MacIntosh, B.A., M.D.

ADDRESS Spencerville, Ontario.

VICE Sir Edward Kemp (Deceased) August 12, 1929

Senator J.D.Reid(Deceased) August 26, 1929

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Reid, W. Lyle, Esq.	Division Manager, Sun Life Assurance Co. of Canada, Sun Life Building, Sparks and Bank Streets, Ottawa.	January 13, 1930	
Newman, Wm., Esq., M.L.A.	Lorneville, Ontario.	February 4, 1930	

Order-in-Council P.C. 381 - Appointing Mrs. Cairine Mackay Wilson, Ottawa, as Member of Senate and Senator for Ontario, February 15, 1930. to fill vacancy caused by Hon. J.D.Reid.

Order-in-Council P.C. 634 - Appointing Hon. James Murdock as Member of Senate and Senator for Province of Ontario, March 20, 1930 to fill vacancy caused by Sir Edward Kemp.

P.M.—1

W.L. Mackenzie King Papers
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PUBLIC ARCHIVES
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CANADA

FILE No. S-1305-Mc C 97367

RECOMMENDATION FOR APPOINTMENT TO

SENATE - ONTARIO

ON BEHALF OF

Dr. M. McKay

ADDRESS

VICE Sir Edward Kemp (Deceased) August 12, 1929

Senator J.D.Reid(Deceased) August 26, 1929

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Webster, A.E., Esq., D.D.S., M.D.	University of Toronto, Faculty of Dentistry, 240 College Street, Toronto 2, Ontario.	Jan. 30, 1930	
Garvin,M.H.,Esq. President	Canadian Dental Ass'n., Somerset Building, Winnipeg, Manitoba.	Feb. 1, 1930	
Ellis, Arthur W.,Esq. President	Ontario Dental Ass'n., 1301 Star Building, Toronto, Ontario.	Feb. 15, 1930	
Greenberg, Chas.,Esq Vice President.	Eastern Ontario Liberal Association,12 Charlotte Street, Ottawa.	Feb. 24, 1930	

Order-in-Council P.C. 381 - Appointing Mrs. Cairine Mackay Wilsoh, Ottawa, as Member of Senate and Senator for Ontario, February 15, 1930. to fill vacancy caused by death of Hon. J.D.Reid.

Order-in-Council P.C. 634 - Appointing Hon. James Murdock as Member of Senate and Senator for Province of Ontario, March 20, 1930, to fill vacancy caused by death of Sir Edward Kemp.

P.M.—1

W.L. Mackenzie King Papers
Memoranda & Notes

PUBLIC ARCHIVES
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CANADA

C 37368

FILE No. S-1305-Mc

RECOMMENDATION FOR APPOINTMENT TO

SENATE - ONTARIO

ON BEHALF OF

Mrs. McKinney.

ADDRESS

VICE Sir Edward Kemp, (Deceased) August 12, 1929

Senator J.D.Reid (Deceased) August 26, 1929

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Wallace, Mrs.J.A.	Rural Route Number 4, Simcoe, Ontario.	Jan. 11, 1930	
Becker, Mrs. W.H.	326 Quebec Avenue, Toronto, Ontario.	Jan. 14, 1930	

Order-in-Council P.C. 381 - Appointing Mrs. Cairine Mackay Wilson, Ottawa, as Member of Senate and Senator for Ontario, February 15, 1930. to fill vacancy caused by Hon. J.D.Reid.

Order-in-Council P.C. 634 - Appointing Hon. James Murdock, Ottawa, as Member of Senate and Senator for Province of Ontario, March 20, 1930. to fill vacancy caused by death of Sir Edward Kemp.

P.M.—1

W.L. Mackenzie King Papers
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PUBLIC ARCHIVES
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CANADA

C 97369

FILE No. S-1305-Mc

RECOMMENDATION FOR APPOINTMENT TO

SENATE - ONTARIO

ON BEHALF OF

Mrs. Donald McLean

ADDRESS

VICE Sir Edward Kemp (Deceased) August 12, 1929

Senator J.D.Reid(Deceased) August 26, 1929

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Fox, Mrs. W.H. Secretary	Womens Liberal Ass'n., London, Ontario.	Feb. 12, 1930	
Wallace, Rev. E.W., M.A., D.D.	Victoria University, Toronto 2, Ontario.	Feb. 21, 1930	
Boyle, Rev. T. Stannage,D.D.,D.C.L.	Rector St. Peter's Church, Cobourg, Ontario.	Feb. 24, 1930	

Order-in-Council P.C. 381 - Appointing Mrs. Cairine Mackay Wilson, Ottawa, as Member of Senate and Senator for Ontario, February 15, 1930. to fill vacancy caused by death of Hon. J.D.Reid.

Order-in-Council P.C. 634 - Appointing Hon. James Murdock, Ottawa as Member of Senate and Senator for Province of Ontario, March 20, 1930, to fill vacancy caused by death of Sir Edward Kemp.

P.M.—1

W.L. Mackenzie King Papers
Memoranda & Notes

PUBLIC ARCHIVES
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CANADA

C 97370

FILE No. S-1305-M

RECOMMENDATION FOR APPOINTMENT TO

SENATE - ONTARIO

ON BEHALF OF

Madame P.E.Marchand

ADDRESS

VICE Sir Edward Kemp (Deceased) August 12, 1929

Senator J.D.Reid(Deceased) August 26, 1929.

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Baudry, Mlle.Yvonne, A.R.R.C.,Second Vice-President.	La Federation des Femmes Canadiennes-Francaises,Ottawa.	Dec. 14, 1929	
Gauvreau,Mlle.Cora Secretary,	La Federation des Femmes Canadiennes-Francaises, Cornwall,Ontario.	Dec.16, 1929	
Sigouin, Mde. L.	Secretaire-tresoriere de la Federation des Femmes Canadiennes-Francaises, Section de Sudbury, Sudbury,Ont.	Dec. 28, 1929	
Herself		Dec. 21, 1929	
Love, Madame A.E.	145 Linden Avenue, East Kildonan, Manitoba	Jan. 8, 1930	
Seguin, Mde.Apolline	Secretaire de la Section Notre-Dame d'Ottawa de la Federation des Femmes Canadiennes-Francaises, Ottawa.	Jan. 9, 1930	
Mathe, Mde. N.M.	Secretaire de la Section du Sacre-Coeur d'Ottawa de la Federation des Femmes Canadiennes-Francaises, Ottawa.	Jan.16, 1930	
Claude,Mde. Delius	Presidente de la Section Notre-Dame de Lourdes d'Eastview de la Federation des Femmes Canadiennes-Francaises, 25 Chemin Marier, Eastview,Ont.	Feb. 14, 1930	

Order-in-Council P.C. 634 - Appointing Hon. James Murdock,Ottawa, as Member of Senate and Senator for Province of Ontario, March 20, 1930, to fill vacancy caused by Sir Edward Kemp.

Order-in-Council P.C. 381 - Appointing Mrs. Cairine Mackay Wilson, Ottawa, as Member of Senate and Senator for Ontario, February 15, 1930. to fill vacancy caused by deth of Hon. J.D.Reid.

P.M.—1

W.L. Mackenzie King Papers
Memoranda & Notes

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

FILE No. S-1305-M

C 97371

RECOMMENDATION FOR APPOINTMENT TO

SENATE - ONTARIO

ON BEHALF OF

Albert Matthews

ADDRESS 255 Bay Street, Toronto, Ont.

VICE Sir Edward Kemp (Deceased) August 12, 1929.

Senator J.D.Reid(Deceased) August 26, 1929.

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Fielding, E.	46 Front Street East, Toronto 2, Ontario.	Aug. 14, 1929.	
Rowell, Hon. Newton W.	38 King Street West, Toronto, Ontario.	Sept. 17, 1929.	
Whidden, Dr. Howard P., B.A., LL.D., Chancellor	McMaster University, Toronto, Ontario.	Sept. 17, 1929.	
Himself		Sept. 21, 1929.	
Bowman, C.M.	Waterloo, Ontario.	Oct. 11, 1929.	

Order-in-Council P.C. 381 - Appointing Mrs. Cairine Mackay Wilson, Ottawa, as Member of Senate and Senator for Ontario, February 15, 1930. to fill vacancy caused by Hon. J.D.Reid.

Order-in-Council.P.C. 634 - Appointing Hon. James Murdock, Ottawa, as Member of Senate and Senator for Province of Ontario, March 20, 1930 to fill vacancy caused by death of Sir Edward Kemp.

P.M.—1

W.L. Mackenzie King Papers
Memoranda & Notes

PUBLIC ARCHIVES
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CANADA

C 97372
FILE No. S-1305-M

RECOMMENDATION FOR APPOINTMENT TO

SENATE - ONTARIO

ON BEHALF OF

Manly F. Miner

ADDRESS Kingsville, Ontario.

VICE Sir Edward Kemp (Deceased) August 12, 1929

Senator J.D.Reid(Deceased) August 26, 1929

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Himself		Nov. 30, 1929	

Order-in-Council P.C. 381 - Appointing Mrs. Cairine Mackay Wilson. Ottawa. as Member of Senate and Senator for Ontario, February 15. 1930. to fill vacancy cuased by death of Hon. J.D.Reid.

Order-in-Council P.C. 634 - Appointing Hon. James Murdock as Member of Senate and Senator for Ontario, March 20, 1930, to fill vacancy caused by death of Sir Edward Kemp.

P.M.—1

W.L. Mackenzie King Papers
Memoranda & Notes

PUBLIC ARCHIVES
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CANADA

C 97373

FILE No. S-1305-N

RECOMMENDATION FOR APPOINTMENT TO

SENATE - ONTARIO

ON BEHALF OF

Northern Ontario.

ADDRESS

VICE Sir Edward Kemp (Deceased) August 12, 1929

Senator J.D.Reid(Deceased) August 26, 1929

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Kester,Dean,Esq. Barrister	Marshall-Ecclestone Building,Timmins, Ontario.	Dec. 16, 1929.	
McDonald, Thomas G.	Matheson, Ontario.	Jan. 7, 1930	
Smith, Arnold N., Esq., M.P.	House of Commons, Ottawa.	March 11, 1930	

Order-in-Council P.C. 381 - Appointing Mrs. Cairine Mackay Wilson. Ottawa. as Member of Senate and Senator for Ontario. February 15. 1930. to fill vacancy caused by death of Hon. J.D.Reid.

Order-in-Council P.C. 634 - Appointing Hon. James Murdock, Ottawa, as Member of Senate and Senator for Ontario. March 20. 1930. to fill vacancy caused by death of Sir Edward Kemp.

P.M.—1

W.L. Mackenzie King Papers
Memoranda & Notes

PUBLIC ARCHIVES
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CANADA

C 97374

FILE No. S/1305-0

RECOMMENDATION FOR APPOINTMENT TO

SENATE - ONTARIO

ON BEHALF OF

Mr. H. Oake.

ADDRESS

VICE Sir Edward Kemp (Deceased) August 12, 1929

Senator J.D.Reid(Deceased) August 26, 1929

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Bradette,Joseph A., Esq., M.P.	Cochrane, Ontario.	January 25, 1930	

Order-in-Council P.C. 381 - Appointing Mrs. Cairine Mackay Wilson, Ottawa, as Member of Senate and Senator for Ontario, February 15, 1930. to fill vacancy caused by death of Hon. J.D.Reid.

Order-in-Council P.C. 634 - Appointing Hon. James Murdock as Member of Senate and Senator for Ontario, March 20, 1930. to fill vacancy caused by Sir Edward Kemp.

P.M.—1

W.L. Mackenzie King Papers
Memoranda & Notes

PUBLIC ARCHIVES
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CANADA

C 97375
FILE No. S-1305-P

RECOMMENDATION FOR APPOINTMENT TO

SENATE - ONTARIO

ON BEHALF OF

W.R.P.Parker

ADDRESS Toronto, Ontario.

VICE Sir Edward Kemp (Deceased) August 12, 1929

Senator J.D.Reid(Deceased) August 26, 1929

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Stevens, Mrs. Zoe F.		August 21, 1929	
Himself		August 21, 1929	
Bennett, Miss Kathleen	849 Logan Ave., Toronto, Ont.	August 24, 1929	
Lawson,Dr.A.Smirle	St. George Apts., 321 Bloor St.West, Toronto, Ontario.	Sept. 4, 1929	
Gundy, J.H.,Esq.	36 King St.,West, Toronto, Ontario	Sept. 3, 1929	
Sanderson, F.G.,M.P.	St. Marys, Ontario	Sept. 6, 1929	
Garneau, Leon	The Montreal Reform Club, Montreal,Que.	Sept. 26, 1929	
Inkster, Rev. J.Gibson	Knox Church,Toronto, Ontario.	Sept. 25, 1929	
Himself		Jan. 21, 1930	
Gundy, J.H., Esq.	36 King Street West, Toronto, Ontario.	Feb. 11, 1930	
Smith, Arnold N.,M.P.	House of Commons, Ottawa	March 11, 1930	

Order-in-Council P.C. 381 - Appointing Mrs. Cairine Mackay Wilson, Ottawa, as Member of Senate and Senator for Ontario, February 15, 1930.to fill vacancy caused by death of Hon. J.D.Reid.

Order-in-Council P.C. 634 - Appointing Hon. James Murdock as Member of Senate and Senator for Province of Ontario, March 20, 1930. to fill vacancy caused by death of Sir Edward Kemp.

P.M.—1

W.L. Mackenzie King Papers
Memoranda & Notes

PUBLIC ARCHIVES
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CANADA

FILE No. C 972376 S-13052P

RECOMMENDATION FOR APPOINTMENT TO

SENATE - ONTARIO

ON BEHALF OF

Peterborough Repsesentative

ADDRESS

VICE Sir Edward Kemp (Deceased) August 12, 1929

Senator J.D.Reid(Deceased) August 26, 1929

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Wearing, Joseph	408 Water Street, Peterborough, Ontario.	Sept. 24, 1929.	

Order-in-Council P.C. 381 -Appointing Mrs. Cairine Mackay Wilson, Ottawa, as Member of Senate, and Senator for Ontario, February 15, 1930. to fill vacancy caused by death of Hon. J.D.Reid.

Order-in-Council P.C. 634 - Appointing Hon. James Murdock as Member of Senate and and Senator for Ontario, to fill vacancy caused by death of Sir Edward Kemp.

P.M.—1

W.L. Mackenzie King Papers
Memoranda & Notes
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CANADA

C 97377
FILE No. S-1305-R

RECOMMENDATION FOR APPOINTMENT TO

Senate - Ontario

ON BEHALF OF

J. G. Ramsden

ADDRESS 170 Blythwood Road, Toronto, Ontario

VICE Sir Edward Kemp (Deceased) August 12, 1929.

Senator J.D.Reid(Deceased) August 26, 1929.

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Himself		August 27, 1929	

Order-in-Council P.C. 381 - Appointing Mrs. Cairine Mackay Wilson, Ottawa, as Member of Senate and Senator for Ontario, February 15. 1930.to fill vacancy caused by death of Hon. J.D.Reid.

Order-in-Council P.C. 634 - Appointing Hon. James Murdock, Ottawa, as Member of Senate and Senator for Province of Ontario, March 20. 1930. to fill vacancy caused by death of Sir Edward Kemp.

P.M.—1

W.L. Mackenzie King Papers
Memoranda & Notes

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

C 97378
FILE No. S-1305-R

RECOMMENDATION FOR APPOINTMENT TO

SENATE - ONTARIO

ON BEHALF OF

W. G. Raymond

ADDRESS

VICE Sir Edward Kemp (Deceased) August 12, 1929.

Senator J.D.Reid(Deceased) August 26, 1929.

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Zeigler,Mrs.Walter A.	242 Park Avenue, Brantford, Ont.	Dec. 11, 1928	
Rankin, Hon. J.P.,M.B.	7 Market Place, Stratford, Ontario.	Sept.16, 1929	
Lewis, Hon. John	327 Silverbirch Ave., Toronto, Ont.	Sept. 26, 1929	
McLennan, D. Manager	Bank of Toronto, Brantford, Ontario.	Oct. 3, 1929	
Bradshaw, T. President	Canadian National Exhibition,Toronto, Ontario.	Oct. 4, 1929	
Himself		Oct. 4, 1929	
Himself		March 3 , 1930	
Horsey, Hon. H. H.	The Senate, Ottawa.	March 10, 1930	

Order-in-Council P.C. 381 - Appointing Mrs. Cairine Mackay Wilson, Ottawa, as Member of Senate and Senator for Ontario, February 15, 1930. to fill vacancy caused by death of Hon. J.D.Reid.

Order-in-Council P.C. 634 - Appointing Hon. James Murdock, Ottawa, as Member of Senate and Senator for Province of Ontario, March 20, 1930, to fill vacancy caused by death of Sir Edward Kemp.

P.M.—1

W.L. Mackenzie King Papers
Memoranda & Notes

PUBLIC ARCHIVES
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CANADA

C 97379
FILE No. S-1305-R

RECOMMENDATION FOR APPOINTMENT TO

SENATE - ONTARIO

ON BEHALF OF

R.D.Ross

ADDRESS Toronto, Ontario.

VICE Sir Edward Kemp (Deceased) August 12, 1929

Senator J.D.Reid(Deceased) August 26, 1929

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Himself		August 21, 1929	
Christie,K.A.	Toronto Men's Liberal Ass'n., Toronto,Ont.	August 22, 1929	
	849 Logan Ave., Toronto, Ont.	August 24, 1929	Miss Kathleen Bennett opposing appointment of-
Boulanger,J. Oscar M.P.	111 Mountain Hill, Quebec, P.Q.	August 26, 1929	
Urquhart, G.A., K.C.	544 Confederation Life Building, 17 Queen St.,Toronto 2, Ontario	August 28, 1929	
Denton, Frank	Northern Ontario Bldg. 330 Bay Street, Toronto 2, Ontario	August 28, 1929	
Wegg, H.S. President	Ward 2 Liberal Ass'n., Toronto Ont.	August 31, 1929	
Stanley, R.D. President	Ward 6, Lib. Ass'n., 720 Commerce & Transportation Building, Corner Bay & Front Streets, Toronto 2, Ontario	August 29, 1929	
Mulqueen, F.J., Esq. Vice-President	Toronto Men's Lib. Ass'n. 620-621 Federal Bldg., Toronto 2.	Sept. 3, 1929	
Lawson, Dr. A.Smirle	St. George Apartments, 321 Bloor Street West, Toronto, Ontario.	Sept. 4, 1929	

P.M.—1

W.L. Mackenzie King Papers
Memoranda & Notes

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CANADA

C 97380

FILE No. S-1305-R

Continued: **RECOMMENDATION FOR APPOINTMENT TO**

SENATE - ONTARIO

ON BEHALF OF

R.D.Ross

ADDRESS Toronto, Ontario.

VICE Sir Edward Kemp (Deceased) August 12, 1929

Senator J.D.Reid(Deceased) August 26, 1929

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Bruce,Alex. D.,Esq.	Unionville, Ontario.	Sept. 3, 1929	
Cushen, S.D.,Esq.	25 Lakeview Avenue, Toronto, Ontario.	Sept. 3, 1929	
Aird, Sir John President	The Canadian Bank of Commerce, Toronto, Ontario.	Sept. 26, 1929	
Hogg, W.,Esq. President	Ward 1, Liberal Ass'n., 19 Erindale Avenue, Toronto, Ontario.	Oct. 2, 1929	
Simpson, James	91 Indian Road, Toronto, Ontario.	Oct. 21, 1929	
Carrick, K.W., Esq., President	Liberal Association of Toronto, Ward Three, Toronto, 2, Ontario.	Nov. 23, 1929	
Day, James E., K.C.	85 Richmond St., West, Toronto 2, Ontario.	Jan. 13, 1930	Order-in-Council P.C. 634 - Appointing Hon. James Murdock as Member of Senate and Senator for Province of Ontario March 20, 1930, to fill vacancy caused by death of Sir Edward Kemp.
Carrick, Cecil, Esq., Secretary.	Toronto Men's Liberal Association,620 Federal Building, Toronto 2, Ontario.	Jan. 14, 1930	
McGuire, Hon. W.H.	77 Sun Life Building, Toronto, Ontario.	Jan. 15, 1930	
	President, Toronto East Liberal Club,106 Danforth Avenue, Toronto, Ontario.	Jan. 22, 1930	Opposed by Mrs. Zoe F. Stevens to -

Order-in-Council P.C. 381 - Appointing Mrs. Cairine Mackay Wilson, Ottawa, as Member of Senate and Senator for Ontario, February 15, 1930. to fill vacancy caused by death of Hon. J.D.Reid.

P.M.—1

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C 97381
FILE No. S-1305-R

Continued: RECOMMENDATION FOR APPOINTMENT TO

SENATE - ONTARIO

ON BEHALF OF

R.D.Ross

ADDRESS Toronto, Ontario.

VICE Sir Edward Kemp (Deceased) August 12, 1929

Senator J.D.Reid(Deceased) August 26, 1929

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Larkin, Hon. P.C.	Canadian High Commissioner, London,England.	Feb. 21, 1930	

Order-in-Council P.C. 634 - Appointing the Hon. James Murdock, Ottawa, as Member of Senate and Senator for Province of Ontario, March 20, 1930, to fill vacancy caused by death of Sir Edward Kemp.

Order-in-Council P.C. 381 - Appointing Mrs. Cairine Mackay Wilson, Ottawa, as Member of Senate and Senator for Ontario. February 15, 1930. to fill vacancy caused by death of Hon. J.D.Reid.

P.M.—1

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C 97382

FILE NO. S-1305-R

RECOMMENDATION FOR APPOINTMENT TO

Senate - Ontario

ON BEHALF OF

M.W. Rossie

ADDRESS

VICE Sir Edward Kemp (Deceased) August 12, 1929

Senator J.D.Reid(Deceased) August 26, 1929

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Young Ellison	Windsor,Ontario	August 21, 1929	

Order-in-Council P.C. 381 - Appointing Mrs. Cairine Mackay Wilson, Ottawa, as Member of Senate and Senator for Ontario, February 15, 1930. to fill vacancy caused by death of Hon. J.D.Reid.

Order-in-Council P.C. 634 - Appointing Hon. James Murdock, Ottawa, as Member of Senate and Senator for Province of Ontario to fill vacancy caused by death of Sir Edward Kemp. March 20, 1930.

P.M.—1

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C 97382

FILE No. S-1305-R

RECOMMENDATION FOR APPOINTMENT TO

Senate - Ontario

ON BEHALF OF

M.W. Rossie

ADDRESS

VICE Sir Edward Kemp (Deceased) August 12, 1929

Senator J.D.Reid(Deceased) August 26, 1929

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Young Ellison	Windsor,Ontario	August 21, 1929	

Order-in-Council P.C. 381 - Appointing Mrs. Cairine Mackay Wilson, Ottawa, as Member of Senate and Senator for Ontario, February 15, 1930. to fill vacancy caused by death of Hon. J.D.Reid.

Order-in-Council P.C. 634 - Appointing Hon. James Murdock, Ottawa, as Member of Senate and Senator for Province of Ontario to fill vacancy caused by death of Sir Edward Kemp. March 20, 1930.

P.M.—1

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C 97383
FILE No. S-1605-S

RECOMMENDATION FOR APPOINTMENT TO

SENATE - ONTARIO

ON BEHALF OF

S. Samuel

ADDRESS

VICE Sir Edward Kemp (Deceased) August 12, 1929

Senator J.D.Reid(Deceased) August 26, 1929

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Donnolly, Patrick	119 Wellesley Crescent, Toronto, Ontario.	Nov. 30, 1929	
Eisendrath, Rabbi Maurice N.	115 Bond Street, Toronto, Ontario.	Feb. 13, 1930	

Order-in-Council P.C. 381 - Appointing Mrs. Cairine Mackay Wilson, Ottawa, as Member of Senate and Senator for Ontario, February 15, 1930. to fill vacancy caused by death of Hon. J.D.Reid

Order-in-Council P.C. 634 - Appointing Hon. James Murdock, Ottawa, as Member of Senate and Senator for Province of Ontario, March 20, 1930. to fill vacancy caused by death of Sir Edward Kemp.

P.M.—1

W.L. Mackenzie King Papers
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C 97384

FILE No. S-1305-S

RECOMMENDATION FOR APPOINTMENT TO

SENATE - ONTARIO.

ON BEHALF OF

H.J.Sims,K.C.

ADDRESS Royal Bank Chambers, Kitchener, Ontario.

VICE Sir Edward Kemp (August 12, 1929) Deceased

Senator J.D.Reid(August 26, 1929) Deceased

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Himself		Sept. 21, 1929	
Himself		Jan. 25, 1930	

Order-in-Council P.C. 381 - Appointing Mrs. Cairine Mackay Wilson, Ottawa, as Member of Senate and Senator for Ontario, February 15, 1930. to fill vacancy caused by death of Hon. J.D.Reid.

Order-in-Council P.C. 634 - Appointing Hon. James Murdock. Ottawa, as Member of Senate and Senator for Province of Ontario, March 20, 1930, to fill vacancy caused by death of Sir Edward Kemp.

P.M.—1

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C 97385

FILE No. S-1305-S

RECOMMENDATION FOR APPOINTMENT TO

SENATE - ONTARIO

ON BEHALF OF

W. E. N. Sinclair, Esq., M.L.A.

ADDRESS Parliament Buildings, Toronto, Ontario.

VICE Sir Edward Kemp (Deceased) August 12, 1929.

Senator J.D.Reid (Deceased) August 26, 1929.

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Himself		Feb. 6, 1930	

Order-in-Council P.C. 381 - Appointing Mrs. Cairine Mackay Wilson, Ottawa as Member of Senate and Senator for Ontario, February 15, 1930. to fill vacancy caused by death of Hon. J.D.Reid.

Order-in-Council P.C. 634 - Appointing Hon. James Murdock, Ottawa, as Member of Senate and Senator for Ontario. March 20. 1930, to fill vacancy caused by death of Sir Edward Kemp.

P.M.—1

W.L. Mackenzie King Papers
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C 97386

FILE No. S-1305-S

RECOMMENDATION FOR APPOINTMENT TO

SENATE - ONTARIO

ON BEHALF OF

J. Singer

ADDRESS Barrister, Temple Building, Bay & Richmond Sts., Toronto, Ontario.

VICE Sir Edward Kemp (Deceased) August 12, 1929

Senator J.D.Reid(Deceased) August 26, 1929

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Himself		Jan. 13, 1930.	

Order-in-Council P.C. 381 - Appointing Mrs. Cairine Mackay Wilson, Ottawa, as Member of Senate and Senator for Ontario, February 15, 1930. to fill vacancy caused by death of Hon. J.D.Reid.

Order-in-Council P.C. 634 - Appointing Hon. James Murdock. Ottawa. as Member of Senate and Senator for Province of Ontario. March 20, 1930. to fill vacancy caused by death of Sir Edward Kemp.

P.M.—1

W.L. Mackenzie King Papers
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C 97387

FILE No. S-1305-S

RECOMMENDATION FOR APPOINTMENT TO

SENATE - ONTARIO

ON BEHALF OF

George A. Smith, Esq.

ADDRESS Cochrane, Ontario.

VICE Senator J.D.Reid (Deceased) August 26, 1929.

Sir Edward Kemp (Deceased) August 12, 1929.

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Himself		Dec. 14, 1929	

Order-in-Council P.C. 381 - Appointing Mrs. Cairine Mackay Wilson, Ottawa, as Member of Senate and Senator for Ontario, February 15, 1930. to fill vacancy caused by death of Hon. J.D.Reid.

Order-in-Council P.C. 634 - Appointing Hon. James Murdock. Ottawa, as Member of Senateand Senator for Province of Ontario. March 20, 1930. to fill vacancy caused by death of Sir Edward Kemp.

P.M.—1

W.L. Mackenzie King Papers
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C 97388
FILE No. S-1305-S

RECOMMENDATION FOR APPOINTMENT TO

SENATE - ONTARIO

ON BEHALF OF

C.R.Somerville

ADDRESS

VICE Senator J.D.Reid (Deceased) August 26, 1929.

Sir Edward Kemo (Deceased) August 12, 1929.

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Lawson, Ray	c/o Messrs Lawson & Jones, Limited, London, Ontario.	Sept. 6, 1929.	

Order-in-Council P.C. 381 - Appointing Mrs. Cairine Mackay Wilson, Ottawa, as Member of Senate and Senator for Ontario, February 15, 1930. to fill vacancy caused by J.D.Reid.

Order-in-Council P.C. 634 - Appointing Hon. James Murdock, Ottawa, as Member of Senate and Senator for Province of Ontario. March 20. 1930. to fill vacancy caused by death of Sir Edward Kemp.

P.M.—1

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C 97389

FILE No. S-1305-T

RECOMMENDATION FOR APPOINTMENT TO

SENATE - ONTARIO

ON BEHALF OF

E. H. Tallman

ADDRESS Merrickville, Ontario.

VICE Sir Edward Kemp (Deceased) August 12, 1929

Senator J.D.Reid(Deceased) August 26, 1929

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Himself		Sept. 14, 1929.	
Himself		Jan. 3, 1930.	

Order-in-Council P.C.381 - Appointing Mrs. Cairine Mackay Wilson, Ottawa, as Member of Senate and Senator for Ontario, February 15, 1930. to fill vacancy caused by death of Hon. J.D.Reid.

Order-in-Council P.C. 634 - Appointing Hon. James Murdock, Ottawa, as Member of Senate and Senator for Province of Ontario, March 20, 1930. to fill vacancy caused by death of Sir Edward Kemp.

P.M.—1

W.L. Mackenzie King Papers
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C 97390
FILE No. S-1305-T

RECOMMENDATION FOR APPOINTMENT TO

SENATE - ONTARIO

ON BEHALF OF

North Temeskaming

ADDRESS

VICE Sir Edward Kemp (Deceased) August 12, 1929

Senator J.D.Reid(Deceased) August 26, 1929

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Johnson, D.M., Esq.	Matheson, Ontario.	Sept. 17, 1929	

Order-in-Council P.C. 381 - Appointing Mrs. Cairine Mackay Wilson, Ottawa, as Member of Senate and Senator for Ontario. February 15, 1930. to fill vacancy caused by death of Hon. J.D.Reid.

Order-in-Council P.C. 634 - Appointing Hon. James Murdock. Ottawa, as Member of Senate and Senator for Province of Ontario, March 20, 1930. to fill vacancy caused by death of Sir Edward Kemp.

P.M.—1

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C 97391

FILE No. S-1305-T

RECOMMENDATION FOR APPOINTMENT TO

SENATE - ONTARIO

ON BEHALF OF

John A. Tory

ADDRESS

VICE Sir Edward Kemp (Deceased) August 12, 1929

Senator J.D.Reid(Deceased) August 26, 1929

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Rose, Fred W.	12-14 Sheppard Street, Toronto, Ontario.	Sept. 3, 1929	

Oder-in-Council P.C. 381 - Appointing Mrs. Cairine Mackay Wilson, Ottawa. as Member of Senate and Senator for Ontario. February 15, 1930. to fill vacancy caused by Hon. J.D.Reid.

Order-in-Council P.C. 634 - Appointing Hon. James Murdock, Ottawa, as Member of Senate and Senator for Ontario. March 20, 1930, to fill vacancycaused by death of Sir Edward Kemp.

P.M.—1

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C 97392

FILE No. S-1305-W

RECOMMENDATION FOR APPOINTMENT TO

SENATE - ONTARIO

ON BEHALF OF

Frank N. Walker M.A., M.D.

ADDRESS 1854 Gerrard Street, East, Toronto, Ontario.

VICE Sir Edward Kemp (Deceased) August 12, 1929

Senator J.D.Reid (Deceased) August 26, 1929

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Himself		August 16, 1929	

Order-in-Council P.C. 381 - Appointing Mrs. Cairine Mackay Wilson, Ottawa, as Member of Senate and Senator for Ontario, February 15, 1930. to fill vacancy caused by death of Hon. J.D.Reid.

Order-in-Council P.C. 634 - Appointing Hon. James Murdock, Ottawa, as Member of Senate and Senator for Province of Ontario. March 20, 1930, to fill vacancy caused by death of Sir Edward Kemp.

P.M.—1

W.L. Mackenzie King Papers
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C 97393
FILE No. S-1305-W

RECOMMENDATION FOR APPOINTMENT TO

Senate - Ontario

ON BEHALF OF

J. Alex Wallace M.A.,

ADDRESS Simcoe, Ontario

VICE Sir Edward Kemp (Deceased) August 12, 1929
Senator J.D.Reid (Deceased) August 26, 1929

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Taylor W.H., M.P.	Scotland, Ontario	August 21, 1929	

Order-in-Council P.C. 381 - Appointing Mrs. Cairine Mackay Wilson, Ottawa, as Member of Senate and Senator for Ontario, February 15, 1930. to fill vacancy caused by death of Hon. J.D.Reid.

Order-in-Council P.C. 634 - Appointing Hon. James Murdock, Ottawa, as Member of Senate and Senator for Province of Ontario, March 20, 1930, to fill vacancy caused by death of Sir Edward Kemp.

P.M.—1

W.L. Mackenzie King Papers
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C 97394
FILE No. S-1305-W

RECOMMENDATION FOR APPOINTMENT TO

SENATE - ONTARIO

ON BEHALF OF

R. J. Watson

ADDRESS Burks Falls, Ontario.

VICE Sir Edward Kemp (Deceased) August 12, 1929.

Senator J.D.Reid (Deceased) August 26, 1929.

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Himself		Aug. 23, 1929	

Order-in-Council P.C. 381 - Appointing Mrs. Cairine Mackay Wilson, Ottawa, as Member of Senate and Senator for Ontario, February 15, 1930. to fill vacancy caused by death of Hon. J.D.Reid.

Order-in-Council P.C. 634 - Appointing Hon. James Murdock, Ottawa, as Member of Senate and Senator for Province of Ontario, March 20, 1930. to fill vacancy caused by death of Sir Edward Kemp.

P.M.—1

W.L. Mackenzie King Papers
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CANADA

C 97395

FILE No. S-1305-W

RECOMMENDATION FOR APPOINTMENT TO

SENATE - ONTARIO

ON BEHALF OF

John A. White, Esq.

ADDRESS 126 Essex Street, Sarnia, Ontario.

VICE Sir Edward Kemp (Deceased) August 12, 1929

Senator J.D. Reid (Deceased) August 25, 1929

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Himself		March 18, 1930	

Order-in-Council P.C. 381 - Appointing Mrs. Cairine Mackay Wilson, Ottawa, as Member of Senate and Senator for Ontario. February 15, 1930, to fill vacancy caused by death of Hon. J.D. Reid.

Order-in-Council P.C. 634 - Appointing Hon. James Murdock, Ottawa, as Member of Senate and Senator for Province of Ontario, March 20, 1930, to fill vacancy caused by death of Sir Edward Kemp.

P.M.—1

W.L. Mackenzie King Papers
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C 97396
FILE No. S-1305-W

RECOMMENDATION FOR APPOINTMENT TO

SENATE - ONTARIO.

ON BEHALF OF

Mrs. Norman Wilson

ADDRESS Ottawa, Ont.

VICE Sir Edward Kemp (Deceased) August 12, 1929

Senator J.D.Reid(Deceased) August 25, 1929

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Horsey, Mrs. H.H.	241 Daly Avenue, Ottawa, Ontario.	Feb. 13, 1930	
Fox, Mrs. Helen Secretary	Womens Liberal Ass'n., London, Ontario.	Feb. 12, 1930	

Order-in-Council P.C. 381 - Appointing Mrs. Eairine Mackay Wilson, Ottawa, as Member of Senate and Senator for Ontario, February 15, 1930. to fill vacancy caused by death of Hon. J.D.Reid.

Order-in-Council P.C. 634 - Appointing Hon. James Murdock, Ottawa, as Member of Senate and Senator for Province of Ontario, March 20, 1930, to fill vacancy caused by death of Sir Edward Kemp.

P.M.—1

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C 97397
FILE No. S-1305-W

RECOMMENDATION FOR APPOINTMENT TO

SENATE - ONTARIO.

ON BEHALF OF

Mrs. Gordon Wright (Sara Rowell)

ADDRESS London, Ontario.

VICE Sir Edward Kemp (Deceased) August 12, 1929.

Senator J.D.Reid(Deceased) August 25, 1929.

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Brown, Mrs. W.T.G..	181 William Street, Kingston, Ontario.	Nov. 27, 1929.	
McKinney,Mrs.Louise C. President	Alberta Provincial Woman's Christian Temperance Union,Claresholm, Alberta.	Dec. 10, 1929.	
Palmer, Mrs. Sarah	Berwick, Nova Scotia.	Jan. 7, 1930.	
Campbell, Mrs.H.S.	71 McLaren Street, Ottawa.	Jan. 10, 1930.	
Wallace,Mrs.J.A.	Rural Route No. 4, Simcoe, Ontario.	Jan. 11, 1930.	
Powers, Mrs. Ada L.	Corresponding Secretary, Nova Scotia Women's Christian Temperance Union Lunenburg, Nova Scotia.	Jan. 13,1930.	
Fuller, Mrs. Bessie		Jan. 13, 1930.	Letters to Col. Ralston sent to Mr. King by Miss Clark
Powers, Mrs. Ada. L.		Jan. 13, 1930.	
Becker, Mrs. W.H.	326 Quebec Avenue, Toronto, Ontario.	Jan. 14, 1930.	
Russell, Miss Clara M, Secretary	Women's Temperance Union Newcastle, N.B.	Jan. 15, 1930	
Fox,Miss Helen Secretary.	Womens Liberal Ass'n., London, Ontario.	Jan. 14, 1930	Opposing appointment of -

P.M.—1

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C 97398

FILE No. S-1305-W

Continued: RECOMMENDATION FOR APPOINTMENT TO

SENATE - ONTARIO

ON BEHALF OF

Mrs. Gordon Wright (Sara Rowell)

ADDRESS London, Ontario.

VICE Sir Edward Kemp (Deceased) August 12, 1929

Senator J.D.Reid(Deceased) August 26, 1929

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Blyth, Mrs. Albert	76 Park Avenue, Ottawa, Ontario.	January 16, 1930	
Brown, J.L., Esq., M.P.	Pilot Mound, Manitoba.	January 16, 1930	
Johnston, Miss E.G.	424 Laurier Avenue W., Ottawa.	January 17, 1930	
Odell, P.R., Esq.	67 Powell Avenue, Ottawa.	January 18, 1930	
Turnbull, Miss Martha	171 Frank Street, Ottawa.	January 25, 1930	
Jones, Mrs. Ora B.	315 Frank Street, Ottawa.	January 25, 1930	
Wilson, Miss Margaret M., President	The Women's Christian Temperance Union, Athelstan, Quebec.	January 27, 1930	
Ward, Mrs. F.C. President.	District Union of Toronto Woman's Christian Temperance Union, 95 Spadian Road, Toronto, Ontario.	Jan. 27, 1930	
Greenlay, Miss E.V. President.	Richmond County W.C.T.U., Box No. 31,Windsor, Que.	Jan. 27, 1930	
	President, The Ontario Equitable Life and Accident Insurance Company,Waterloo, Ontario.	Jan. 27, 1930	

P.M.—1

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C 97399

FILE No. S-1305-W

Continued: RECOMMENDATION FOR APPOINTMENT TO

SENATE - ONTARIO

ON BEHALF OF

Mrs. Gordon Wright (Sara Rowell)

ADDRESS London, Ontario.

VICE Sir Edward Kemp (Deceased) August 12, 1929

Senator J.D.Reid(Deceased) August 26, 1929

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
McLachlin,Mrs. A.V. President	Vaudreuil County W.C.T.U.,Point Fortune, Quebec.	January 28, 1930	
Little,Mrs. Bond County President	Women's Christian Temperance Union,North Hatley, Quebec.	January 28, 1930	
Cushing, Mrs. M.D.	Hochelaga County, Women's Christian Temperance Union, Montreal, Quebec	January 28, 1930	
Bartram, Mrs. W.B.	29 Sweetland Avenue, Ottawa.	January 28, 1930	
Reeve, Mrs. Arthur President	Montreal District Women's Christian Temperance Union, Montreal, P.Q.	January 29, 1930	
Geggie, Mrs. Leila Gugy,President	Women's Christian Temperance Union, Quebec, P.Q.	January 29, 1930	
Hudson,Miss Ida J. President	Counties of Hull & Papineau W.C.T.U.,Qylmer, Quebec.	January 30, 1930	
Campbell, Mrs. Angus President	Bonaventure County Women's Christian Temperance Union, Escuminac, Quebec.	Jan.30, 1930	
Jones, Mrs. E.A.	c/o The Women's Christian Temperance Union,Sherbrooke, Quebec.	Jan.30, 1930	

P.M.—1

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C 97400

FILE No. S-1305-W

Continued: RECOMMENDATION FOR APPOINTMENT TO

SENATE - ONTARIO

ON BEHALF OF

Mrs. Gordon Wright (Sara Rowell)

ADDRESS London, Ontario.

VICE Sir Edward Kemp (Deceased) August 12, 1929

Senator J.D.Reid(Deceased)August 26, 1929

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Blair, Mrs. R. J. County President	Women's Christian Temperance Union, Ormstown, Quebec.	Feb. 4, 1930	
Pontifax, Mrs. R.	503 McLeod Street, Ottawa, Ont.	Feb. 5, 1930	
Campbell, Mrs. Angus	Bonaventure Co.,W.C.T.U., Escuminac,Bonaventure County, Quebec.	Feb. 5, 1930	
Switzer, Mrs. Geo.	Corresponding Secretary, Presbyterial, Town of Napanee, Napanee,Ontario.	Feb. 7, 1930	
Fox, Mrs. W.H. Secretary.	London Women's Liberal Association,London,Ont.	Feb.12, 1930	
Scott,Miss Mary, County President	Women's Christian Temperance Union, Scotstown,Que.	Feb.12,1930	
Small,Miss A.E.	Dunham, Quebec.	Feb. 10, 1930	
Fox, Mrs. W.H. Secretary	London Women's Liberal Ass'n.,London,Ont.	Feb. 12, 1930	Opposing appt. -
McCurdy,Mrs. E.M. Superintendent	Dept. of Legislation, Women's Christian Temperance Union, Lennoxville,Que.	Feb. 15, 1930	

Order-in-Council P.C. - 634 - Appointing Hon. James Murdock, Ottawa, as Member of Senate and Senator for Province of Ontario, March 20 1930, to fill vacancy caused by death of Sir Edward Kemp.

Order-in-Council.P.C. 381 - Appointing Mrs. Cairine Mackay Wilson, Ottawa, as Member of Senate and Senator for Ontario. February 15, 1930. to fill vacancy caused by Hon. J.D.Reid.

P.M.—1

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FILE No. C 97401 P-2100-Mc

RECOMMENDATION FOR APPOINTMENT TO

SENATE - ONTARIO

ON BEHALF OF

Woman Representative

ADDRESS

VICE Sir Edward Kemp (Deceased) August 12, 1929

Senator J.D.Reid(Deceased) August 26, 1929

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Mulock,Rt. Hon. Sir Wm., K.C.M.G.,LL.D.	518 Jarvis Street, Toronto, Ontario.	January 25,1930	

Order-in-Council P.C. 381 - Appointing Mrs. Cairine Mackay Wilson, Ottawa, as Member of Senate and Senator for Ontario. to fill vacancy caused by death of Hon.J.D. Reid. Feb. 15, 1930.

Order-in-Council P.C. 634 - Appointing Hon. James Murdock, Ottawa, as Member of Senate and Senator for Province of Ontario, March 20, 19 1930, to fill vacancy caused by death of Sir Edward Kemp.

P.M.—1

W.L. Mackenzie King Papers
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C 97402
FILE No. 8-1305-Y

RECOMMENDATION FOR APPOINTMENT TO

SENATE - ONTARIO

ON BEHALF OF

A. J. Young

ADDRESS 1700 Sterling Tower Building, Toronto 2, Ontario.

VICE Sir Edward Kemp (DECEASED) August 12, 1929.

Senator J.D.Reid(Deceased) August 26, 1929.

RECOMMENDED BY	ADDRESS	DATE OF LETTER	REMARKS
Anderson, H.C., Esq. General Manager.	Dodge Manufacturing Company, Limited, Toronto, Ontario.	August 14, 1929	
Himself	Toronto, Ontario	August 16, 1929	
Legault Theo, M.L.A.	Sturgeon Falls, Ont.	August 19, 1929	
McDonald John H.	North Bay, Ont.	August 20, 1929	
Matthews I.L.	Port Arthur, Ont.	August 23, 1929	
Angus, D.H. President	Temiskaming South Liberal Association, Haileybury, Ontario.	August 28, 1929	
Roebuck, Arthur W., Esq.	1101 Sterling Tower 372 Bay Street, Toronto 2, Ontario.	Sept. 5, 1929	
Devaney, J.A., ESQ. Barrister	387 Parkside Drive, Toronto, Ontario.	Sept. 12, 1929	
McKelvie, A.A.	c/o The Hudson Bay Mines, Ltd., New Liskeard, Ontario	Sept. 13, 1929	
Fielding, W.M., ESQ.	129 Dinnick Crescent, Lawrence Park, Toronto, Ont.	Nov. 26, 1929	
Souter, Mrs. M.	North Bay, Ontario	Jan. 24, 1930	
O'NBill, Miss Stella M.	163 Worthington St.W North Bay, Ontario.	Feb. 19, 1930	

Order-in-Council P.C. 634 - Appointing Hon. James Murdock, Ottawa, as Member of Senate and Senator for Province of Ontario, March 20, 1930, to fill vacancy caused by death of Sir Edward Kemp.

Order-in-Council P.C. 381 - Appointing Mrs. Cairine Mackay Wilson, Ottawa, as Member of Senate and Senator for Ontario, February 15, 1930 to fill vacancy caused by death of Hon. J.D.Reid.

P.M.—1

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E.J LEMAIRE Senate - appt. of Women to the Senate

P.C. 2034 C 97403

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 19TH OCTOBER 1927

The Committee of the Privy Council have had before them a Report, dated 18th October, 1927, from the Minister of Justice, submitting that he has had under consideration a petition to Your Excellency in Council dated the 27th August 1927 (P.C. 1835), signed by Henrietta Muir Edwards, Nellie L. McClung, Louise C. McKinney, Emily F. Murphy and Irene Parlby, as persons interested in the admission of women to the Senate of Canada, whereby Your Excellency in Council is requested to refer to the Supreme Court of Canada for hearing and consideration certain questions touching the power of the Governor General to summon female persons to the Senate of Canada.

The Minister observes that by section 24 of the British North America Act, 1867, it is provided that:

> "The Governor General shall from Time to Time, in the Queen's Name, by Instrument under the Great Seal of Canada, summon qualified Persons to the Senate; and, subject to the Provisions of this Act, every Person so summoned shall become and be a Member of the Senate and a Senator."

In the opinion of the Minister the question whether the word "Persons" in said section 24 includes female persons is one of great public importance.

The Minister states that the law officers of the Crown who have considered this question on more than one occasion have expressed the view that male persons only may be summoned to the Senate under the

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provisions of the British North America Act in that behalf.

The Minister, however, while not disposed to question that view, considers that it would be an act of justice to the women of Canada to obtain the opinion of the Supreme Court of Canada upon the point.

The Committee therefore, on the recommendation of the Minister of Justice, advise that Your Excellency may be pleased to refer to the Supreme Court of Canada for hearing and consideration the following question:

Does the word "Persons" in section 24 of the British North America Act, 1867, include female persons ?

E. J. Lemaire

Clerk of the Privy Council.

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C 97405

Coll - Senate - appointment of women to the Senate

Privy Council Appeal No. 121 of 1928 - IN THE MATTER OF A REFERENCE AS TO THE MEANING OF THE WORD "PERSONS" IN SECTION 24 OF THE BRITISH NORTH AMERICA ACT.

HENRIETTA MUIR EDWARDS and others — Appellants

and

THE ATTORNEY-GENERAL OF CANADA and others — Respondents

FROM THE SUPREME COURT OF CANADA

- - - - - - - - - - - - - -

The Judgment of the Lords of the Judicial Committee of the Privy Council in the above cause, was delivered on the 18th day of October, 1929, by Lord Sankey, the Lord Chancellor, who departing from the usual practice read the interesting Judgment in full before the Court. The decision arrived at was that the word "persons" in Section 24, included members both of the male and female sex, and that, therefore, the question propounded by the Governor-General to the Supreme Court of Canada - "are women eligible for appointment to the Senate of Canada?" must be answered in the affirmative and that women are eligible to be summoned to and become members of the Senate of Canada.

The announcement of the decision of the Judicial Committee raised a Dominion-wide question - "Who will be the first woman Senator in Canada?" It was answered in a comparatively short time, by the appointment in February, 1930, of Cairine Reay Wilson as Canada's first woman Senator.

Of course there is a story behind the learned judgment of these Lords of the Privy Council - a story which culminated directly in Mrs. Wilson's appointment, and indirectly in the furtherance in manifold ways of the feminist cause, not only in Canada, but in far-flung places of the world.

The story had its beginning in 1916 when Mrs. Emily Murphy of Edmonton, Alberta, and Mrs. Alice Jamieson of Calgary, were appointed Police Magistrates for the Province of Alberta - the first women police magistrates in Canada. When Mrs. Murphy took her seat upon the Bench, her appointment was protested on the ground that she was not a "person" within the meaning of the British North America Act. However, the question was settled in the interests of progress, when the Supreme Court of Alberta held that the appointee was a "person" under the terms of the B.N.A. Act.

In 1921 following the grant of the franchise to women in Dominion elections and their admitted eligibility for membership in the House of Commons, a movement was launched for the appointment of women to the Senate. This movement for several years claimed the attention of many women's organizations in Canada including the National Council of Women, which in 1927, submitted the question again to the government, and gained the promise that the request and the whole question would be given serious consideration.

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C 97406

There the important question might have rested indefinitely but for Mrs. Murphy who, since the decision in favour of her appointment as a Police Magistrate, had delved deeply into the B.N.A. Act, for knowledge and light on the application and meaning of the word "person" as used in the Act. She adopted as her special crusade the official pronouncement of woman's eligibility to the Canadian Senate, and for years worked indefatigably in that cause, sparing no effort, time or expense, gaining for it the publicity which she considered it should be given. Mrs. Murphy found that under Section 60 of the Supreme Court Act, the question, being an important one of law and fact touching the interpretation of the B.N.A. Act, might be referred by the Governor-General-in-Council to the Supreme Court of Canada for hearing and consideration, and further that all reasonable fees incurred could be paid out of Dominion funds appropriated for the purposes of litigation. These momentous discoveries were the spur which urged Mrs. Murphy to the fulfillment of her avowed project. Having determined to take the appeal to the Governor-General, which would remove the important question from the realm of politics into that of law, Mrs. Murphy enlisted the support of four other Alberta women, prominent in the public life not only of their own Province but of Canada. They were Mrs. Irene Parlby, a farmer of Alix, M.L.A. for her district, minister without portfolio in the Alberta Government, devoted worker in Women's Institutes, daughter of Colonel Marryatt formerly of India, and niece of Captain Marryatt, famous writer of sea stories, Mrs. Louise McKinney of Claresholm, who was the first woman elected to any legislature in Canada; Mrs. O.C. Edwards of MacLeod, convener of Laws Committee of the National Council of Women and an authority on laws affecting women and children; and Mrs. Nellie McClung of Calgary, a former M.L.A., well-known writer, and lecturer. These four women, whose ability, courage and resourcefulness could be relied upon in the event of a final decision against the contention that women should be admitted to the Canada Senate, with Mrs. Murphy, completed and presented the appeal to the Governor-General-in-Council. They had the support of the Alberta Government, although the Federal and Quebec governments upheld the negative.

To the question referred to above, submitted to it, the Supreme Court of Canada, side-stepping the issue, held that women were not "qualified" persons under the B.N.A. Act to hold the office of Senator. Following the decision it was announced from the floor of the House at Ottawa that an amendment to the B.N.A. Act would be submitted to cure the ambiguity of the Act.

The five applicants, however, realizing that settlement in this manner would be inevitably delayed, and knowing that Section 60 of the Supreme Court Act permitted an appeal to His Majesty in Council for a final decision, wisely decided to pursue the course upon which they had embarked, and carried the question to the Privy Council. This appeal, the result of which is set forth above, was not opposed, either by the Federal Government, or that of the Province of Quebec.

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C 97407

It now remains to honor in some fitting and lasting way the names of Emily Murphy and the other four able women whose aid she enlisted in the worthy and interesting project to which she and they gave so unstintingly of their time, ability and energy.

Following the Third Annual Convention of the Canadian Federation of Business and Professional Women's Clubs held in Vancouver, in 1932, it was suggested that the erection of a tablet in the Hall of Fame at Ottawa, to the honor of these five Alberta women, was a project worthy of the Federation and one peculiarly suited to its sponsorship. The suggestion was duly considered and at the Fourth Annual Convention of the Federation held at Hamilton in 1933, the following resolution was passed:

> "That the project of placing a tablet in the Hall of Fame, Ottawa, in memory of the "five famous women be considered by the Legislative Committee, and reported to the Board."

Mrs. McClung and Mrs. Parlby, and members of the families of Mrs. Murphy, Mrs. McKinney and Mrs. Edwards (who have passed away) have been approached and have given their hearty and enthusiastic consent to the proposed project.

The Committee awaits the approval of the Minister of Public Works to the proposed project. It is presumed that such approval, if and when granted, would be supplemented with directions as to the requirements which must be satisfied in the erection of a memorial in the Hall of Fame.

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C 97408

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ELIGIBILITY OF WOMEN FOR SENATE

Judgment of Supreme Court on Question Submitted

On the Orders of the Day:

Mr. A. W. Neill (Comox-Alberni): I would ask the Minister of Justice if he has received any report with regard to the reference to the supreme court of the question of whether or not women are eligible to sit in the Senate.

Hon. Ernest Lapointe (Minister of Justice): I have been informed that the judgment of the supreme court was delivered to-day, and their judgment is that under the British North America Act women are not eligible for appointment to the senate. I understand that the basis for the judgment is that the act must be interpreted in the meaning it had when it was adopted in 1867, and that at that time the expression "fit and qualified persons" as it appears in the act could not apply to women as they were then disqualified for appointment to public offices. The judgment was unanimous. In view of this judgment, and in view of the fact that women in this country now have an equal franchise with men, and in view of the further fact that one of the seats in this house is occupied by a woman, the government have decided that they should have the equal right to sit in the other chamber, and means will be taken to secure an amendment to the British North America Act in that respect.

(House of Commons Debates, April 24, 1928, p. 2311).

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C 37409 Cttee - Senate - appointment of Women to the Senate

Leon Fridkin

Some Observations on the Privy Council Judgment in Edwards, et al v. Attorney General of Canada

The "Persons" Reference.

Section 24 deals only with original appointments to the Senate, not only of the 72 members, equally representing the three original divisions, (viz., Ontario, Quebec and the Maritime Provinces)(s. 22), but also (giving due effect to the words, "from time to time") of members to represent added territory (s. 146) such as British Columbia and Prince Edward Island (s. 147), and the subsequently created provinces of Manitoba, Alberta and Saskatchewan; and possibly as well with the appointment of the three or six additional members provided for by s. 26. But s. 24 has no application to the filling of vacancies, which is specifically dealt with by s. 32, as follows:

> "32. When a Vacancy happens in the Senate by Resignation, Death, or otherwise, the Governor General shall by Summons to a fit and qualified person fill the Vacancy."

All "original" appointments to the Senate have long since been made. The practical question now is in regard to the filling of vacancies. The reference, therefore, should have been for a construction of s. 32 and not of s. 24. If this fact came to the attention of the Supreme Court of Canada, (as it well may have), that Court would probably consider itself bound to answer the question as put, subject only to the modification of treating it as intended to ascertain whether women were "qualified persons" within the meaning of s. 24, and, as such, eligible for appointment to the Senate. Probably, however, women, if "qualified persons" within s. 24, would be deemed "fit and qualified person(s)" within s. 32.

- . -

In considering the judgment of the Judicial Committee and comparing it with that of the Supreme Court,

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it must always be borne in mind, that while the latter body, like the House of Lords (London Street Tramways vs. London County Council, (1898) A. C. 375, at p. 381) is a court of law - subject to the restrictions which that fact implies - the former is a Committee of the Privy Council advising the Sovereign, not bound to follow precedent, nor to determine matters presented upon grounds of law alone, but entitled, if not obliged, to advise on grounds of public policy, and to take into account, matters of political expediency. The latter body does not consider itself bound by its own previous decisions. Tooth v. Power, (1891) A. C. 284, at p. 292; In re Transferred Civil Servants (Ireland) Compensation, (1929) A. C. 242, at pp. 247-252: nor do English courts regard Privy Council judgments as authoritative; Abraham v. Deakin, (1891) 1 Q. B., at p. 521; G. N. Rly. Co. v. Swaffield, (1874) L. R. 9 Exch. 132, at p. 138.

It is not surprising, therefore, to find two fundamental differences between the judgments rendered in this case, one by the Supreme Court, the other by the Privy Council.-

In the first place, the majority in the Supreme Court held that the fact that they were dealing with an Imperial statute passed in 1867 necessarily afforded the basis of construction,-

> "Passed in the year 1867, the various provisions of the B. N. A. Act, (as is the case with other statutes, Bank of Toronto v. Lambe, 12 A. C. 575, at p. 579) bear today the same construction which the courts would, if then required to pass upon them, have given to them when they were first enacted. If the phrase "qualified persons" in s. 24 includes women to-day, it has so included them since 1867." (1928) Can. S. C. R., at p. 282.

But the Privy Council, while stating that "the word 'persons' is ambiguous" and in early Acts of Parliament would be understood to refer only to males,-

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> "... not because the word "person" could not include females but because at Common Law a woman was incapable of serving a public office." p. 7 (middle),

proceeds to indicate the basis on which it deals with the Imperial statute in this case, as follows:

> "Their Lordships do not think it right to apply to Canada of to-day the decisions and reasonings therefor which commended themselves, probably rightly, to those who had to apply the law in different circumstances, in different centuries to countries in different stages of development." (p. 8, top),

and again,-

> "The British North America Act planted in Canada a living tree capable of growth and expansion within its natural limits." (p. 9)

Again, the Supreme Court felt itself bound, by a number of decisions cited, to hold that the word "persons" was so ambiguous that, in using it, the Imperial Parliament could not be taken to have intended so distinct a departure from the common law as would be involved in making women eligible for appointment to the Senate of Canada. On the other hand, the Privy Council thinks that, as a,

> "... final Court of Appeal from all these communities (i. e., countries and peoples in every stage of social, political and economic development and undergoing a continuous process of evolution, included within the Britannic system)... this Board must take great care not to interpret legislation meant to apply to one community by a rigid adherence to the customs and traditions of another." (p. 8, foot)

i. e., the doctrine of the English common law in regard to the ineligibility of women for public office must not be invoked in the construction of ss. 24 and 32 of the B. N. A. Act, although it is an enactment of the British Parliament and was designed, as its preamble states, "to give to Canada a constitution similar in principle to that of the United Kingdom." Then, the Lord Chancellor quotes with approval the following passage from Clement's Canadian Constitution,

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(Ed. 3) at p. 347:

> "The Privy Council indeed, has laid down that Courts of law must treat the provisions of the British North America Act by the same methods of construction and exposition which they apply to other statutes. But there are statutes and statutes; and the strict construction deemed proper in the case, for example, of a penal or taxing statute or one passed to regulate the affairs of an English parish, would be often subversive of Parliament's real intent if applied to an Act passed to ensure the peace, order and good government of a British Colony." (p. 9, middle)

But it was in dealing with the British North America Act itself that the Privy Council had said (Bank of Toronto v. Lambe, 12 A. C., at p. 579) that,

> "... questions of this class have been left for decision of the ordinary courts of law which must treat the provisions of the Act in question, by the same methods of construction and exposition which they apply to other statutes."

Moreover, the two cardinal rules of statutory interpretation, observed by the Supreme Court precisely as they were by the House of Lords in the Nairn case, (1909) A. C. 147), but brushed aside by the Judicial Committee, viz.,

> "Where an affirmative statute is open to two constructions, that construction ought to be preferred which is consonant with the common law." Rex v. Bishop of Salisbury, (1901) 1 Q. B. 573, 577,

and,

> "The words of a statute must be construed as they would have been the day after the statute was passed." Sharp v. Wakefield, (1888) 22 Q. B. D. 239, at p. 242,

are of universal application. True, as the most recent judgment of the Privy Council points out, (p. 9, foot) their Lordships were, in Lambe's case,

> "...considering the question of legislative competence, either of the Dominion or its Provinces, which arise under ss. 91 and 92 ..."

but it is difficult for the ordinary lawyer to understand why the provisions of the Act on which these questions arise should be subject to one rule of construction and section 24 of the same Act, to another; or why, for instance, in the one case, the fact that the statute was enacted in 1867 should be borne in mind and the intent of the Parliament of that day given effect to, whereas, in the other,

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the Act must be considered in a broad and liberal spirit and should (as a matter of political expediency?) be held to provide for the Canada of to-day, according to ideas now prevalent, greatly though they differ from those which obtained when the statute was enacted.

If, having regard to considerations of political expediency and the welfare of the State, the statute may be construed in accordance with legal principles, so much the better; but, if not, those principles must yield to "the larger view" which political exigency dictates,- the semblance of an observance of legal canons being given to the opinion delivered in order not too greatly to shock those who pin their faith to "His Majesty the King in Council", as "the final Court of Appeal", for all the countries of the British Commonwealth, except England, Scotland and Northern Ireland.

- . -

Almost immediately after he had correctly stated (p. 1) the subject of the reference and the question presented for determination, viz.,

> "... whether the words "qualified persons" in that section (s. 24 of the B. N. A. Act, 1867) include a woman, (sic) and consequently whether women are eligible to be summoned to and become members of the Senate of Canada,"

Sankey, L. C. says (p. 2),

> "The result therefore of the decision was that the Supreme Court was unanimously of opinion that the word "persons" did not include female persons, and that women are not eligible to be summoned to the Senate.
>
> Their Lordships are of opinion that the word "persons" in section 24 does include women, and that women are eligible to be summoned to and become members of the Senate of Canada."

His Lordship cannot have read the judgment appealed from, or he misunderstood it. A third alternative - wilful misrepresentation - is unthinkable. The Lord Chancellor of England is not a "yellow journalist".

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Not content with defining the subject of the reference, at p. 281, ((1928) Can. S. C. R.) so as to make it perfectly clear that the question answered related not to the word "persons" but to the words "qualified persons" in s. 24 of the B. N. A. Act, Anglin, C. J. C., with whom Lamont and Smith, JJ. entirely, and Mignault, J. in substance, agreed, explicitly said, at p. 286 (foot);

> "'Persons' is a word of equivocal signification, sometimes synonymous with human beings, sometimes including only men.
>
> "It is an ambiguous word," says Lord Ashbourne, "and must be examined and construed in the light of surrounding circumstances and constitutional principle and practice." Nairn v. University of St. Andrews, (1909) A. C. 147, at p. 162."

and at p. 288, he said,

> "'Persons' is not a 'word importing the masculine gender.'"

and added,

> "Therefore, ex facie, Lord Brougham's Act (the famous Interpretation Act) has no application to it."

and at the conclusion of the judgment, he said,

> "... women are not eligible for appointment by the Governor General to the Senate of Canada ... because they are not 'qualified persons' within the meaning of that section."

i. e., section 24. How then can the Lord Chancellor truly say (as he does) that,

> "The Supreme Court was unanimously of the opinion that the word "persons" did not include female persons."

On the contrary, the Chief Justice agreed with Lord Loreburn when he said that,

> "'persons' standing alone, prima facie, includes women." (1909) A. C. 147, at p. 161. See p. 285 (1928) Can. S. C. R.

- . -

On p. 2, the Lord Chancellor states as two points to be considered in the interpretation of an Act of Parliament,

> "(i) The external evidence derived from extraneous

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circumstances such as previous legislation and decided cases.

(ii) The internal evidence derived from the Act itself."

and, "in justice to the argument" of the learned counsel on the appeal, proceeds to consider them in turn.

Dealing first with external evidence, he points out that the exclusion of women from public office is a relic of barbarism, and quotes from Tacitus Germania (C. 13) to show that the reason of it was that women did not bear arms, whereas men attending deliberative assemblies were obliged to do so. Yet he adds, again quoting Tacitus Germania, (c. 8) that the tribes did not despise the advice of women. He proceeds to say that this exclusion of women from public affairs found its way into the opinion of Roman jurists, Ulpian (A. D. 211) laying it down (p. 3).

His Lordship uses the reference to Roman law and custom as part of the historical genesis of the incapacity of women at common law to hold public office. At pp. 283-4, the Chief Justice quoted, much in the same way, the same matter from Ulpian and some further references made use of by Willes, J. in Chorlton v. Lings, and also such modern decisions as Beresford-Hope vs. Lady Sandhurst, (1889) 23 Q. B. D. 79, at p. 95; and the Viscountess Rhondda case, (1922) 2 A. C. at p. 389. It is a little difficult then, to understand why the Lord Chancellor should, at p. 8, have used this language;

> "Referring therefore to the judgment of the Chief Justice and those who agreed with him, their Lordships think that the appeal to Roman law and to early English decisions is not of itself, a secure foundation on which to build the interpretation of the B. N. A. Act of 1867. Their Lordships fully appreciate the learned arguments set out in his judgment but prefer ... etc."

It may perhaps be observed that a line of argument thought good and relevant by Willes, J. in considering the inter-

pretation

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of an English statute of 1867, scarcely deserved a sneer when used by the Chief Justice in connection with another statute, passed in the same year and by the same Parliament.

The Lord Chancellor then (p. 3) discusses the legal incapacity of women in England to serve in Parliament, cites the Rhondda case, (1922) 2 A. C. 339, holding them excluded from the House of Lords, and adds that,

> "Women were, moreover, subject to a legal incapacity to vote at the election of Members of Parliament." (p. 3)

At the end of p. 3 he quotes, with approval, an observation of Lord Esher in De Souza v. Cobden, (1891) 1 Q. B. 687, at p. 691,

> "By the Common Law of England women are not in general deemed capable of exercising public functions ..."

and, on p. 4, he cites Bebb v. Law Society, (1914) 1 Ch. 286, where the Court of Appeal held women to be "under a disability by reason of their sex" to become attorneys or solicitors.

He then takes up Chorlton v. Lings, (1868) L. R. 4, C. P. 374, where, dealing with Lord Brougham's Interpretation Act of 1850, the Court of Common Pleas held it insufficient to bring women within the term "every man", "having regard to the important departure from the common law involved" - the question there being as to the right of women to vote at Town Councillors' elections.

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He then (p. 4, foot) notices Nairn v. University of St. Andrews, (1909) A. C. 147, where, in a statute of 1868, providing for voting at an election of a member of Parliament to represent the University of St. Andrews, the House of Lords held "that the word 'person' did not include women". He makes a pointed allusion to the reference of Loreburn, L. C. to the "legal incapacity of women" (p. 5), the inference distinctly

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intended being that the judgment of the House of Lords turned upon the presence in the statute, there dealt with, of the words "not subject to any legal incapacity."

Lord Loreburn did refer to the words "not subject to any legal incapacity" at p. 161, where he said of them that,

> "... by this limitation, if not otherwise, women are excluded. If the word "persons" in s. 27 of the Act of 1868 is wide enough to comprise women, then they are shut out by the exception of those "subject to legal incapacity". If the word "persons" is not wide enough to include women,"

cadit quaestio!

Two of the other learned Lords, Lord Ashbourne (p. 162) and Lord Robertson (pp. 165-6) expressly state that their judgments in no wise depend on the presence of the words, "not subject to legal incapacity". The fourth member of the House, Lord Collins, merely concurred in the result.

Sankey, L. C., however, adds, referring to the Nairn case;

> "Both in this case and in the case of Viscountess Rhondda, the various judgments emphasize the fact that the legislature in dealing with the matter, cannot be taken to have departed from the usage of centuries, or to have employed loose and ambiguous words to carry out a so momentous and fundamental change."

- . -

He continues on p. 5;

> "The judgment of the Chief Justice of the Supreme Court of Canada refers to and relies upon these cases, but their Lordships think that there is great force in the view taken by Mr. Justice Duff with regard to them, when he says that section 24 of the British North America Act, 1867, must not be treated as an independent enactment."

The inference obviously intended to be drawn is that section 24 had been so treated by the Chief Justice and the other members of the Court who agreed with him. But, by reference to p. 285, it will be found that the contrary is the case. The Chief Justice there says;

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> "Has the Imperial Parliament under Sections 23, 24, 25, 26 and 32 of the B. N. A. Act, read in the light of other provisions of the statute and of relevant circumstances proper to be considered, given to women the capacity to exercise the public functions of a Senator? Has it made clear its intent to effect, so far as the personnel of the Senate of Canada is concerned, the striking constitutional departure from the common law for which the petitioners contend, which would have rendered women eligible for appointment to the Senate at a time when they were neither qualified to sit in the House of Commons nor to vote for candidates for membership in that House?"

i. e., in 1867, when the statute was passed.

- . -

The Lord Chancellor then (pp. 5-6) discusses ante-Confederation legislation throughout Canada. In many statutes dealing with representation and voting at elections, the word "persons" is used, sometimes qualified by such words as "discreet and proper", sometimes without restriction: in none of them, the judgment says, was there any adjectival qualification to warrant the inference that "persons" as used in these various acts was meant to exclude females. But, at least, one of them, e. g., the act of 1784, establishing a separate government for New Brunswick, speaks of the council; (p. 6)

> "... composed of certain named persons and other persons 'to be chosen by you from amongst the most considerable of the inhabitants of or persons of property' but required to be men of good life etc.," See too, Acts of Canada of 1834 and 1849 (p. 6), and of Nova Scotia of 1859 (p. 7).

- . -

Again, at p. 7 of the judgment of Sankey, L. C., we find this passage,-

> "No doubt, in any code where women were expressly excluded from public office the problem would present no difficulty, but where instead of such exclusion those entitled to be summoned to or placed in public office are described under the word "person" different considerations arise.
>
> The word is ambiguous and in its original meaning would undoubtedly embrace members of either sex."

He proceeds;

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> "On the other hand, supposing in an Act of Parliament several centuries ago it had been enacted that any person should be entitled to be elected to a particular office it would have been understood that the word only referred to males, but the cause of this was not because the word "person" could not include females but <u>because at Common Law a woman was incapable of serving a public office</u>. The fact that no woman had served or has claimed to serve such an office is not of great weight when it is remembered that custom would have prevented the claim being made, or the point being contested."

The Lord Chancellor also refers (p. 7, top) to the fact that an exhaustive official search had been made, and evidence was given by the Keeper of Public Records, that on none of the lists of voters in any province of Canada did he find the name of a person of the female sex, down to 1867.

- . -

At p. 9 (middle) we find this paragraph;

> "Their Lordships do not conceive it to be the duty of this Board - it is certainly not their desire - to cut down the provisions of the Act by a narrow and technical construction, but rather to give it a large and liberal interpretation <u>so that the Dominion to a great extent, but within certain fixed limits, may be mistress in her own house, as the provinces to a great extent, but within certain fixed limits, are mistresses in theirs</u>.
>
> .....
>
> The learned author of that treatise (Clement's Canadian Constitution) quotes from the argument of Mr. Mowat and Mr. Edward Blake before the Privy Council in St. Catherine's Milling and Lumber Co. v. The Queen, 14 A. C. (1888) 46, at p. 50.
>
> > 'The Act should be on all occasions interpreted in a large, liberal and comprehensive spirit, considering the magnitude of the subjects with which it purports to deal in very few words.'
>
> With that their Lordships agree, but, as was said by the Lord Chancellor in Brophy v. The Attorney General of Manitoba, (1895) A. C. 202 at p. 216, the question is not what may be supposed to have been intended, but what has been said."

What is noteworthy about the former of these two paragraphs is its apparent inconsistency with recent pronouncements of the Imperial Conferences to the effect that Canada is "a full partner in the British Commonwealth" with the same standing

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and rights as Great Britain itself.

The suggestion that the Dominion is no more mistress in her own house than are the several provinces in theirs, rather implies that the status of Canada still partakes in some manner of that of a mere colony and is not that of "a full partner in the Empire". And this statement is made immediately after this quotation from "Canadian Constitutional Studies" by Sir Robert Borden, dealing with the constitution of Canada,

> "Like all written constitutions it has been subject to development through usage and convention."

Apparently in His Lordship's opinion the "development " has not proceeded very far.

At the conclusion of the paragraph secondly quoted, it is suggested that what their Lordships are doing, is ascertaining not what is supposed to have been intended but the expressed intention of Parliament. Why is this ~~old view~~ hoary idea of sound legal construction introduced into a judgment which avowedly proceeds on the basis that to the "Canada of to-day the decisions and reasonings therefor" are not to be "rigidly" applied (p. 8, top) in interpreting an "Act which creates a constitution for (that) new country?" (pp. 9-10).

His Lordship deals with the B. N. A. Act, not as a statute enacted in 1867, but as if it had been passed in the light of developments since 1916, in regard to the status of women. Yet he quotes Stradling v. Morgan, (p. 7, foot) and also Herron v. Rathmines and Rathgar Improvement Commissioners, (1892) A. C. 498, where Lord Halsbury said;

> "The subject-matter with which the legislature was dealing and the facts existing at the time with respect to which the legislature was legislating, are legitimate topics to consider in ascertaining what was the object and purpose of the legislature in passing the Act they did,"

and, as already observed, while admitting that, at the common law, woman was legally incapacitated to serve in any public office, he apparently ignores the well-known rule of construction that where a statute is susceptible of more than one

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meaning, in the absence of express language, an intention to abrogate the ordinary rules of law is not to be imputed to Parliament. Wear Commissioners v. Adamson, (1876) 1 Q. B. D. at p. 554.

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On p. 10, we find this passage,-

> "The word "person" as above mentioned may include members of both sexes, and to those who ask why the word should include females, the obvious answer is why should it not.
>
> In these circumstances the burden is upon those who deny that the word includes women to make out their case."

To the lawyer it would rather seem that the burden was upon those who affirmed an intention to derogate from the common law by the use of such an ambiguous and equivocal term as "persons", of which, Lord Ashbourne said in Nairn v. University of St. Andrews,

> "The parliamentary franchise has always been confined to men and the word "person" cannot by any reasonable construction be held to be prophetically used to support an argument founded on a statute passed many years later."

The Lord Chancellor says, at p. 13;

> "From Confederation up to 1916 women were excluded from the class of persons entitled to vote in both Federal and Provincial elections.
>
> From 1916 to 1922 various Dominion and Provincial Acts were passed to admit women to the Franchise and to the right to sit as members in both Dominion and Provincial legislative bodies."

In the Nairn case, Lord Ashbourne (p. 163) said;

> "In 1868 the Legislature could only have had male persons in contemplation, as women could not then be graduates, and also because the parliamentary franchise was by constitutional principle and practice confined to men."

Lord Loreburn said, at p. 160,

> "It is notorious that this right of voting, has, in fact, been confined to men."

And to him it is incomprehensible that anybody should imagine that at common law women were not under such disability. He

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speaks of the origin of the disability as being "of so inveterate a usage". He thinks that if this legal disability is to be removed, it must be done by Act of Parliament and, at p. 161, he proceeds,

> "It would require a convincing demonstration to satisfy me that Parliament intended to effect a constitutional change so momentous and far-reaching by so furtive a process."

Lord Robertson, at p. 164, says,

> "Clear expression of this intention (i. e., to enfranchise women) must be found before it is inferred that so exceptional a privilege has been granted."

and, at p. 165;

> "The case of the appellants has, as I have said, the word "person" (in the Act of 1868) for its basis, but it is necessary to remember that it is only by virtue of an Ordinance of the University Commissioners under an Act of 1889 ... that women were made eligible ..."

to be in a position where they could possibly be included in the word "persons". He concludes (pp. 165-6),

> "... I think that a judgment is wholesome ... which puts forward subject-matter and constitutional law as guides of construction never to be neglected in favour of verbal possibilities."

Such were the authorities chiefly relied upon by the Chief Justice in the Supreme Court. Is it to them that the Lord Chancellor refers at p. 8, as "early English decisions"?

- . -

The Lord Chancellor next proceeds to deal with the word "qualified", (p. 11). In his view it refers back to the qualifications mentioned in the preceding section 23 and to them alone. But, as was pointed out by the Chief Justice (p. 285), if that view were taken, the word "persons" being broad enough to include the criminal, the insane, equally with the good and wise citizen, such ~~individuals~~ "persons" would be eligible for appointment. Was it not intended to exclude them also by the word "qualified"? And, if not, what of the word "fit" in s. 32?

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The judgment proceeds:

> "The reasoning of the Chief Justice would compel their Lordships to hold that the word "persons" as used in section 11, referring to the constitution of the Privy Council of Canada is limited to "male persons" with the resulting anomaly that a woman might be elected to the House of Commons but could not even then be summoned by the Governor General as a member of the Privy Council."

As has already been pointed out, up to 1916 women were not eligible for membership in the House of Commons. Is it to be supposed that in an Act of 1867, the Imperial Parliament used the words "persons", as Lord Ashbourne said in the Nairn case,

> "... prophetically to support an argument founded on a statute passed many years later"?

Moreover, his view on this point was not left by the Chief Justice to inference. At p. 287 of the report, he discussed it, concluding that,

> "... it would be dangerous to assume that by the use of the ambiguous term "persons" the Imperial Parliament meant in 1867 to bring about so vast a constitutional change affecting Canadian women, as would be involved in making them eligible for selection as Privy Councillors. A similar comment may be made upon s. 14, which enables the Governor General to appoint a Deputy or Deputies."

- . -

On p. 12 (middle) the Lord Chancellor speaks of

> "The presumption that the word "persons" includes women".

How can there be any such presumption, if, as he himself said, at p. 7, the word is "ambiguous", and, at p. 10, "the word 'persons', as above mentioned, may include members of both sexes", when regard is had to the fact that, at the common law, women were under a legal incapacity "to serve a public office", (p. 7, middle)? The B. N. A. Act, being an Imperial statute and subject in its construction to ordinary canons (12 A. C., 579), that construction should be given to it, if it be susceptible of more than one meaning, which will not involve an abrogation of a rule of the common law. (1876)

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1 Q. B. D. at p. 554; (1901) 1 Q. B. at p. 577.

- . -

At p. 11 the Lord Chancellor deals with the Chief Justice's statement, made at p. 286, ((1928) Can. S. C. R.);

> "Moreover, clause 2 of section 23 includes only 'natural-born' subjects and those naturalised under statutory authority and not those who become subjects by marriage - a provision which one would have looked for had it been intended to include women as eligible."

The statute (s. 23 (2)) says;

> "He (the Senator) shall be either a Natural-born Subject of the Queen, or a Subject of the Queen naturalised by an Act of the Parliament of Great Britain, or of the Parliament of the United Kingdom of Great Britain and Ireland, or of the Legislature of the Provinces of Upper Canada, Lower Canada, Canada, Nova Scotia, or New Brunswick, before the Union, or of the Parliament of Canada after the Union;"

The comment of the Lord Chancellor upon this, is (p. 11, middle);

> "The attention of the Chief Justice, however, was not called to the Aliens Act, 1844 (7 and 8 Vict., c. 66) section 16 of which provides that any woman married or who shall be married to a natural born subject or person naturalised shall be deemed and taken to be herself naturalised and have all the rights and privileges of a natural born subject. The Chief Justice assumed that by Common Law a wife took her husband's nationality on marriage, but by virtue of that section any woman who marries a natural born or naturalised British subject was deemed and taken to be herself naturalised. Accordingly, section 23, subsection 2, used language apt to cover the case of those who become British subjects by marriage."

Incidentally, it may be observed that the statute, 7-8 Vict., c. 66, s. 16, was replaced by 9 Vict., c. 107, s. 8, which was in turn replaced by 12 Vict., c. 197, s. 10 and the Act last mentioned by Con. Stats. of 1859, c. 8, s. 7, which was in force at Confederation. This latter statute, however, contained in s. 7, a provision the same as that of s. 16 in 7-8 Vict., c. 66. See also 31 Vict., c. 66, s. 2.

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The Chief Justice was probably contemplating appointments now to be made to the Senate, as that was the raison d'etre of the reference, to which the legislation of the present day, regarding naturalisation, is applicable. Some little time after Confederation (in 1881) the Parliament of Canada passed a Naturalisation Act, by s. 26 of which it is provided, that,

> "A married woman shall, within Canada, be deemed to be a subject of the State of which her husband is, for the time being, a subject."

This provision replaced that of s. 2 of 31 Vict., c. 66, and has been carried through all later revisions of Dominion Statutes. It is now found as s. 13 (1) of the Naturalisation Act, c. 138, R. S. C. 1927. Since 1881, therefore, a foreign born woman married to a British subject is not, in Canada, "deemed or taken to be herself naturalised." She rather has, under the statute, the same status which an alien woman, who married a British subject, has under the common law. No doubt that is what the Chief Justice had in mind when he said (p. 286) that

> "... the language of ss. 2 of s. 23 does not include, 'those who become subjects by marriage'";

and, if it refers to present day qualifications, the statement appears to be accurate, as it has been since 1881. Nevertheless, the provision of the Con. Stats. of Canada, (1859), applicable to Ontario and Quebec, as a "circumstance in existence" when the B. N. A. Act was passed in 1867, partially meets this difficulty suggested by the Chief Justice in so far as the question is one of the construction of s. 24. See also 24 Vict. (N. B.), c. 54, s. 5. But in Nova Scotia the status of an alien woman, who married a British subject apparently depended on the common law. See R. S. N. S., 3d Series, (1864) c. 34.

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At pp. 11 and 12, his Lordship answers an objection of Mr. Justice Duff, based on the ground that ss. 2 of s. 23 points to the exclusion of married women and would have been differently expressed had the presence of married women been contemplated, by a reference to the Con. Stats. of Upper Can., (1859) c. 73, s. 1, which reads as follows:

> "Every woman who has married since the 4th May, 1859, or who marries after this Act takes effect, without any marriage contract or settlement, shall and may, notwithstanding her coverture, have, hold and enjoy, all her real and personal property ... in as full and ample a manner as if she continued sole and unmarried..."

It will be noted that this section is confined in its application to women married after the 4th of May, 1859, without any marriage contract or settlement. There must have been many thousand married women in Upper Canada in 1867 who did not fulfil those requirements. Moreover, "one swallow does not make a summer". What about married women in New Brunswick and Nova Scotia and, possibly also, Quebec? Were some married women qualified in Ontario and others not? And were none at all qualified in the other provinces?

Mr. Justice Duff's difficulty hardly seems to be met by the legislation cited.

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On p. 12, (below middle) his Lordship refers to s. 41, B. N. A. Act, pointing out that it contains a special proviso for the District of Algoma. In s. 41, and in s. 84 which makes identical provision for the provincial legislatures of Ontario and Quebec, he finds (p. 13) "an express limitation" on the word "persons" and (p. 14) the words "male persons" expressly used. His Lordship draws from s. 41 the inference that the word "persons" must be regarded as intended to include females, apparently because, in the proviso, for the District of Algoma, in addition to "persons qualified by law", "every male British subject" of the age of 21 years or upwards, being a householder, is given the franchise, whereas it seems

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reasonably certain that if "persons qualified" included females, the extended franchise in Algoma would not have been restricted to males, as it is. So to restrict it would be most invidious; and it is only because "persons qualified by the law" did not include females that a like restriction was placed upon the extended franchise. It follows that the term "male British subject" is not used in contradistinction to "qualified persons", as his Lordship suggests, and the section does not imply that "qualified persons" includes females, but rather the contrary.

Section 41 reads as follows:

> "Until the Parliament of Canada otherwise provides, all Laws in force in the several Provinces at the Union relative to the following Matters or any of them, namely,- the Qualifications and Disqualifications of Persons to be elected or to sit or vote as Members of the House of Assembly or Legislative Assembly in the several Provinces, the Voters at Elections of such Members, the Oaths to be taken by Voters, the Returning Officers, their Powers and Duties, the Proceedings at Elections, the Periods during which Elections may be continued, the Trial of controverted Elections and Proceedings incident thereto, the vacating of Seats of Members, and the Execution of new Writs in case of Seats vacated otherwise than by Dissolution,- shall respectively apply to Elections of Members to serve in the House of Commons for the same several Provinces.
>
> Provided that, until the Parliament of Canada otherwise provides, at an Election for a Member of the House of Commons for the District of Algoma, in addition to Persons qualified by the Law of the Province of Canada to vote, every male British subject, aged Twenty-one Years or upwards, being a Householder, shall have a vote."

His Lordship then makes the following extraordinary comment;

> "If Parliament had intended to limit the word 'persons' in section 24 to male persons it would surely have manifested such intention by an express limitation as it has done in sections 41 and 84." (p. 13, top)

The quotation of these sections makes it clear that his Lordship was under a misapprehension when he spoke of an "express limitation". There is no such limitation on the word "persons"

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either in section 41 or in section 84.

On p. 13, his Lordship proceeds to state that,

> "From Confederation to date, both the Dominion Parliament and the provincial Legislatures have interpreted the word "persons" in sections 41 and 84 of the British North America Act as including female persons ..."

One naturally asks, "Where has such an interpretation been put upon these sections?"

Yet his Lordship also says, on the same page (foot),

> "... up to 1916 women were excluded from the persons entitled to vote in both Federal and Provincial elections,"

and it was only between 1916 and 1922 that,

> "... various Dominion and Provincial Acts were passed to admit women to the Franchise andto the right to sit as members in both Dominion and Provincial legislative bodies."

- . -

As was pointed out by the Chief Justice (p. 281), while the British North America Act contains at least one provision (s. 41) which expressly contemplates the power of,

> "... the Parliament of Canada from time to time to alter the qualifications or disqualifications of persons to be elected to the House of Commons and to determine the number of members of which that House shall consist, except in regard to the number of Senators required to constitute a quorum (s. 35)"

there is nothing in the statute to indicate that any power is conferred to alter its provisions affecting the constitution of the Senate.

It is well known that the Senate was designed for the protection, particularly, of provincial rights and of the rights of minorities. It is therefore entirely in consonance with the scheme of the British North America Act and the intention of its framers, that the <u>Imperial Parliament alone</u> should be empowered to amend the constitution of that body.

If in 1867 provision was made for a constitution of the Senate which would exclude women, the fact that women subsequently became eligible for membership in the House of Commons, even though that should carry with it, by inference,

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the right to become members of the Privy Council, in no wise imports such a vital alteration in the constitution of the Senate as the eligibility of women for membership in it implies. Only the Imperial Parliament could make that change. Otherwise, the constitution of the Senate might be made the football of politics in Canada,- something which the B. N. A. Act, by omitting in regard to the Senate powers expressly given in regard to the House of Commons, was designed to prevent.

This idea is further developed by Mr. Justice Duff in his opinion at pp. 300-2.

This argument in favor of excluding women is not adverted to in the judgment of the Lord Chancellor.

Have we here an instance of an amendment to the Canadian constitution effected by declaratory "judicial legislation"? And if so, was it made to meet some political exigency in Canada?

- . -

Finally, at p. 14, the Lord Chancellor sums up the reasons why he concludes that the word "persons" in s. 24 of the B. N. A. Act includes women as well as men. His first ground is that,

> "... the object of the Act was to provide a constitution for Canada, a responsible and developing State;"

Presumably it is for this reason that in construing s. 24 he does not confine his consideration of extraneous circumstances to "facts existing at the time" the statute was enacted, (Herron v. Rathmines etc., (1892) A. C. 498, cited at p. 7 of the judgment), but rather treats the words of this section, as put by Lord Ashbourne, "as prophetically used" so as to cover developments in regard to the status and rights of women undreamt of in 1867, and of which the first trace in Canadian legislation is to be found in 1916.

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His second ground is,

"that the word "person" is ambiguous and may include members of either sex;"

That was the position taken in the Supreme Court and scarcely affords a ground for reversing its unanimous judgment.

Third,

"that there are sections in the Act above referred to which show that in some cases the word "person" must include females;"

The only section mentioned in the course of the judgment, which can here be meant, is section 11, dealing with appointments to the Canadian Privy Council. The situation on which this part of the judgment rests did not arise until after 1916, and one can scarcely believe that Parliament intended in 1867 to use the word "persons" prophetically with regard to that situation.

Fourth,-

"that in some sections the words "male persons" is expressly used when it is desired to confine the matter in issue to males,"

With the utmost respect, the expression "male persons" is nowhere to be found in the B. N. A. Act. As already pointed out, allusion is made, at p. 13 (top) of the judgment, to such an "express limitation" of the word "person" in sections 41 and 84; but, as has also been pointed out, there is no such "express limitation" to be found in those sections; and the inference drawn by the Lord Chancellor in regard to them, of an intention to use the phrase, "every male British subject" in contradistinction to the word "persons" is not warranted.

Fifth,-

"to the provisions of the Interpretation Act;"

Assuming that the word "persons" is equivocal and may or may not include females, and, a fortiori, if there be a presumption that it does include them, the Interpretation Act can have no application to the matter, inasmuch as its purview is confined to expressions connoting the male gender.

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The Chief Justice had said at pp. 281, 282 of the report;

> "In considering this matter we are, of course, in no wise concerned with the desirability or the undesirability of the presence of women in the Senate, nor with any political aspect of the question submitted. Our whole duty is to construe, to the best of our ability, the relevant provisions of the B. N. A. Act, 1867, and upon that construction to base our answer."

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Corr - Senate - Appointment of women to the Senate
C 97432

On December 17th, 1929, this article, written by a valued member of the Vancouver Business and Professional Women's Club, was published in the "Daily Province." Since then, two women have been appointed to the Senate. The first appointment was the gift of the Mackenzie King Government and the second of the R.B. Bennett Government.

Since this explanation of the long fight was approved by the late Judge Murphy as "most accurate", it is sent to you just as it was written.

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"APPOINTMENT OF WOMAN AS SENATOR ENDS LONG FIGHT FOR EQUAL RIGHTS

By Margaret W. Bayne.

If Premier Mackenzie King appoints a woman senator during the coming session of Parliament, it will mark one of the most important steps in constitutional government. While no definite announcement has been made, it is expected that this will be the logical outcome of the recent decision of the judicial committee of the Privy Council, whose interpretation of the word "persons", as used in the British North America Act, has opened Canada's highest governmental body to women.

Since 1916, the matter of woman's place among lawmakers of Canada has been a moot point, and the last act in this drama of woman's wits against man's obstinacy will be the entrance of a woman into the Canadian Senate.

The moving spirit in this matter has been Mrs. Emily Murphy, Police Magistrate of Edmonton. In 1916 Mrs. Murphy (Janey Canuck) of Edmonton and Mrs. Alice Jamieson of Calgary were appointed police magistrates for Alberta, the first women in Canada to receive such an office.

When Mrs. Murphy took her seat upon the bench, her appointment was protested on the ground that she was not a "person" within the meaning of the British North America Act. The question went before Mr. Justice Scott of the Supreme Court of Alberta, then before the whole Supreme Court, which decided that Mrs. Murphy was a "person" within the meaning of the British North America Act.

The matter of women as "persons" became a disputed point in 1921, when women were granted the right to vote in Dominion elections and became eligible for membership in the House of Commons.

INSTITUTES MAKE APPEAL.

It was then that a resolution was sent by the Women's Institutes and signed by representatives of eight provinces, asking for the appointment of women as senators. This was the first public appeal, and was followed by the appeal of the Montreal Women's Club - the doyen of women's clubs in Canada.

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They not only asked that women be made senators, but specifically asked that Mrs. Murphy be appointed to fill a recent vacancy in Alberta. This was followed by the personal appeal to Premier Mackenzie King of Mrs. Nellie McClung of Alberta and Madame Marchand, president of the Association of French-Canadian Women of Canada, who asked for the appointment of Mrs. Murphy to fill the vacancy then existing in Alberta. They were told that, in the opinion of the government, women were no "persons" within the meaning of the British North America Act, and to which an amendment would be required before their request could be granted.

An amendment could be obtained only through the Imperial Parliament upon a resolution supported by both the House of Commons and the Senate. Even if the Senate would consent to the resolution, the Province of Quebec might put in a strong objection as that province had not yet enacted legislation permitting women to vote at its elections. Opening the doors of the Senate to women seemed a formidable and hopeless task.

NEW RULING MADE.

But at a later date an Imperial Conference was held in London, and among other things this body set forth exactly what is meant by the "equality of status of the Dominions". The most important phrase in their report reads: "They are autonomous communities within the British Empire equal in status, in no way subordinate one to another in any aspect of their domestic or external affairs".

So the New Westminster Local Council of Women brought before their provincial council the matter of appointing women to the Senate, directing attention to the new status as defined by the Imperial Conference. The resolution was sent on to the National Council meeting in May, 1927. The National Council took up the matter with the government, who promised to give serious consideration to their request.

There the matter might have rested indefinitely but for Mrs. Emily Murphy. Ever since the Supreme Court of Alberta had passed upon her appointment she had burrowed into all the byways connected with the B.N.A. Act. She came upon section 60 of the Supreme Court Act, where provision is made that important questions of law and fact touching the interpretation of the B.N.A. Act may be referred by the Governor-General-in-Council to the Supreme Court of Canada for hearing and consideration. The act further provides that all reasonable fees for such action may be paid by the minister of finance for the interested parties making the appeal, from moneys appropriated by Parliament for purposes of litigation.

This momentous discovery by Mrs. Murphy gave the opportunity to remove the question from the realm of politics into that of law.

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C 97433

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An amendment could be obtained only through the Imperial Parliament upon a resolution supported by both the House of Commons and the Senate. Even if the Senate would consent to the resolution, the Province of Quebec might put in a strong objection as that province had not yet enacted legislation permitting women to vote at its elections. Opening the doors of the Senate to women seemed a formidable and hopeless task.

NEW RULING MADE.

But at a later date an Imperial Conference was held in London, and among other things this body set forth exactly what is meant by the "equality of status of the Dominions". The most important phrase in their report reads: "They are autonomous communities within the British Empire equal in status, in no way subordinate one to another in any aspect of their domestic or external affairs".

So the New Westminster Local Council of Women brought before their provincial council the matter of appointing women to the Senate, directing attention to the new status as defined by the Imperial Conference. The resolution was sent on to the National Council meeting in May, 1927. The National Council took up the matter with the government, who promised to give serious consideration to their request.

There the matter might have rested indefinitely but for Mrs. Emily Murphy. Ever since the Supreme Court of Alberta had passed upon her appointment she had burrowed into all the byways connected with the B.N.A. Act. She came upon section 60 of the Supreme Court Act, where provision is made that important questions of law and fact touching the interpretation of the B.N.A. Act may be referred by the Governor-General-in-Council to the Supreme Court of Canada for hearing and consideration. The act further provides that all reasonable fees for such action may be paid by the minister of finance for the interested parties making the appeal, from moneys appropriated by Parliament for purposes of litigation.

This momentous discovery by Mrs. Murphy gave the opportunity to remove the question from the realm of politics into that of law.

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C 97434

WOMEN TAKE UP CUDGELS

In her appeal Mrs. Murphy was joined by four other Alberta women prominent in the public life not only of that province, but of Canada. These women were Mrs. Irene Parlby, Mrs. Louise MacKinney, Mrs. O.C. Edwards and Mrs. Nellie McClung.

Mrs. Irene Parlby, a farmer of Alix, is the M.L.A. for her district, minister without portfolio in the Alberta Government, devoted worker in Women's Institutes, daughter of Col. Marryatt, formerly of India, and niece of Capt. Marryatt, famous writer of sea stories.

Mrs. Louise MacKinney of Claresholm was the first woman elected to any legislature in Canada. She has always carried aloft the banner of the W.C.T.U. and won her election on the prohibition ticket.

Mrs. O.C. Edwards of MacLeod, convener of laws committee of the National Council of Women, is nationally known for her mastery of laws for women and children.

Mrs. Nellie McClung of Calgary, formerly M.L.A. of Edmonton, is a well-known writer and lecturer, a feminist and a prohibitionist. She is admitted to be the wittiest woman public speaker in Canada.

Mrs. Emily Murphy is a police magistrate in Edmonton, being one of the first two to be appointed in Canada. Under the name of "Janey Canuck" she is a writer of international reputation. Needless to say she is a popular lecturer and clubwoman.

These five women joined in an appeal to the Governor-General-in-Council and were backed by the Alberta Government, though the Federal and Quebec Governments upheld the negative. The services of Hon. N.W. Rowell, K.C., were secured and paid for by the Canadian Government as provided for in Section 60 of the Supreme Court Act.

DEFINITION OF "PERSONS".

The question submitted to the Supreme Court was "Is a woman a person within the meaning of Section 24 of the B.N.A. Act". The Supreme Court side-stepped the issue and decided that women were not "qualified persons" which was not the question submitted. The qualifications are set forth in another section of the act which says a person must be 30 years of age, a British subject, and possessed of $4000. The Supreme Court also stressed the point that it was interpreting the mind of the framers of the act who did not intend to include women in speaking of persons.

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When Chief Justice Anglin of the Supreme Court rendered this decision, Minister of Justice Lapointe declared on the floor of the House that an amendment to the B.N.A. Act would be submitted to correct the difficulty.

But the five applicants knew the length of governmental red take and the difficulty of obtaining constitutional changes. They knew also that in case of an adverse judgment of the Supreme Court that Section 60 of the Supreme Court Act permitted an appeal to His Majesty-in-Council for a final decision. So the five women, wisely keeping to the course upon which they had started, made the appeal to the Privy Council.

The Federal Government did not oppose this appeal and finally Quebec withdrew its opposition also.

The lord chancellor of Great Britain, Lord Sankey, who presided, delivered the judgment, taking the unusual course of reading it in full. He pointed out that on May 20, 1867 (the same session in which the B.N.A. Act was passed), John Stuart Mill, in a committee of the House of Commons, moved an amendment to the Representation of the People Bill, which was an act to secure women's suffrage. The amendment proposed was to leave out the word "man" and substitute "person" instead. They would use the word person when they wanted to include women. This was the same session and they were the same men who passed the B.N.A. Act.

Lord Sankey also stated that the Constitution of Canada is a growing institution and should be so construed that the word "persons" include members of the male and the female sex and that therefore the question propounded by the Governor-General-in-Council must be answered in the affirmative and that women are eligible to be summoned to the Senate of Canada.

This decision was rendered on October 18, 1929. On learning of the decision of the judicial committee of the Privy Council that women were eligible to become members of the Canadian Senate, Premier Mackenzie King said that he was very pleased.

He added that it had been the intention of the government, had the decision been against the admission of women as members of the Upper Chamber, to introduce an amendment to the B.N.A. Act. The decision of the judicial committee, however, makes this unnecessary.

Although Premier King did not comment further, it is assumed that since the government was prepared to go to the extent of amending the B.N.A. Act, it will doubtless, in the near future, appoint one or more women to the Senate.

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Ont. Politics

C 97436

The Mackell Injunction was granted by the Supreme Court of Ontario in April 1914, because the Ottawa Separate School Board refused to enforce Regulation XVII, enacted by Mr. Ferguson's Government to restrict, in certain cases, and prohibit in others, the teaching of French in the bilingual schools of Ontario. At different times before, and more especially since Regulation XVII was withdrawn by him in 1927, and the teaching of and in French was by him restored, the Board has repeatedly urged him to remove the injunction.

Notwithstanding that every reason or pretext for the injunction has wholly disappeared since 1927, the Prime-Minister of Ontario has persistently refused to comply with the often repeated request of both the Franch and English speaking School Trustees.

Now, Mr. Côté makes the statement that he is authorized by Mr. Ferguson, on the very eve of voting day, that he Mr. Ferguson will now do what he should have done many years ago! What a bold, desperate attempt, similar to others made by Mr. Ferguson in this election, to bribe the French-Canadian electorate.

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C 97437

S/S Lemoyne –

bet 1926

reg Midland

length 621',

brd 70.2',

dpth 25.4'

gross 10,480

reg 7,503

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(O.D. SKELTON ?) C 97438 (1923).

IMPERIAL ECONOMIC CONFERENCE, 1923

IMPERIAL SHIPPING COMMITTEE

IMPERIAL ECONOMIC CONFERENCE.

- Shipping -

S u m m a r y.

Certain proposals will be brought before the Conference through the Imperial Shipping Committee:

1. Uniformity of Bills of Lading in the Empire.

   This question has since taken a different turn; an international agreement may be sought, in which case Canada should participate in any conference called for the purpose.

2. Establishment of a Permanent Imperial Shipping Board in London; rejected in the 1921 Conference; not now desirable.

The Canadian Department of Marine and Fisheries has suggested that the very important question of the handicap imposed on Canadian ports by the discrimination in insurance rates against the St. Lawrence route should be taken up through the Imperial Shipping Committee, or preferably, by the Ministers in London with Lloyds. A ship worth and insured for $500,000. must pay $6,250. to $11,250 more per voyage in insurance if it goes to Montreal than if it goes to New York. Lloyds may be unwilling to change, but the question is important and the prestige attaching to a successful outcome of negotiations would be great. Full data in the Departmental Memorandum "B".

REFERENCES:

1. British Memoranda:
   Imperial Shipping Committee Reports (13)
   Board of Trade Memo: Carriage of goods by sea (17)
2. Memorandum by Department of Marine and Fisheries: "A" general.
3. Memorandum by Department do. do. B - Insurance
4. do. do. do. do. do. C - Bills of Lading
5. do. by O.D.S.,

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C 87439

IMPERIAL ECONOMIC CONFERENCE.

- Shipping -

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5. do. by O.D.S.,

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C 97440

IMPERIAL ECONOMIC CONFERENCE

- Shipping -

I. Imperial Shipping Committee Proposals

In 1920, the British Government appointed an Imperial Shipping Committee, in accordance with a request made by the Imperial War Conference of 1918. The Committee was empowered to inquire into and report upon ocean rates and facilities, on the principle routes "principally between the heart of the Empire and the Overseas Dominions." It consists of the Chairman, Sir H. J. Mackinder, three representatives of British Government Departments five representatives of British shipping and commerce, and one representative from each Dominion (usually the High Commissioner).

The Committee has carried on a number of inquiries. The specific shipping questions investigated (the Deferred Rebate System and New Zealand rates) deal with the Australasian situation. In addition, the Committee has made proposals as to uniform Bills of Lading and has proposed the appointment of a permanent Imperial Shipping Board.

(1) Uniformity of Bills of Lading: The wide variations in the bills of lading drawn up by shipping companies and the customary insertion of many limitations on carriers' liability have led to legislation in a number of countries in the endeavour to establish a uniform contract basis. The United States led with the Harler Act of 1893, which in modified form, has been adopted by Canada (1910) and Australia. Great Britain had not thought it advisable to enact a similar measure. The Imperial Shipping Committee recommended (1921) the introduction of uniform legislation throughout the Empire, on the basis of the Canadian law, but with some minor variations. Legal and shipping and other interests in the United Kingdom considered that if uniformity were to be sought an international rather than an imperial basis was desirable. Conferences of interested countries were held in the Hague and Brussels (at which Canada was not represented), and

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as a result of their discussions and subsequent conferences between legal, shipping and commercial representatives in the United Kingdom, a bill was introduced in the British House of Commons and passed into law this summer. The question now is not, therefore, whether the U.K. and the rest of the Empire would adopt the Canadian measure, but whether Canada will take part in an international Conference, and whether she will adopt any findings it may recommend.

The Department of Marine and Fisheries has prepared a memorandum on the question. The existing Canadian Act is satisfactory: "an international agreement, is however, eminently desirable if such can be brought about, but not until our interest in the matter has been very fully considered."

The memorandum notes the main differences between the Canadian and the new British act.

It would appear, therefore, that there is no immediate occasion to change the Canadian Act, but that Canada should be prepared to participate in any international conference called to discuss the attainment of international uniformity

(2) Establishment of a Permanent Imperial Shipping Board.

2. The Imperial Shipping Committee urges that a permanent Board be established by Royal Charter, to inquire into complaints as to ocean freights, to exercise conciliation between the interests concerned in inter-imperial shipping, and to promote co-ordination in regard to harbours and other facilities. It would be organized much on the same basis as the present Committee: the Chairman would be a well-paid permanent official.

The same proposals were brought before the Imperial Conference of 1921 and were rejected by Canada and South Africa; Australia deferred reply: only New Zealand and India assented. The reasons against the proposal are at least as strong now as in 1921. The Committee would be dominatingly British. The question of freight rates, while important, it not so serious now as in 1920, and in any

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case might better be investigated by ad hoc committees in each country concerned. Many of the Committee's proposals seem based on a desire to have something to do rather than on practical urgency.

II. Marine Insurance in the St. Lawrence.

Much more important is the question suggested by the Department of Marine and Fisheries: the reduction of the present heavy and unfair discriminating insurance rates on vessels trading to the St. Lawrence.

A vessel worth and insured for $500,000. will in the summer months have to pay $6250. more in insurance if it comes to Montreal than if it comes to New York, and in October-December, $11,250 more. This heavy discrimination is no longer, if it ever was, justified by the greater danger of the St. Lawrence route. The Canadian Government in the last twenty years has spent millions in making that route safe and convenient and it is now claimed to be as safe as the route to northern United States ports.

The Department suggests that this question should either be taken up directly with Lloyds, or referred to the Imperial Shipping Committee for inquiry. At least in the first instant, the former proposal would seem more likely to secure quick action and incidentally bring prestige to any government which could effect a remedy. Full details are contained in the Department's memorandum.

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C 97443 (1)

STATEMENT SHOWING
MAIL SUBSIDIES AND STEAMSHIP SUBVENTIONS PAID BY
THE DEPARTMENT OF TRADE AND COMMERCE
FOR THE LAST SIX YEARS.

(Note: In each case the contract amount of subsidy has been shown. In one or two cases this was less than the amount of the vote; and frequently the full contract subsidy was not paid, deductions having been made for service not performed.)

		1919-20			1920-21			1921-22			1922-23			1923-24			1924-25		
Route	Contractors	No. of vessels employed	Frequency of Service	Annual subsidy $	No. of Vessels Employed	Frequency of Service	Annual Subsidy $	No. of Vessels Employed	Frequency of Service	Annual Subsidy $	No. of Vessels Employed	Frequency of Service	Annual Subsidy $	No. of Vessels Employed	Frequency of Service.	Annual Subsidy $	No. of Vessels Employed	Frequency of Service	Annual Subsidy $
Canada & New Zealand (Atlantic	New Zealand Shipping Co.Ltd.	as required	monthly	140,000	as required	monthly	140,000	-	-	-	-	-	-	-	-	-	-	-	-
Canada & Great Britain	Anchor Donaldson Line White Star Dom.Line Canadian Pacific Ocean Services Ltd. Cunard Line Joint Service	as required	twice a week	1,000,000 voted payment was made for the carriage of mails only at 50¢ a cu.ft.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Canada and Newfoundland	Reid Nfld. Co.Ltd.	3	daily (except Sundays)	70,000	2	3 trips a week	35,000	2	3 trips a week	35,000	2	3 trips a week	35,000	2	3 trips a week	35,000	-	-	-
Canada, West Indies & South America	Royal Mail Steam Packet Company	4	Fort-nightly	340,666.66	4	fort-nightly	340,666.66	4	fort-nightly	340,666.66	4	fort-nightly	340,666.66	4	fort-nightly	340,666.66	4	fort-nightly	340,666.66
Canada and South Africa	Elder-Dempster & Co. Ltd.	as required	monthly	146,000	as required	monthly	146,000	as required	monthly	146,000	as required	monthly	146,000	as required	monthly	146,000	as required	11 trips a year	125,000.00
Canada & New Zealand (Pacific)	Union S.S. Co. of N.Z. Ltd.	2	every four weeks	180,509	2	every four weeks	130,509	2	every four & five weeks alternately	130,509	2	every four & five weeks alternately	130,509	2	every four & five weeks alternately	130,509	2	every four weeks	100,000.00
Canada, China & Japan	Can. Pacific Ocean Services	4	twice a month	375,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Prince Rupert & Queen Charlotte Is.	Grand Trunk Pacific Coast S.S. Company	2	fortnightly	21,000	2	fortnightly	21,000	2	fortnightly	21,000	2	fortnightly	21,000	2	fortnightly	21,000	2	fortnightly	21,000.00
Victoria & San Francisco	Pacific S.S.Company	as required	weekly	3,000	as required	weekly	3,000	as required	weekly	3,000	as required	weekly	3,000	as required	weekly	3,000	as required	weekly	3,000
Victoria, Vancouver & Skagway	Canadian Pacific Railway	2	2, 3 or 4 trips per month	12,500	2	2, 3 or 4 trips per month	25,000	2	2, 3 or 4 trips per month	25,000	2	2, 3 or 4 trips per month	25,000	2	2, 3 or 4 trips per month	25,000	2	2, 3 or 4 trips per month	25,000
Victoria & West Vancouver Island	Canadian Pacific Railway	1	3 or 4 trips a month	5,000	1	3 trips a month	15,000	1	3 trips a month	15,000	1	3 trips a month	15,000	1	3 trips a month	15,000	1	3 trips a month	15,000
Vancouver & Northern British Columbia	Union Steamship Co. of B.C.	5	twice a week or less	16,800	6	twice a week or less	24,800	7	twice a week or less	24,800	7	twice a week or less	24,800	7	twice a week or less	24,800	7	twice a week or less	24,800
(a) Vancouver & Howe (b) Sound (c)	R.D. Thompson Howe Sound Nav.Co. Union S.S.Co. of B.C.	1 - -	(a) 2, 3 or 6 times a week - -	5,000 - -	(a) 1 - -	2, 3 or 6 times a week - -	5,000 - -	(a) 1 - -	2, 3 or 6 times a week - -	5,000 - -	- (b) 1 -	- 2,3 or 6 times a wk. -	- 5,000 -	- (b) 1 -	- 2, 3 or 6 times a week -	- 5,000 -	- - (c) 1	- - 2,3 or 6 times a wk.	- - 5,000 (Plus 9¢ a mile from P.O.D.)
S.N.	Baddeck & Iona	Baddeck S.S. Co.	1	Twice daily (ex. Sunday)	6,825	1	twice daily (ex. Sunday)	6,825	1	twice daily (ex. Sunday)	8,000	1	twice daily (ex. Sunday)	9,000	1	twice daily (ex. Sunday)	9,000	1	twice daily (ex. Sunday)	10,500

S.N. - During season of navigation. All other services run all the year round.

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	Route	Contractors	1919-20 No. of Vessels employed	1919-20 Frequency of service	1919-20 Annual Subsidy $	1920-21 No. of Vessels employed	1920-21 Frequency of service	1920-21 Annual Subsidy $	1921-22 No. of Vessels employed	1921-22 Frequency of service	1921-22 Annual Subsidy $	1922-23 No. of vessels employed	1922-23 Frequency of service	1922-23 Annual Subsidy $	1923-24 No. of vessels employed	1923-24 Frequency of service	1923-24 Annual subsidy $	1924-25 No.of vessels employed	1924-25 Frequency of service	1924-25 Annual subsidy $
S.N.	Charlottetown & Pictou	(a) Pictou, Char. S.S. Co. (b) Georgetown S.S. Company (c) Hochelaga Shipping & Towing Company	-	-	-	-	-	-	(a) 1 -	Daily (ex. Sunday)	2,000 -	(b) 1 -	Daily (ex. Sun.)	8,000 -	(b) 1 -	Daily (ex.Sun.)	8,000 -	- (c) 1	daily (ex.Sun.)	25,000
S.N.	Charlottetown, Victoria & Holliday's Wharf	* LaHave S.S. Company	1	4 times a week	2,500	1	3 or 4 times a week	2,500	1	3 or 4 times a week	4,000	1	3 or 4 times a week	4,000	1	3 or 4 times a week	4,000	1	3 or 4 times a week	4,000
	Froudes Point & Lockeport	Town of Lockeport	1	12 trips a week	1,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Grand Manan & the Mainland	Grand Manan S.S. Co.	1	4 or 3 trips a week	12,500	1	4 or 3 trips a week	15,000	1	4 or 3 trips a week	15,000	1	4 or 3 trips a week	15,000	1	4 or 3 trips a week	15,000	1	4 or 3 trips a week	20,000
	Halifax, Canso & Guysboro	Halifax & Canso S.S.Co.	1	weekly	5,000	1	weekly	7,000	1	weekly	7,000	1	weekly	9,000	1	weekly	9,000	1	weekly	9,000
S.N.	Halifax, C.B. Ports & Nfld.	Farquhar & Co. Ltd.	1	fortnightly	10,000	1	fortnightly	5,000	1	fortnightly	5,000	1	fortnightly	5,000	1	fortnightly	5,000	1	fortnightly	5,000
S.N.	Halifax & Bay St. Lawrence	Mayflower Shipping Co. Ltd.	-	-	-	-	-	-	-	-	-	-	-	-	1	3 trips a month	5,000	1	6 trips during season	2,400
	Halifax & La Have River	Western S.S. Company	1	weekly	3,000	1	weekly	4,000	1	weekly	6,000	1	weekly	6,000	1	weekly	6,000	1	weekly	6,000
	Halifax, Spry Bay & C.B.	Halifax & Sheet Harbour S.S. Co.	1	"	4,000	1	"	4,000	1	"	6,000	1	"	6,000	1	"	6,000	1	"	6,000
S.N.	Halifax, South C.B. & Bras d'Or Lake ports	Hendry Ltd.	1	"	6,000	1	"	6,000	1	"	6,000	1	"	6,000	1	"	5,000	1	"	5,000
S.N.	Halifax & West Coast C.B.	Halifax & Inverness S.S. Co.	1	"	4,000	1	"	4,000	1	"	6,000	1	"	6,000	1	"	6,000	1	"	6,000
	Halifax & Sherbrooke	W.J. Murdoch	1	"	2,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
S.N.	Miscou, Shippegan & the Mainland	Gloucester Nav. Co.	-	-	-	-	-	-	-	-	-	1	daily ex. Sunday.	3,300	1	daily (ex. Sunday)	3,300	1	daily (ex.Sunday)	2,000
	Mulgrave & Canso	H. Cann & Son, Ltd.	1	daily (Ex. Sun.)	9,500	1	daily (ex. Sun.)	11,500	1	daily (ex. Sun.)	13,500	1	"	13,500	1	"	13,500	1	"	13,500
	Mulgrave & Guysboro	Elaine S.S. Co.Ltd.	1	"	7,500	1	"	7,500	1	"	7,500	1	"	9,500	1	"	9,500	1	"	9,500
S.N.	Newcastle, Neguac, Escuminac, etc.	Miramichi S.N. Co.	1	"	3,000	1	"	3,000	1	"	4,000	1	"	5,000	1	"	5,000	1	"	4,000
S.N.	Pelee Island and the Mainland	Windsor & Pelee Island Steamship Company	1	5 ot 6 trips a wk.	8,000	1	5 or 6 trips a week	8,000	1	5 or 6 trips a week	8,000	1.	5 or 6 trips a week	11,000	1	5 or 6 trips a week	11,000	1	5 or 6 trips a wk.	11,000
	Petit de Grat, Arichat & Mulgrave	(a) W.G. Leslie. (b) LaHave S.S. Co. (c) Arichat S.S.Co.	(a) 1 - -	daily (ex.Sun.)	7,000 - -	- (b) 1 -	daily (ex.Sun.)	- 9,000 - daily	- - (c) 1	- - daily (ex.Sun)	- - 10,000	- - 1	- - daily (ex.Sun.)	- - 10,000	- - 1	- - daily (ex.Sun.)	- - 10,000	- - 1	- - daily(ex.Sun)	- - 10,000
S.N.	Pictou, Montague & Georgetown	(a) Wm. McLure (b) Georgetown S.S. Co. (c) LaHave S.S. Co. (d) J.W. Smith	1 - -	2 trips a week	6,000 - -	1 - -	2 or 3 trips a week	6,000 - -	- (b) 1 -	- 2 or 3 trips a week	- 6,000 -	- (c) 1 -	- 3 trips a week	- 6,000 -	- no service this year.	- -	- -	- (d) 1 -	- weekly for 5 months	- 3,500
S.N.	Pictou & Antigonish County Ports	J.W. Smith	1	weekly	1,500	1	weekly	1,500	1	weekly	1,500	1	weekly	1,500	1	weekly	1,500	1	weekly	1,500
S.N.	Pictou, Mulgrave & Cheticamp	R. McDougall (North Bay S.S.Co.)	1	2 or 3 trips a week	7,500	1	twice a week	7,500	1	twice a week	7,500	1	2 or 3 trips a week	11,000	1	2 or 3 trips a week	11,000	1	2 or 3 trips a week	11,000

* Charlottetown S.S. Company in 1920-21 and thereafter.

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Route 6666	Contractors	1919-20 No. of vessels employed	1919-20 Frequency of service	1919-20 Annual subsidy $	1920-21 No. of vessels employed	1920-21 Frequency of service	1920-21 Annual subsidy $	1921-22 No. of vessels employed	1921-22 Frequency of service	1921-22 Annual Subsidy $	1922-23 No. of vessels employed	1922-23 Frequency of service	1922-23 Annual subsidy $	1923-24 No. of vessels employed	1923-24 Frequency of service	1923-24 Annual subsidy $	1924-25 No. of vessels employed	1924-25 Frequency of service	1924-25 Annual Subsidy $
S.N. Port Mulgrave, St. Peter's Irish Cove & Marble Mtn.	Richmond S.S. Co.	1	2 or 4 trips a week	6,500	1	2 or 4 trips a week	6,500	1	2 or 4 trips a week	6,500	1	2 or 4 trips a week	8,000	1	2 and 4 trips a week	8,350	1	2 and 2 trips a week	10,350
S.N. Quebec, Natashquan & Harrington	(a) Gulf of St. Lawrence Shipping & Trading Co. (a)	2	weekly	30,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	(b) Clarke S.S. Co.	-	-	-	(b) 1	3 trips a month	50,000	1	3 trips a month	50,000	2	weekly	85,000	2	weekly	85,000	2	weekly	85,000
S.N. Quebec, Montreal & Gaspe	(a) Gulf of St. Lawrence Shipping Company (a)	1	2 trips a month	20,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	(b) Clarke S.S. Co.	-			(b) 1	2 trips a month	30,000	1	2 trips a month	30,000	1	2 trips a month	30,000	1	2 trips a month	30,000	1	2 trips a month	30,000
S.N. Pictou, Souris & the Magdalen Islands	(a) Gulf of St.Lawrence S.Co.	1	2 " " week	20,000	(a) -	2 " " week	24,000	1	twice a week	24,000	1	2 trips a month twice a week	24,000	1	twice a week	24,000	(c) 1	twice a week	50,000
	(b) W.C. Leslie	-	-	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	(c) Lovat S.S. Co.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
S.N. Rimouski & Point aux Outardes	J.A. Fafard	-	-	-	-	-	-	-	-	-	-	-	-	1	weekly	5,000	1	twice a week	5,000
St. John & St.Andrews	Maritime S.S.Co.	1	weekly	4,000	1	weekly	4,000	1	weekly	4,000	1	weekly	4,000	1	"	4,000	1	weekly	3,000
WINTER ONLY St. Catherines' Bay & Tadousac	E.O. Bouliane	-	-	-	-	-	-	-	-	-	1	2 trips a day in winter	2,000	1	2 trips a day in winter	2,000	1	2 trips a day in winter	2,000
S.N. St. John & Bridgetown	Bridgetown S.S.Co.	1	weekly	2,500	1	weekly	2,000	1	weekly	1,500	1	weekly	1,500	1	weekly	1,500	1	weekly	1,000
St. John & Bear River	-	-	-	-	-	-	-	-	-	-	1	"	2,000	1	"	2,000	1	"	2,000
St. John & Digby	Dominion Atlantic Ry.	1	daily (ex.Sun.)	20,000	1	daily (ex. Sunday)	10,000	1	daily (ex.Sunday)	10,000	1	daily (ex.Sun.)	15,000	1	daily (ex. Sunday)	15,000	1	daily (ex.Sunday)	15,000
St. John, Digby, Annapolis & Granville	Valley S.S. Co.	1	weekly	2,000	1	weekly	2,000	1	weekly	2,000	1	weekly	2,000	1	weekly	2,000	1	weekly	2,000
S.N. St. John, Bay of Fundy & Margaretville	Bay of Fundy & Minas Basin S.S. Co.	1	weekly	3,000	-	-	-	1	weekly	3,000	1	weekly	3,500	1	weekly	3,500	1	weekly	3,500
S.N. St. John & Minas Basin	St. John S.S. Co.	1	"	5,000	1	weekly	5,000	1	"	5,000	1	"	5,000	1	"	5,000	1	"	5,000
S.N. St. John & Wedgeport	D.D. LeBlanc	-	-	-	-	-	-	-	-	-	1	3 trips a month	5,000	1	3 trips a month	5,000	1	3 trips a month	5,000
St. John, West port & Yarmouth	H. Cann & Son Ltd.	1	70 trips a yr.	10,000	1	70 trips a year	10,000	1	70 trips a year	10,000	1	70 trips a yr.	10,000	1	70 trips a year	10,000	1	70 trips a year	10,000
S.N. St. John & Weymouth	Weymouth Transp. Co.	-	-	-	-	-	-	-	-	-	-	-	-	1	weekly	1,500	1	weekly	1,500
S.N. Sydney & Bay St. Lawrence	North Shore S.S. Co.	1	2 to 4 trips a week	6,000	1	2 to 4 trips a week	9,000	1	2 to 4 trips a week	9,000	1	2 to 4 trips a week	9,000	1	2 to 4 trips a week	9,000	1	2 to 4 trips a week	9,000
S.N. Sydney & Whycocomagh	Bras d'Or S. Co.	1	2 to 3 trips a week	4,000	1	2 to 3 " "	4,000	1	2 to 3 trips a week	4,000	1	2 to 3 trips a week	4,000	1	2 to 3 trips a week	13,000	1	2 to 3 trips a week	13,000
S.N. Sydney & Bras d'Or Lakes & C.B. Ports.	Coastal S.S. Co.	1	weekly	14,000	1	weekly	14,000	1	weekly	14,000	1	weekly	14,000	1	weekly	14,000	1	weekly	18,000
WINTER Cheticamp & Port Hawkesbury	Capt. Guy Smith	-	-	-	-	-	-	-	-	-	1	trips as required	2,000	1	(1 or more trips a wk. fall & winter)	3,000	-	-	-
S.N. Dalhousie & Carleton	John Barbour	-	-	-	-	-	-	-	-	-	-	-	-	1	2 trips a day	500	-	-	-

Department of Trade & Commerce
Ottawa
March 9th, 1925.

J.E.B.

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CONFIDENTIAL.

Proposed Sub-Conference

ON

Merchant Shipping Legislation.

Preparatory Memorandum on Existing Merchant Shipping Legislation.

December, 1928.

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1. The reference to the special Sub-Conference is :—

"To consider and report on the principles which should govern in the general interest, the practice and legislation relating to merchant shipping in the various parts of the Empire, having regard to the change in constitutional status and general relations which has occurred since existing laws were enacted."

2. For the purpose of this inquiry a survey has been made of the existing Acts with special reference to their application to His Majesty's dominions calling attention to what appear to be salient features of this legislation.

The General Position.

3. The general position is that the Constitutions of the various self-governing Dominions give power to the Legislatures of those Dominions to legislate for the peace, order, and good government of the Dominion. This power, except where extended by definite Imperial enactment or by necessary implication, is confined to the territorial limits of the Dominions, including their territorial waters. An example of such an exception is Section 5 of the Commonwealth of Australia Constitution Act, which provides that the laws of the Commonwealth shall be in force on all British ships whose first port of clearance and whose port of destination are in the Commonwealth.

4. Further, attention should be called to the provisions of Section 2 of the Colonial Laws Validity Act, 1865.

5. As regards merchant shipping legislation, the Merchant Shipping Acts, 1894 to 1906, apply to a large extent to the whole of His Majesty's dominions and to all British ships. This position, however, is qualified by the terms of Sections 735 and 736 of the Merchant Shipping Act, 1894 (the Principal Act), which give to the Legislatures of British Possessions certain powers of legislation with regard to merchant shipping. By Section 735 provision is made that any British Possession may repeal any of the provisions of the Merchant Shipping Act (other than those of Part III, which relate to emigrant ships) relating to ships registered in that Possession. It is to be observed that this power may only be exercised subject to confirmation by His Majesty in Council, and that it is limited to ships registered in the Possession concerned. The question as to the powers of the Legislature of a British Possession to legislate on these matters after it has exercised its power to repeal the provisions of the Principal Act under Section 735 of that Act is a matter of some doubt. One view is that the power to repeal given by the Section necessarily implies a power to legislate, subject to the limitations and restrictions imposed by the Section, and, if this is the true view, then it would seem to follow that any such legislation would apply to vessels registered in the Possession, even when outside the territorial limits of the Possession. The other view is that, once having exercised the power to repeal given by Section 735, the Possession's power to legislate is governed by the Constitution of the Possession, and that it is limited to the peace, order, and good government of that Possession; such legislation, therefore, would not have any extra-territorial effect.

By Section 736 provision is made that any British Possession may, on the conditions stated therein (including equality of treatment of all British ships), regulate its own coastal trade, but such power is likewise subject to the confirmation of the Act or Ordinance concerned by His Majesty in Council.

The Act of 1906 is an amending statute *in pari materia* with the Principal Act, and contains a provision that it shall be construed as one therewith.

6. The general power of legislation, therefore, vested in a Dominion Parliament is as follows :—It can (subject to the limitations mentioned above) legislate for the purposes of regulating its coasting trade, and repeal any provisions of the Merchant Shipping Acts which relate to vessels registered in that Dominion.

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The Provisions of the Merchant Shipping Acts.

7. Dealing now with the various parts of the Merchant Shipping Acts, 1894 to 1906, the position appears to be as follows :—

Part I of the Principal Act (amended by Sections 50 to 55, both inclusive, of the Act of 1906) which deals with ownership, registry, measurement for tonnage, nationality, and forfeiture to the Crown for certain offences, is specifically applied by Section 91 to the whole of His Majesty's dominions and all places where His Majesty has jurisdiction.

The question arises whether the power to repeal given by Section 735 applies to the provisions of Part I. The view taken hitherto has been that as registration under Part I is a condition which must be in existence before Section 735 can operate there can be no power under Section 735 to repeal Part I which contains the machinery for registration.

8. *Part II* of the Principal Act, dealing with masters and seamen (as amended by Part III, dealing with seamen's food, Part IV, containing provisions as to relief and repatriation of distressed seamen and seamen left behind abroad, and also Sections 56 to 65, both inclusive, of the Act of 1906) applies in the manner set out in Sections 261 and 264 of the Act of 1894. Section 261 provides that certain provisions relating to seamen's wages, the discharge of seamen, and similar matters, shall apply to all sea-going British ships except when the ship is within the jurisdiction of the Government of the British Possession in which it is registered, and Section 264 gives power to adapt or apply by local legislation any provisions of Part II which do not otherwise apply to ships registered in that Possession, or trading with, or being at any port therein. Where such provisions have been adapted or applied, it is provided that they shall have effect throughout His Majesty's dominions, and in all places where His Majesty has jurisdiction, in the same manner as if it were enacted in the Principal Act. It is significant to notice that by Section 265 provision is made that where there is any conflict of laws on the subject of Part II the case is to be governed by the provisions of the Imperial Act.

9. The provisions of Part III of the Principal Act (amended by Part II of the Act of 1906), which deal with passenger and emigrant ships, apply to all British ships, no matter where they are registered, subject to any contrary intention in any particular section. The sections relating to emigrant ships cannot be repealed by Dominion legislation as Section 735 definitely excludes such a power. The reason for this is that the emigrant-ship provisions were originally enacted in the Passengers Acts, and there was no provision in those Acts giving a power of repeal to Legislatures in British Possessions. The Passengers Acts were amalgamated with the Merchant Shipping Acts by the Merchant Shipping Act of 1894 ; and, as that Act was one of pure consolidation, it could not give a power of repeal not given by the original Act. It should be mentioned, however, that in this Part of the Act as amended by Part II of the Act of 1906 a passenger steamer is defined as one carrying passengers to or from any place or between any places in the United Kingdom, and that Section 284 definitely sanctions the survey of passenger steamers in a British Possession where the local Legislature makes adequate provisions for granting efficient certificates and gives power to His Majesty by Order in Council to declare that such certificates shall have effect as if granted under the Imperial Act, so that such certificates and any conditions and regulations relating thereto apply to the vessel extra-territorially.

10. *Part IV* of the Principal Act deals with fishing boats, and does not generally extend to oversea vessels, as by Section 372 it is provided that Part IV shall not, except where otherwise expressly provided, apply to any British Possession.

11. *Part V* of the Principal Act (amended by Part I of the Act of 1906) deals with safety, prevention of collisions, reports of accidents, etc., and applies, speaking generally, throughout the Dominions, though the provisions in some cases are

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limited to vessels leaving ports in the United Kingdom only. Section 444 enables the Legislature of a British Possession to enact provisions as to load-line for ships registered there, which, if they are declared by Order in Council to be equivalent to the provisions in the Merchant Shipping Act, are deemed to have the same effect as though enacted in the principal Act. Such legislation will have extra-territorial application by reason of the provisions of the Imperial Act and the Order in Council thereunder.

12. *Part VI* deals with shipping inquiries and courts and is somewhat in a different category from the other parts of the Act because provision is made by Section 478 for the Legislature of a British Possession to authorise courts or tribunals to hold inquiries into casualties occurring on or near the coasts of such Possessions or to vessels registered in those Possessions in cases where an investigation or inquiry has not been commenced in the United Kingdom. This section, however, goes on to provide that the Board of Trade may order a re-hearing of any inquiry held in a British Possession, or failing such an Order, there is a right of appeal to the High Court in England except in the case of vessels registered in the Possession. Moreover, the Board of Trade have power under Section 474 to re-issue and return a certificate of a master, etc., which has been cancelled or suspended in a British Possession. Furthermore, by Section 66 of the Act of 1906, the right of appeal is extended to the owner of the ship or any other person who has an interest in the inquiry and has appeared and is affected by the decision of the court.

Sections 480 to 485 of the Principal Act deal with the constitution and powers of "naval courts"; and, by Section 486, these provisions are made applicable to all ships registered in a British Possession, when those ships are out of the jurisdiction of their respective Governments.

The powers of a naval court are extended by Section 67 of the Act of 1906, which contains a provision that the section may be applied by Order in Council to any British Possession the Legislature of which consents thereto. By Section 68 of that Act any person aggrieved by an order of a naval court forfeiting wages or by a decision of such court as to wages, fines, or forfeitures may appeal to a Divisional Court of the Probate, Divorce and Admiralty Division of the High Court of Justice in England who may confirm, quash, or vary the order or decision appealed against.

13. *Part VII*, dealing with the delivery of goods, is limited in its application to the United Kingdom.

14. *Part VIII*, which deals with the liability of shipowners, is extended by Section 509, unless the context otherwise requires, to the whole of His Majesty's dominions.

15. *Part IX* provides machinery for dealing with wreck and salvage occurring on the coast of the United Kingdom.

16. *Part X* has been repealed by the Pilotage Act, 1913, which applies only to the United Kingdom and the Isle of Man.

17. *Part XI* deals with lighthouses, and in the main applies only to lighthouses on the coasts of Great Britain and Ireland; but provision is made by Section 670 and the following sections for the collection of dues, etc., on certain lights erected at or near the coasts of any British Possession, the expense of maintaining which are borne by the General Lighthouse Fund.

18. *Part XII*, which has been amended by the Merchant Shipping (Mercantile Marine Fund) Act, 1898, deals with finance, and in the main applies only to the United Kingdom.

19. *Part XIII* deals with legal proceedings; and, by Sections 711 and 712, this Part of the Act, unless otherwise provided, applies to the whole of His Majesty's dominions. Provision is made for difference of procedure in the courts of British

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Possessions. Certain of the provisions have the effect of conferring jurisdiction on the courts of Colonial Possessions in cases which would otherwise, by reasons of their extra-territorial character, not fall within such jurisdiction, e.g., by Section 684 an offence is deemed to be committed in the place in which the offender may be; by Section 685 jurisdiction is given to the local court over ships lying off the coasts; by Section 686 jurisdiction is given over any person found within the jurisdiction of any court in His Majesty's dominions in respect of any offences committed by a British subject on board a British ship on the high seas or in any foreign port or harbour or on board any foreign ship or whether by a British subject or a foreigner on board any British ship on the high seas; by Section 687 offences committed by British seamen at foreign ports are to be within the Admiralty jurisdiction. By Section 689 provision is made for the conveyance of British seamen to a British Possession to answer offences committed out of His Majesty's dominions. The procedure for inquiry into cause of death on board a foreign-going British ship provided for by Section 690 is expressly excluded from applying to ships registered in a British Possession when within the jurisdiction of the Government of that Possession. By Section 691, when a witness cannot be produced, his deposition shall be admissible in the Court of any British Possession. By Section 699 (2) (*b*) fines recovered in any British Possession are to be paid over to the Public Treasury of that Possession. By Section 711, offences under the Act shall in any British Possession be punishable by any court or Magistrate by whom like offences are ordinarily punishable or as may be determined by any Act or Ordinance having the force of law in that Possession.

20. *Part XIV* contains general provisions relating to powers of administration and control, and includes Sections 735 and 736 referred to in paragraph 4 above. The general superintendence over all shipping matters is vested in the Board of Trade by Section 713. By Section 723, among the officers empowered to see that the Act is complied with is included any Chief Officer of Customs in any place in His Majesty's dominions. The exemption (by Section 731) of General Lighthouse Authorities (as defined in the Act) and the Board of Trade from rates, dues, and taxes appears to extend to all British Possessions, although, on the other hand, by Section 732 the express exemption from harbour dues only applies to the United Kingdom. By Section 734, power is given by Order in Council to apply the provisions of the Merchant Shipping Acts to foreign ships, which provisions would accordingly fall to be recognised in all British Possessions. By Section 744, while ships engaged in the whale, seal, walrus or Newfoundland cod fisheries are to be deemed foreign-going ships for the purposes of the Act, not fishing boats, an exception is made of ships engaged in the Newfoundland cod fisheries belonging to ports in Canada or Newfoundland. By Section 90 of the Act of 1906, regulations may be made by Order in Council for the registration of Government ships as British ships; but nothing is to affect the powers of the Legislature of any British Possession to regulate any Government ships under the control of the Government of that Possession.

The Principles Underlying the Merchant Shipping Acts.

21. Looking at the Merchant Shipping Acts as a whole, with special reference to their application to His Majesty's Dominions and Colonies, the following broad points suggest themselves :—

The Merchant Shipping Acts are not a code in the ordinary sense of the term, but a long series of Acts passed at intervals over a period of over 70 years. The first considerable Merchant Shipping Act, passed in 1854, was followed by a large number of amending Acts, which were all consolidated in 1894, and the Act of 1894 has in its turn been amended by many subsequent Acts. As might be expected the legislation deals only with those features of shipping which absolutely required statutory regulation at the time, and does not deal with these points in a uniform manner, some being dealt with in great detail, while on others only broad principles are laid down, the details being left to be worked out in the form of regulations.

22. It has been pointed out in preceding paragraphs that certain parts of the Merchant Shipping Acts, dealing with merely local matters, apply only to the United Kingdom; and the provisions relating to fishing boats, delivery of goods,

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wreck and salvage, pilotage, lighthouses and the Mercantile Marine Fund, or its successor the General Lighthouse Fund, can be left out of consideration for the purposes of the present memorandum. There remain those parts of the Acts which relate to registry, masters and seamen, safety of passenger and other ships, shipping inquiries and courts, liability of shipowners, legal proceedings, and the supplemental or general provisions, and in so far as these matters are concerned the Acts treat merchant shipping as an Imperial subject. They indicate endeavour to provide on an Imperial basis for all contingencies of British mercantile navigation throughout the Empire, partly by direct enactment and partly by optional local enactment (Sections 711, 735 and 736).

23. The rules as to registry, nationality, and tonnage are the same for all. The provisions as to the rights of seamen and as to discipline on board ships apply throughout His Majesty's dominions, except when the ship is within the jurisdiction of the Possession in which it is registered. The provisions as to safety are, speaking generally, applicable to British ships wherever they are. The provisions as to wreck inquiries are of special interest, as the Acts devote a great deal of attention to inquiries held in British Possessions. Power is given to the Legislature in a British Possession to authorise any court or tribunal to deal with casualties to British ships (1) wherever they occur, if the ship is registered in the Possession ; (2) when the casualty occurs on or near the coast of the Possession or on a voyage to it ; (3) whenever witnesses are found in the Possession.

24. These Courts of Inquiry, like Courts of Inquiry in the United Kingdom, are given powers to cancel or suspend the certificates of masters and officers, but (*a*) they must report to the Board of Trade and send them the evidence ; and (*b*) the Board of Trade may either alter the sentence or order a re-hearing, the object apparently being to secure uniformity of procedure and some measure of co-ordination.

25. The same anxiety to secure uniformity of procedure throughout His Majesty's dominions is very marked in the provisions relating to legal proceedings. All courts throughout His Majesty's dominions are given jurisdiction to try offences (*a*) by British subjects on British ships on the high seas or in foreign ports ; (*b*) by foreigners on British ships on the high seas ; if the person concerned is found within the jurisdiction of the court.

26. Offences against the Merchant Shipping Acts are punishable in any British Possession by any court by which an offence of like character is ordinarily punishable, or as may be determined by local law.

27. Definite rules are laid down as to the punishment for offences and the time limit for summary proceedings ; also as to such matters as admissibility of evidence, distress on ship, etc. The object was clearly to secure that offences arising on, or in connection with, British ships should be dealt with in a uniform manner throughout the Empire. The whole of His Majesty's dominions is regarded as one for these purposes and there is a provision that when offences are committed by seamen on a British ship out of His Majesty's dominions or on the high seas, a Consul may send the offenders with the witnesses to the nearest convenient British court (Section 689).

28. While considerable emphasis is thus laid on uniform principles and uniform procedure, the Acts are very elastic in their application to British Possessions, and this to an extent which is surprising, considering the dates at which the Acts were passed. Section 735, which gives power to repeal the provisions of the Principal Act, dates from 1854, and Section 736, which gives power to regulate the local coasting trade, dates from 1869.

29. Throughout the Acts there occur provisos that certain provisions are not to apply to ships registered in a British Possession when they are within that Possession ; and a very great deal of care has clearly been taken from an early stage in the legislation to respect the position and rights of other Legislatures.

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In recent years this tendency has been much more marked, and all the Merchant Shipping Acts passed since 1910 are either expressly limited to ships registered in the United Kingdom and ships visiting the United Kingdom, or the self-governing Dominions are expressly excluded from their operation. For instance, the Maritime Conventions Act, 1911, applies throughout His Majesty's dominions, except Canada, Australia, New Zealand, South Africa, and Newfoundland. The Merchant Shipping (Convention) Act, 1914, has the same limitation, India being added to the list. The British Ships (Transfer Restriction) Act, 1915, is similarly limited. The Merchant Shipping (Wireless Telegraphy) Act, 1919, applies to sea-going British ships registered in the United Kingdom, and to other ships only when they are within ports of the United Kingdom. The Merchant Shipping (International Labour Conventions) Act, 1925, applies to vessels registered in the United Kingdom; but there is power to extend the application by Order in Council to ships registered in any British Possession outside the United Kingdom other than India and His Majesty's Dominions, including the Irish Free State. The Merchant Shipping (Equivalent Provisions) Act, 1925, provides that, where British ships registered outside the United Kingdom are required by their own law to comply with provisions which are equally effective with the provisions of the Merchant Shipping Acts applicable to ships when they are within ports of the United Kingdom, an Order in Council may direct that compliance with the local law of the Possession shall be accepted as compliance with the Merchant Shipping Acts.

December, 1928.

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Proposed Expert Committee

ON THE

Operation of Dominion Legislation.

Preparatory Memorandum containing a Survey of Existing Legislation passed by the Parliament at Westminster which affects the Dominions.

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ON THE

Operation of Dominion Legislation.

Preparatory Memorandum containing a Survey of Existing Legislation passed by the Parliament at Westminster which affects the Dominions.

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INTRODUCTION.

1. The Report of the Inter-Imperial Relations Committee of the Imperial Conference of 1926 recommended that steps should be taken by Great Britain and the Dominions to set up a Committee with terms of reference on the following lines :—

" To enquire into, report upon, and make recommendations concerning—

" (i) Existing statutory provisions requiring reservation of Dominion legislation for the assent of His Majesty or authorising the disallowance of such legislation.

" (ii) (a) The present position as to the competence of Dominion Parliaments to give their legislation extra-territorial operation.

(b) The practicability and most convenient method of giving effect to the principle that each Dominion Parliament should have power to give extra-territorial operation to its legislation in all cases where such operation is ancillary to provision for the peace, order, and good government of the Dominion.

" (iii) The principles embodied in or underlying the Colonial Laws Validity Act, 1865, and the extent to which any provisions of that Act ought to be repealed, amended, or modified in the light of the existing relations between the various members of the British Commonwealth of Nations as described in this Report."

2. In order that material might be prepared for circulation to the Dominions before the meeting of the proposed Committee, a preliminary survey of the existing position has been made, and the existing legislation passed by the Parliament at Westminster which affects the Dominions has been examined in some detail.

3. Below will be found a list of the subjects with which it is thought that the proposed Committee will have to deal. Examination has shown that they may conveniently be grouped as follows :—

I. The Law relating to the Sovereign and the Royal Family.

II. Certain aspects of Imperial Defence.
- (*a*) The Armed Forces of the Crown.
- (*b*) The Law of Prize.
- (*c*) The Foreign Enlistment Act.

III. Nationality.

IV. The Judicial Committee.

V. The Official Secrets Acts.

VI. Legislation relating to the removal of Criminals.
- (*a*) The Fugitive Offenders Act.
- (*b*) Extradition.
- (*c*) Colonial Prisoners Removal Acts.

VII. Miscellaneous.
- (*a*) Certain Acts relating to Evidence.
- (*b*) Bankruptcy.
- (*c*) Companies.
- (*d*) Coinage.
- (*e*) Industrial Property.
- (*f*) Air Navigation.

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VIII. Certain legislation of which the operative effect is mainly in relation to foreign territory.

(*a*) Foreign Jurisdiction Acts.

(*b*) Extra-territorial jurisdiction in respect of offences on land committed by British Subjects.

(*c*) Statutory functions of British Consular Officers.

IX. Constituent and Federating Instruments (including the Colonial Boundaries Act, 1895). Reservation and Disallowance.

(*a*) Provisions in Dominion Constitutions.

(*b*) The Colonial Boundaries Act, 1895.

(*c*) The Prerogative of Mercy.

(*d*) The Colonial Stock Acts.

4. In the succeeding chapters an attempt has been made to set out the substance of the law and practice now relating to the subjects enumerated above; but no attempt has been made to examine the principles which underlie that body of law and practice. It is hoped that the resulting epitome of the existing situation may prove to be of assistance to His Majesty's Governments in the Dominions in preparing the ground for the Committee of Experts.

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CHAPTER I.

THE LAW RELATING TO THE SOVEREIGN AND THE ROYAL FAMILY.

A.—The Succession to the Crown.

1. The principal Act relating to the succession to the Crown at the present time is the Act of Settlement, 1700 (12 & 13 Will. III, c. 2). By this Act it was declared that the Princess Sophia, Electress and Duchess Dowager of Hanover, daughter of the late Queen of Bohemia, daughter of James I, was next in succession in the Protestant line to the Imperial Crown and dignity of the Realms of England, France, and Ireland, with the Dominions and Territories thereunto belonging after King William III and the Princess Anne of Denmark, and in default of issue of the said Princess Anne and of the King respectively; and that the Crown and legal government of the said Kingdom and the Dominions thereunto belonging should be, remain and continue, to the Princess Sophia and the heirs of her body being Protestants. By Section 2 it was enacted that all and every person and persons who should inherit the Crown by virtue of the limitations declared by the Act and who should be in communion with the See or Church of Rome or profess the Popish religion or become a Papist should be subject to the incapacity established by the Bill of Rights (1 Will. & Mary, Sess. 2, c. 2). Section 9 of the Bill of Rights excluded the persons mentioned for ever from the Crown, and absolved their subjects from their allegiance, and provided that the Crown should descend to the person who, being Protestant, would have inherited the same if the person so excluded were naturally dead.

2. By the Act of Union with Scotland, 1706 (6 Anne, c. 11), the succession to the Crown of the United Kingdom of Great Britain and of the Dominions thereto belonging was declared to be that enacted in the Act of Settlement. By the Act of Union with Ireland, 1800 (39 & 40 Geo. III, c. 67), the Kingdoms of Great Britain and Ireland were united into one Kingdom by the name of the United Kingdom of Great Britain and Ireland and similar provision was made for the succession to the Crown of the United Kingdom of Great Britain and Ireland and of the Dominions thereunto belonging. The legal position as to the succession to the Crown was unaffected by the Acts establishing the Irish Free State; but Section 4 of the Government of Ireland Act, 1920 (10 & 11 Geo. V, c. 67) expressly prohibits the Parliament of Northern Ireland from making laws in respect (*inter alia*) of the Crown or the succession to the Crown.

3. The only other Act which it appears necessary to mention is 1 Mary, Sess. 3, c. 1, which enacts that the kingly office of the realm and all dignities, prerogatives royal, powers, pre-eminences, privileges, authorities and jurisdictions, thereunto annexed, being invested either in male or female, are as fully, wholly, absolutely and entirely deemed, adjudged, accepted, invested and taken in the one as in the other, thus enabling the succession to pass in the female as well as in the male line.

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B.—The Coronation Oath.

4. By 1 Will. & Mary, c. 6, it was provided that an oath in the prescribed form should be administered to every King or Queen who should succeed to the throne at their respective coronations by one of the Archbishops or Bishops of the realm to be thereunto appointed by such King or Queen respectively and in the presence of persons attending, assisting or otherwise present at the coronation. To the coronation oath was added a declaration against the doctrine of transubstantiation and other Romish doctrines according to the form set out in 30 Car. II, Stat. 2, c. 1, with a proviso that if the Sovereign at the date of his or her succession to the Crown was under the age of 12 years, the declaration should be made and subscribed at his or her coronation, or on the first day of the meeting of the first Parliament which should be held after he or she attained the age of 12 years.

5. By Section 2 of the Act of Settlement, 1700 (12 & 13 Will. III, c. 2), the earlier statutory provisions as to the coronation oath and the declaration against transubstantiation were re-enacted ; but by the Accession Declaration Act, 1910 (10 Edw. VII & I Geo. V, c. 29), a modified form of declaration was substituted.

6. By the Act of Union with Scotland, 1706, it was further provided that every Sovereign should at his or her coronation take an oath to maintain the established Church of England and Scotland, respectively. By the Act of Union with Ireland, 1800, the established Churches of England and Ireland were united in one Protestant Episcopal Church called " The United Church of England and Ireland," and the oath required to be taken by the Sovereign at his or her coronation for maintaining the established Church of England accordingly applied thenceforward to the United Church of England and Ireland. The union of the two Churches was, however, dissolved by the Irish Church Act, 1869 (32 & 33 Vict., c. 42), and the Sovereign's oath, therefore, has, since that date, had reference to the Church of England alone. The Church of England has, since the Welsh Church Act, 1914 (4 & 5 Geo. V, c. 91), ceased to include the Church so far as it extends to and exists in Wales and Monmouthshire.

C.—Regency.

7. By the Lords Justices Act, 1837 (7 Will. IV & 1 Vic. c. 72), it was provided that, if at the demise of Her Majesty the next successor entitled to the Crown should be out of the realm, certain great officers of State should be constituted and appointed Lord Justices of the United Kingdom and empowered until such successor should arrive or otherwise determine their authority to exercise and execute all powers and acts of Government in as whole and ample manner as such next successor would be able to exercise or execute the same if he or she were present in person within the United Kingdom. Certain limitations were placed by the Act upon the power of the Lord Justices, and, in particular, they were forbidden to dissolve Parliament or to give the Royal Assent to any bill or bills for repealing, changing or in any respect varying the course of succession to the Crown as established by law. This Act appears still to be in force.

8. On the accession of King George V the heir apparent was still under the age of 18 years and provision for a Regency in the event of His Majesty dying before the heir to the Throne had attained his majority was accordingly made by the Regency Act, 1910 (10 Edw. VII & 1 Geo. V, c. 26). This Act provided that if any child of King George should succeed to the Crown while under the age of 18 years, Her Majesty Queen Mary should be the guardian and have the care and tuition of such child until the child attained the age of 18 years, and have full power and authority in the name of such child and under the style and title of " The Regent " to exercise and administer, according to the laws and constitution thereof, the rule, powers and government of the realm and of the dominions, countries and territories belonging to the Crown, and to use, exercise and perform all prerogatives, authorities and acts of government and administration of government that belong to the Sovereign of the realm. It was also specially provided by Section 4 of the Act (following the precedent of the Lords Justices Act) that the Regent should not give or have power to give the Royal Assent to any bill for repealing, changing or in any

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respect varying the course of succession to the Crown as established by law, and further that if her Majesty Queen Mary should after becoming Regent be reconciled to or hold communion with the See or Church of Rome, or should profess the Roman Catholic religion or should marry a person professing the Roman Catholic religion, or should cease to reside in or absent herself otherwise than temporarily from the United Kingdom her powers and authorities as guardian of the Sovereign and Regent should thenceforth cease and determine.

D.—Royal Titles.

9. The Royal style and titles have been declared by a number of Proclamations issued under the Great Seal by virtue of the express authority of an Act of Parliament. The principal Acts and Proclamations to which it is necessary to refer are as follows :—

10. Article 1 of the Articles of Great Britain and Ireland which were ratified and confirmed by the Act of Union with Ireland, 1800, declared that the Royal style and titles appertaining to the Imperial Crown of the United Kingdom of Great Britain and Ireland, and its Dependencies, should be such as His Majesty by Royal Proclamation under the Great Seal of the United Kingdom should be pleased to appoint ; and a Proclamation was accordingly issued on the 1st January, 1801, declaring that the Royal style and titles should henceforth be " George III by the Grace of God of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith." By the Royal Titles Act, 1876 (39 & 40 Vic. c. 10), Her Majesty was empowered, with a view to the recognition of the transfer of the Government of India from the East India Company to Her Majesty by the Government of India Act, 1858, to make such addition to the style and titles at that time appertaining to the Imperial Crown of the United Kingdom and its Dependencies as to Her Majesty might seem meet ; and a Royal Proclamation issued on 28th April, 1876, declared that henceforth the words " Empress of India " should be added to the Royal style and titles. The Royal Titles Act, 1901 (1 Edw. VII, c. 15), further empowered His Majesty, with a view to the recognition of His Majesty's Dominions beyond the Seas by Royal Proclamation issued within six months after the passing of the Act, to make further additions to the Royal style and titles ; and a Proclamation issued on the 4th November, 1901, added after the words " the United Kingdom of Great Britain and Ireland " the words " and of the British Dominions beyond the Seas." Section 1 of the Royal and Parliamentary Titles Act, 1927 (17 & 18 Geo. V, c. 4), authorised the making within six months after the passing of the Act of such alterations as to His Majesty might seem fit ; and a Proclamation issued on the 13th May, 1927, substituted for " the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas " the phrase " Great Britain, Ireland and the British Dominions beyond the Seas."

11. The Proclamation of 17th July, 1917, declaring that the Royal house and Family should be styled and known thenceforth as " the House and Family of Windsor," and relinquishing all German titles, dignities and honours, did not require the authority of an Act of Parliament and was not in fact made in pursuance of any Act.

E.—Royal Marriages.

12. By Section 1 of the Royal Marriages Act, 1772 (12 Geo. III, c. 11) it was enacted that no descendant of the body of King George II, male or female, other than the issue of Princesses who had married or might thereafter marry into foreign families, should be capable of contracting matrimony without the previous consent of the Crown signified under the Great Seal declared in Council, and that every marriage or matrimonial contract of any such descendant without such consent should be null and void to all intents and purpose whatsoever. By Section 2 a descendant of the body of George II being over the age of 25 years may, upon giving notice to the Privy Council, contract a marriage without the Royal assent at any time after the expiration of twelve calendar months after such notice and the marriage is valid unless both Houses of Parliament shall before the expiration of the twelve months expressly declare their disapprobation of it. Subsequent general

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legislation relating to marriages has always contained a saving Clause with regard to this Act (*see* Marriage Act, 1823 (4 Geo. IV, c. 76), section 30; Marriage Act, 1836 (6 & 7 Will. IV, c. 85), section 45, and Foreign Marriages Act, 1892 (55 & 56 Vic. c. 23), section 23). The Act applies to all marriages which fall within its scope, whether they are celebrated in the United Kingdom or in any other country; *Sussex Peerage Case*, 1844, 1 Cl. & F. 85.

F.—The other Members of the Royal Family.

13. For all practical purposes (save in the case of certain treasons referred to below), the members of the Royal Family other than the Sovereign are in the same position as other subjects of the Crown and enjoy no special privileges. An Act of Henry VIII (32 Hen. VIII, c. 51), however, enables the Queen Consort to sue in all cases as a feme-sole in her own christian name and with the addition of "Queen of England and of France and Lady of Ireland"; but in an early edition of Chitty on Pleading, cited by Robertson, Civil Proceedings by and against the Crown, p. 6, it is stated she should sue and be sued as "Her Most Sacred Majesty Queen ———, Consort of Our Sovereign Lord the now King." The Heir Apparent Establishment Act, 1795 (35 Geo. III, c. 125), enacts a curious procedure for the purpose of recovering debts owed by the Heir Apparent. By Section 8 of the Act no action may be brought against the Heir Apparent himself, but against his Treasurer or other principal officer or officers to whom the particulars of the claim have been previously delivered in accordance with the provisions of the Act. Judgment is to be a charge against the funds of the Heir Apparent in the defendant's hands, and execution is not to issue against the defendant or his property. It would appear that, strictly speaking, the procedure laid down by the Act applies equally whether the debts are contracted in the United Kingdom or in one of the Dominions.

G.—Treason.

14. Apart from the crime of treason in what may be called its political aspect, there are certain offences against the person of the Sovereign and of other members of the Royal Family which are treason, treason felonies, or misdemeanours. By the Treason Act, 1351 (25 Ed. III, Stat. 5, c. 2) as extended by the Treason Act, 1795 (36 Geo. III, c. 7), it is treason for any person either within the realm or without to compass, imagine, invent, devise or intend death or destruction or any bodily harm tending to death or destruction, maiming or wounding, imprisonment or restraint of the person of the Sovereign; or to compass or imagine the death of the King's wife during the life of the King, or of his eldest son and heir, or to violate the King's wife during his lifetime, or the King's eldest daughter being unmarried, or the wife of the King's eldest son and heir during coverture.

15. By the Treason Act, 1702 (1 Anne, Stat. 2, c. 21), it is treason to endeavour to deprive or hinder whoever shall be next in succession to the Crown at the time being according to the limitations established by law from succeeding after the death of the Sovereign to the Crown, or maliciously, advisedly and directly by writing or printing to maintain and affirm that any other person or persons has or have any right or title to the Crown otherwise than according to the Acts relating thereto. By the Treason Felony Act, 1848 (11 & 12 Vic. c.12), it is felony for any person within the realm or without to compass, imagine, invent, devise or intend to deprive or depose the Sovereign from the style, honours or Royal name of the Imperial Crown of the United Kingdom or any other of His Majesty's Dominions and countries. By the Treason Act, 1842 (5 & 6 Vic. c. 51), it is a high misdemeanour punishable with various terms of penal servitude or imprisonment to discharge or aim fire-arms at or near to the person of the Sovereign, or to strike or strike at him with any offensive weapon or in any other manner with intent to injure or alarm him.

H.—The Private Estates of the Crown.

16. The private estates of the Sovereign as distinguished from the estates which he holds as Sovereign are dealt with in the Crown Private Estates Act, 1862 (25 & 26 Vic. c. 37), and the Crown Private Estates Act, 1873 (36 & 37 Vic. c. 61). The private estates of the Crown are defined by the Acts as meaning any lands

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and hereditaments or other real or heritable property, whether situate or arising in England, Scotland or Ireland, or any other part of the Dominions of the Crown, which have at any time been purchased or acquired by the Sovereign out of any moneys issued for the use of the Privy Purse or with any other moneys not appropriated for any public service, or which shall have come to the Sovereign by gift or devise, or by descent, inheritance or succession, or otherwise. Generally speaking, the purpose of the Acts is to assimilate the position of the Sovereign so far as regards his private estates to that of a private individual; but the Acts provide that in respect of any private estates of the Crown not vested in Trustees wherever situate all suits and actions may be brought or defended on behalf of the Sovereign by and in the name or names of any person or persons to be from time to time for that purpose appointed by the Sovereign under the Sign Manual. Section 3 of the later Act further provides that any suit, action or other proceeding in any part of the Dominions of the Crown relating to any debt or liability to or any claim or demand by the Sovereign in right or respect of his Privy Purse, or of any personal estate or effects subject to disposition by his last will and testament, may be issued, brought, prosecuted or taken on behalf of the Sovereign, his heirs and successors, by and in the name or names of any person or persons appointed in the manner described above. It would seem that the provisions of this section (which, it will be observed, includes proceedings relating to the personal estate or effects of the Sovereign) only refer to claims on behalf of the Sovereign and not to claims against him; but that the general provisions of the two Acts, so far as regards the claims relating to the Sovereign's real property, apply equally to claims by or against the Sovereign.

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CHAPTER II.

CERTAIN ASPECTS OF IMPERIAL DEFENCE.

(1) THE ARMED FORCES OF THE CROWN.

(2) THE LAW OF PRIZE.

(3) THE FOREIGN ENLISTMENT ACT.

(1)—The Armed Forces of the Crown.

1. As the law now stands the Codes governing the Armed Forces of the Crown raised under the authority of the Parliament at Westminster fall into two main classes, those applicable to the Navy on the one hand, and those applicable to the Army and the Air Force on the other.

Naval Forces.

2. The main statute regulating Naval Forces is the Naval Discipline Act. The Naval Discipline (Dominion Naval Forces) Act, 1911 (1 & 2 Geo. V, c. 47), provides that where a self-governing Dominion has made provision for the application to its Naval Forces of the Naval Discipline Act that Act shall have effect as if references therein to His Majesty's Navy and His Majesty's Ships included the Forces and ships raised by the Dominion, subject to such modifications as might be made by the Dominion.

Perhaps the chief legal features that require to be noted are the following :—

(*a*) The Naval Discipline Act, if duly applied by the Dominion Legislature to the Naval Forces raised by the Dominion, in accordance with the Naval Discipline (Dominion Forces) Act, 1911, creates a system of naval discipline for the Naval Forces of such Dominion which is enforceable either within or without the territorial limits of such Dominion.

(*b*) In a Dominion which has duly applied the Naval Discipline Act, an order to a member of the Dominion Naval Forces to proceed to a ship or establishment of the Royal Navy would be a lawful exercise of such naval discipline, and a lawful order which he would be bound to obey. A person disobeying such an order whether within or without the territorial limits of the Dominion would be committing an offence against the Naval Discipline Act as applied by the local Legislature, and could be proceeded against accordingly.

(*c*) If a person so ordered should, in fact, proceed on board one of the ships of the Royal Navy in commission, he would be amenable to the Naval Discipline Act unmodified under Section 87 of that Act.

(*d*) If Dominion Naval Forces should be placed by a Dominion Government at the disposal of the Admiralty, the Act of 1911 provides that while so serving they are subject to the Naval Discipline Act unmodified.

(*e*) Recently the Naval Discipline Act, 1922 (12 & 13 Geo. V, c. 37), provided *inter alia* that officers and men of the Royal Navy who were serving by order of the Admiralty in Dominion ships should, whilst so serving, be subject to the laws and regulations applicable to the Naval Forces of the Dominions.

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In the Acts of 1911 and 1922 the phrase "self-governing Dominions" is defined as including the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand and the Union of South Africa and Newfoundland.

Naval Forces for general service on the high seas have, in fact, been established by Australia, Canada and New Zealand under local legislation based on the Imperial Act of 1911.

3. Previously to the Naval Discipline (Dominion Naval Forces) Act, 1911, which followed discussions at the Imperial Conference of 1911, and the arrangements then made regarding certain Dominion Navies and co-operation between the ships of the Royal Navy and of the Dominion Navies, the Colonial Naval Defence Act, 1865 (28 & 29 Vic. c. 14), was the main Imperial Act affecting the Naval Forces of a British Possession. That Act made possible, by means of offer and acceptance, to which effect is given by Order in Council, that Forces established in British Possessions should come under Imperial control in any case of the undertaking of operations outside the limits of the Possession, and it made provision for disciplinary powers outside the limits of Colonial territorial waters. The Act was directed to the establishment of a local Naval Force which may include :—

(1) War vessels.

(2) Seamen and others for permanent service in such vessels or, in emergency, in the Royal Navy.

(3) Volunteers of the nature of the Royal Naval Reserve for service in such vessels, or, in emergency, in the Royal Navy.

The Volunteers are nominally part of the Royal Naval Reserve, but, except as provided in the Colonial Naval Defence Act itself, are subject exclusively to the provisions made by the legislative authority of the Colony as permitted by the Act, but the disciplinary code of the Royal Navy must be applied to the force while outside those limits.

Under the Colonial Defence Act, 1909 (9 Edw. VII, c. 19), the force raised by any Colony may, if the Colony so prefers, form a part of the R.N.V.R. raised under the Naval Forces Act, 1903 (3 Edw. VII, c. 6).

In 1908 the Governments of the Cape of Good Hope and Natal passed the necessary legislation to establish in each colony a Division of the R.N.V.R. and the Union of South Africa continued the R.N.V.R. system and based their arrangements in 1912 as to the South African Division of the R.N.V.R. on the Acts of 1865, 1903, and 1909 (Section 22 of the Union of South Africa Defence Act, 1912).

Newfoundland also established a R.N.R. (now disbanded) at the beginning of the century, in pursuance of the Act of 1865.

4. The Irish Free State has no naval forces at present : certain Articles of the Articles of Agreement bear on the position in the Irish Free State in the matter of Naval Defence.

5. There are certain other Statutes affecting the discipline and organization of the Royal Navy and their relations in certain respects with the civil population and civil power throughout H.M. dominions, such as the Naval Deserters Act, 1847 (10 & 11 Vic. c. 62), and it may also be useful to refer to certain activities of H.M. ships which have been authorised by Statute (*see* Appendix) in order, mainly, to implement international obligations or secure on the high seas the compliance of British subjects with Imperial Acts.

Military and Air Forces.

6. *Regular Forces.*—The main statute regulating the Army is the Army Act, which lays down a code of discipline, a disciplinary procedure code, provisions dealing with such matters as enlistment, offences in relation to the forces, imprisonment and the relations between military and civil jurisdictions, together with a series of provisions designed to regulate the mutual relations of the members of all the forces of the Crown when acting together or attached from one force to another. The Royal Air Force was created by the Air Force (Constitution) Act, 1917 (7 & 8 Geo. V, c. 51), which applied the Army Act to that Force

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with certain modifications and provided that as so modified it should take effect as a separate Act of Parliament under the short title of the Air Force Act. The differences between the Air Force Act and the Army Act are not of so substantial a character as to require further reference here.

7. *Reserve and Territorial Forces.*—Broadly speaking, when the non-regular military forces are under training or on service the code of discipline contained in the Army Act applies to them. Their administration, conditions of service and enlistment are provided for in the Reserve Forces Acts, 1882–1906, and the Territorial and Reserve Forces Act, 1907 (7 Edw. VII, c. 9), and the Territorial Army and Militia Act, 1921 (11 & 12 Geo. V, c. 37). The Reserve Forces Act, 1906 (6 Edw. VII, c. 11), provides that men of the Reserve may be authorised to reside in any part of His Majesty's dominions and makes the Reserve Forces Acts applicable to them when so resident. It also authorises enlistment in the Reserve to take place in any part of His Majesty's dominions "except in a Colony possessing responsible government," these "Colonies" being given in the Schedule to the Act, as amended by the Order in Council of 5th May, 1908, and applied to the Union of South Africa by the South Africa Act, 1909, as The Dominion of Canada, The Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland.

All these statutes, save the Territorial Army and Militia Act, 1921, have been applied with modifications to the non-regular air forces under the provisions of the Air Force (Constitution) Act, 1917, and the Auxiliary Air Force and Air Force Reserve Act, 1924 (14 & 15 Geo. V, c. 15), and the position of these forces does not differ in any substantial degree from the position of the non-regular military forces.

8. *Dominion Forces.*—Dominion Military and Air Forces are constituted under various Dominion enactments: in the case of the Irish Free State Article 8 of the Articles of Agreement bears on the question. Under Sections 177 of the Army and Air Force Acts the code of discipline laid down by a Dominion Government for its own Military and Air Forces is made effective when those forces are outside the Dominion, and there is provision for adoption by the Dominion Government, should it so desire, of the Army and Air Force Acts with such modifications as the special conditions of its forces require.

At present Australia, Canada and New Zealand have applied the Army Act, in whole or in part, to their forces; South Africa has a Union Military Discipline Code, which is a modified form of the Army Act; the Irish Free State forces are governed by the Defence Forces (Temporary Provisions) Acts, 1923–1927.

Newfoundland has no Military or Air Forces.

APPENDIX REFERRED TO IN PARAGRAPH 5.

Slave Trade Act, 1824 (5 Geo. IV, c. 113).
Slave Trade Act, 1843 (6 & 7 Vic. c. 98).
Slave Trade (Consolidation) Act, 1873 (36 & 37 Vic. c. 88).
Slave Trade Act, 1876 (39 & 40 Vic. c. 46).
Slave Trade (East African Courts) Act, 1873 (36 & 37 Vic. c. 59).
Slave Trade (East African Courts) Act, 1879 (42 & 43 Vic. c. 38).
Chinese Passengers' Act, 1855 (18 & 19 Vic. c. 104).
Pacific Islanders' Protection Act, 1872 (35 & 36 Vic. c. 19).
Pacific Islanders' Protection Act, 1875 (38 & 39 Vic. c. 51).
Foreign Enlistment Act, 1870 (33 & 34 Vic. c. 90).
Piracy Act, 1850 (13 & 14 Vic. c. 26).
Behring Sea Award Act, 1894 (57 Vic. c. 2).
Submarine Telegraph Act, 1885 (48 & 49 Vic. c. 40).
Merchant Shipping Act, 1894–1920.
Sea Fisheries Act, 1868 (31 & 32 Vic. c. 45).
Sea Fisheries Act, 1875 (38 & 39 Vic. c. 15).
Sea Fisheries Act, 1883 (46 & 47 Vic. c. 22).
Seal Fisheries (North Pacific) Act, 1895 (58 & 59 Vic. c. 21).

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(2)—The Law of Prize.

1. The right of prize is a right of a belligerent, recognised by international law, to seize in certain circumstances enemy or neutral property actually or constructively at sea, and to ask for its condemnation by a Prize Court (*Palm Branch*, 1919, A.C. at p. 277). The function of a Prize Court is to ensure that no seizure is made in circumstances not justified by international law, and it has the power of awarding damages to persons injured by the wrongful seizure of their property. In this way a British Prize Court has the duty and power of supervising and regulating an essential part of the activities of the Royal Navy in time of war.

Thus, the right of prize and the manner in which it is to be exercised in time of war is an important and indeed essential element in the Naval Defence of the Empire.

2. The manner in which jurisdiction is conferred on Prize Courts in the Dominions and the law which those Courts administer are dealt with in Imperial Statutes which deal essentially with two matters, the setting up of Courts having jurisdiction in prize and the nature of the law to be administered by those Courts.

3. With the possible exception of the High Court in England, to which further reference is made hereafter, jurisdiction in prize is conferred by Royal Commission followed by Admiralty Warrant. Before 1864, the creation of Prize Courts was a purely prerogative power, but it is now regulated by a number of Statutes which will now be considered.

4. Throughout His Majesty's dominions, prize jurisdiction is exercised by Courts having jurisdiction in Admiralty, and in order to obtain a comprehensive view of the matter it is necessary to consider separately the manner in which Courts having Admiralty jurisdiction can be created in His Majesty's dominions and the circumstances in which those Courts can exercise jurisdiction in prize.

The Courts in question are :—

(*a*) The High Court in England (in which is now vested the jurisdiction of the High Court of Admiralty) ;

(*b*) Colonial Courts of Admiralty ;

(*c*) Vice-Admiralty Courts.

5. By Section 23 of the Supreme Court of Judicature (Consolidation) Act, 1925 (15 & 16 Geo. V, c. 49), which consolidated without amendment the then existing law, the High Court (that is, the High Court in England) is declared to be a Prize Court within the meaning of the Naval Prize Acts, 1864–1916, and is given jurisdiction on the high seas and throughout His Majesty's dominions. There is considerable difference of opinion whether this jurisdiction is permanent or whether a commission from His Majesty is necessary before it can be exercised. In the late war a number of commissions were in fact issued to the Court.

6. The Colonial Courts of Admiralty Act, 1890 (53 & 54 Vic. c. 27), Section 2, provides :—

> " (*a*) that every Court of Law in a British Possession which is for the time being declared in pursuance of that Act to be a Court of Admiralty, or which, if no such declaration is in force in the Possession, has therein original unlimited civil jurisdiction, shall be a Court of Admiralty with the jurisdiction therein mentioned and may for the purpose of that jurisdiction exercise all the powers which it possesses for the purpose of its civil jurisdiction.
>
> " (*b*) The jurisdiction of such a Court shall, subject to the provisions of the Act, be the same as the Admiralty jurisdiction of the High Court in England, and further, that it shall have the same regard as that Court to international law and the comity of nations.
>
> " (*c*) Any reference in an Imperial Act to a Vice-Admiralty Court shall include a reference to a Colonial Court of Admiralty, provided [*inter alia*] that no Colonial Court of Admiralty can by virtue of this Act, exercise any jurisdiction under the Naval Prize Act, 1864, or otherwise in relation to Prize."

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Section 3 empowers the Legislature of any British Possession to declare any Court of unlimited civil jurisdiction (whether original or appellate) in that Possession to be a Colonial Court of Admiralty; but under Section 4 all such local Acts must, unless previously approved by a Secretary of State, either be reserved for His Majesty's assent or contain a suspending clause.

Section 9 gives power to His Majesty by commission under the Great Seal to authorise the Admiralty to establish in a British Possession any Vice-Admiralty Court or Courts. Upon the establishment of such a Court the Admiralty may appoint the Judge and other officers of the Court. Provided that a Court established under this Section shall not in a Possession having a representative Legislature exercise any jurisdiction except for some purpose relating to prize or to His Majesty's Navy, the slave trade, or in relation to matters dealt with by the Foreign Enlistment Act, 1870 (33 & 34 Vic. c. 90), or the Pacific Islanders' Protection Acts, 1872 & 1875 (35 & 36 Vic. c. 19 and 38 & 39 Vic. c. 51), or to matters in which questions arise relating to treaties or conventions with foreign countries or the international law. His Majesty may by commission under the Great Seal direct the Admiralty to abolish a Vice-Admiralty Court established under the Section.

Section 10 continues the power to appoint a Vice-Admiral in any British Possession, but in the absence of other formal appointment the Governor is *ex officio* the Vice-Admiral.

Section 17 abolishes, with certain exceptions, Vice-Admiralty Courts then existing.

7. The Naval Prize Act, 1864 (27 & 28 Vic. c. 25), provides as follows:—

> " Section 3.—The High Court of Admiralty and every Court of Admiralty or of Vice-Admiralty or other Court exercising Admiralty jurisdiction in His Majesty's dominions for the time being authorised to take cognizance of and judicially proceed in matters of prize shall be a Prize Court within the meaning of the Act.
>
> " Section 4.—The High Court of Admiralty shall have jurisdiction throughout His Majesty's dominions as a Prize Court with power to enforce any order or decree of the Judicial Committee of the Privy Council in a Prize Appeal."

Section 5 provides that there shall be an appeal to His Majesty in Council from any order or decree of a Prize Court.

Section 9 provides that every Vice-Admiralty Court shall enforce within its jurisdiction all orders and decrees of the Judicial Committee and of the High Court of Admiralty in prize causes.

By Section 10 His Majesty in Council may grant a salary to the Judge of any Vice-Admiralty Court. This Section was amended by the Prize Courts Act, 1915 (5 & 6 Geo. V, c. 57), which, as regards Prize Courts in the Dominions, provided that the power to grant a salary should not in such cases be used except on the application of the Governor-General, or the Governor-in-Council, as the case might be.

8. The Prize Court Act, 1894 (57 & 58 Vic. c. 39), provides:—

> " *Section* 1.—Any commission warrant or instructions from His Majesty or from the Admiralty for the purpose of commissioning or regulating the procedure of a Prize Court at any place in a British Possession, may, notwithstanding the existence of peace, be issued at any time with a direction that the Court shall act only upon a proclamation being made by the Vice-Admiral on his being satisfied by information from a Secretary of State or otherwise that war has broken out between His Majesty and a foreign State. The commission or warrant may authorise either a Vice-Admiralty Court or a Colonial Court of Admiralty within the meaning of the Colonial Courts of Admiralty Act, 1890, to act as a Prize Court,and may establish a Vice-Admiralty Court for the purpose.
>
> " Any such commission warrant or instructions may be revoked or altered from time to time."

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9. The position as regards Prize Courts in the Empire is therefore as follows :—

(*a*) The High Court in England has jurisdiction in prize (whether or no a commission is necessary) throughout His Majesty's dominions ;

(*b*) Any Court of original unlimited civil jurisdiction in a British Possession is a Colonial Court of Admiralty having jurisdiction in Admiralty matters. Colonial Courts of Admiralty can also be set up by a Dominion or Colonial Legislature, though the Acts establishing them must be reserved or contain suspending clauses ;

(*c*) The Admiralty may, if authorised by commission under the Great Seal, set up Vice-Admiralty Courts having jurisdiction in prize ;

(*d*) A Colonial Court of Admiralty or Vice-Admiralty Court can only exercise jurisdiction in prize by virtue of a commission from His Majesty followed by a warrant from the Admiralty, which may be revoked at any time. The practice is that such commission or warrant defines the territorial limits within which that jurisdiction is to be exercised ;

(*e*) There is an appeal from any Prize Court to the Privy Council and all Prize Courts must enforce the orders and decrees of the Judicial Committee.

10. Under the Naval Prize Court Acts, 1915 and 1916 (5 & 6 Geo. V, c. 57 and 6 & 7 Geo. V, c. 2), any Prize Court in which any prize proceedings are pending may remit the proceedings in whole or in part to some other Prize Court.

11. A Dominion Court therefore exercises jurisdiction in prize by virtue of a Royal Commission which, as the power of issuing such commission is a branch of the prerogative which has not been delegated to the Dominion executives, has been issued on the advice of Ministers in the United Kingdom.

12. The nature of the law administered by a Prize Court and the extent to which such a Court is bound to give effect to Acts of Parliament and to Orders in Council was discussed by the Privy Council in the case of the " Zamora " (1916, A.C. 77) when the following principles were laid down :—

The law which a Prize Court administers is international law and the Court is not bound by Orders in Council purporting to prescribe or alter that law. It is, however, bound by the legislative enactments of its own sovereign State, but if an Act were passed containing provisions inconsistent with international law the Prize Court would, it was pointed out, in giving effect thereto no longer be administering international law and, in the field covered by such provisions, would be deprived of its proper function as a Prize Court.

It was further pointed out that it did not follow that, because Orders in Council could not prescribe or alter the law to be administered by a Prize Court, a Prize Court would ignore Orders in Council altogether. The Privy Council proceeded to give instances of cases in which a Prize Court would give effect, in a greater or less degree, to Orders in Council. Orders in Council having for their object a mitigation of Crown rights in favour of the enemy or neutrals would, it is stated, be acted upon by a Prize Court. An Order declaring a blockade would be regarded as, prima facie, justifying the capture and condemnation of vessels attempting to enter a blockaded port but would not preclude evidence to show that the blockade was ineffective and therefore unlawful. An Order authorising reprisals would be conclusive of the facts recited as showing that a case for reprisals existed and would have weight as showing what, in the opinion of the executive, were the best means of meeting the emergency, but would not preclude the right of any party aggrieved to contend that those means were unlawful because entailing on neutrals a degree of inconvenience which, having regard to all the circumstances of the case, was unreasonable. It was further declared that any Order in Council which was acquiesced in and was not declared by a Prize Court to be illegal would be evidence by which, in process of time, nternational law and usage might be established.

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13. It will be seen, therefore, that Orders in Council have a legitimate though limited place in the code of law administered by a Prize Court, and that a Prize Court would be bound to apply any Statute dealing with that law.

14. Prize Court procedure also occupies an important place in the system. For example, before the Naval Prize Rules were amended shortly before the war, the evidence of ships' papers alone was admissible for the purpose of condemnation, unless the Court otherwise ordered; but the amended rules made admissible evidence of any kind from which enemy property or enemy destination, as the case might be, could properly be inferred. Full advantage of this change was taken during the war. Prize rules of procedure are made by Order in Council under statutory authority.

15. Uniformity in all these matters has been obtained by reason of the fact that owing to the Colonial Laws Validity Act no Dominion Legislature can pass legislation conflicting with the Naval Prize Acts, and the further fact that Dominion Prize Courts have operated under Commissions conferred by the Imperial executive. Consequently, uniform regard has been paid to Orders in Council issued by that executive by the High Court in the United Kingdom and by Dominion Prize Courts.

16. Questions concerning the distribution of the proceeds of prize are possibly outside the scope of this memorandum, but the matter is dealt with in certain Imperial statutes to which attention may be drawn.

17. By Section 8 of the Colonial Courts of Admiralty Act, 1890, it is declared that nothing in that Act shall alter the application of any droits of Admiralty or droits of or forfeiture to the Crown in a British Possession. Such droits and forfeitures are, save as otherwise provided by any other Act, to be accounted for to the Treasury and be dealt with in such manner as the Treasury may direct. It is further provided that His Majesty in Council may by Order direct that subject to any specified conditions the said droits and forfeitures condemned by a Court in a British Possession shall form part of the revenue of that Possession either for ever or for such limited term as may be specified.

18. The distinction between droits of Admiralty (which belong to the Exchequer) and droits of the Crown (which belong to the Crown, but under grant by the Crown may pass to the captors) originally lay in this, that, broadly speaking, droits of Admiralty were the proceeds of ships or goods seized in a British port, creek or roadstead, and droits of the Crown were the proceeds of ships or goods seized at sea.

19. The Naval Prize Act, 1918 (8 & 9 Geo. V, c. 30), authorised His Majesty to signify by proclamation His intention to make grants of prize out of the proceeds of the droits of the Crown arising during the late war and set up a tribunal to determine whether in a particular case proceeds of a captured vessel or cargo were droits of Admiralty or droits of the Crown. The practice adopted by this tribunal was such that it is no longer possible to rest the distinction between the two classes mainly on the question whether the thing seized was seized in port or on the high seas. It may be observed that under modern conditions it is frequently a difficult matter to decide where seizure should be regarded as having taken place, and accordingly a working rule was adopted that under the actual grant made in pursuance of the Naval Prize Act, 1918, the Naval Prize Fund should be credited with the proceeds of all seizures which could be attributed to the existence of the Naval Forces.

20. After the late war the matter was dealt with apparently on the assumption that the droits were still at the disposal of the Crown. The proceeds of droits of the Crown were credited to the Naval Prize Fund and the personnel of the Dominion Fleets shared in the distribution of the Fund. Questions as to the disposal of the proceeds of droits of Admiralty were the subject of discussion between the Dominions and the Imperial Government. The arrangement ultimately made is embodied in a Treasury minute dated the 21st June, 1926. Shortly, this arrangement gave an option to the Dominions to elect either (*a*) that the rights and

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liabilities arising from seizure should attach to His Majesty's Government in Great Britain or (*b*) that subject to certain conditions therein specified, of which one was that the Dominion should assume all liabilities attaching to the seizure, rights in respect of prizes not adjudged to the Naval Prize Fund which were condemned in a Dominion Prize Court should be transferred to the Dominion.

New Zealand and Newfoundland stated that they were not concerned in the matter. Canada and South Africa elected in favour of course (*a*) with, in the case of South Africa, certain modifications. Australia and India (which was included in the arrangement) elected in favour of course (*b*), and Orders in Council were issued accordingly.

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(3)—The Foreign Enlistment Act, 1870.

1. The Foreign Enlistment Act (33 & 34 Vic. c. 90) extends (Section 2) " to all the dominions of His Majesty including the adjacent territorial waters." It provides the necessary powers and machinery to enable His Majesty to fulfil certain obligations which attach to him under international law, especially in time of war when His Majesty is neutral. For instance, the Act prescribes penalties on any British subject who, without the licence of His Majesty (1) enlists in the service of a foreign state at war with a state with which His Majesty is at peace, or (2) leaves British territory intending to enlist in such service, or (3) participates in the transportation of illegally enlisted persons. It also penalises the constructing, commissioning, equipping or dispatching of ships intended to be employed in the service of a state at war with a friendly state.

2. One section is of general application in that it is not limited to times when His Majesty is neutral. It prescribes penalties on persons in British territory fitting out naval or military expeditions to proceed against the dominions of a friendly state.

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CHAPTER III.

(1) THE LAW OF NATIONALITY.

(2) NATIONALITY OF MARRIED WOMEN.

(3) DISABILITIES TO WHICH A BRITISH WOMAN BECOMES SUBJECT IN THE UNITED KINGDOM ON MARRIAGE WITH AN ALIEN.

(4) PENSION AND FRANCHISE RIGHTS IN THE DOMINIONS OF A BRITISH WOMAN MARRYING AN ALIEN.

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(1)—The Law of Nationality.

It is the object of this Chapter to indicate :—

I. The present state of Dominion legislation on the subject of British nationality and naturalization with special reference to the re-enactment—in some instances with textual variations—of Parts I and III of the British Nationality and Status of Aliens Act, 1914 (4 & 5 Geo. V, c. 17).

II. The present state of Dominion legislation on the subject of local citizenship.

Nationality and Naturalization.

Preliminary Note.

Before 1914 the law as to the acquisition of British nationality at birth was governed mainly by (1) the common law rule by which every person born within His Majesty's allegiance became at birth a natural born British subject ; and (2) the British Nationality Act, 1730 (4 Geo. II, c. 21), under which a person born abroad became at birth a natural born British subject if his or her father was by the common law a natural born British subject, and (3) the British Nationality Act, 1772 (13 Geo. III, c. 21), which conferred British nationality upon the child born abroad of a father who was a British subject by virtue of the Act of 1730. The British Nationality and Status of Aliens Act, 1914 (4 & 5 Geo. V, c. 17), which came into force on 1st January, 1915, consolidated and amended the law and repealed the above-mentioned Acts. The law relating to the acquisition of British nationality at birth now consists in the definition of natural born British subject as set out in Part I, Section 1, of the Act of 1914 as amended by the Acts of 1918 and 1922 : but the definition does not, except as otherwise expressly provided in the section, affect the status of any person born before 1st January, 1915.

Part III of that Act contains the provisions which govern the loss of British nationality and the national status of married women and infant children.

The Act of 1914 also repealed the Naturalization Act of 1870 under which certificates of naturalization had been granted in the United Kingdom, and in Part II made provision for the grant of certificates of Imperial naturalization in all parts of His Majesty's dominions subject, in the case of each of the then existing Dominions, to the adoption of Part II by the legislature of the Dominion.

The Act of 1914 had been prepared in consultation with the Governments of the Dominions and was passed with their concurrence after discussion at successive Imperial Conferences. It was generally contemplated that Parts I and III would extend to all those Dominions without re-enactment by the Dominion legislatures, and would be the only general enactment of the principles and rules governing British nationality. It was further contemplated that as regards naturalization (Part II of the Act) each Dominion would in pursuance of the power given by Section 9 of the Act adopt that Part by a simple statutory enactment. As will be seen from the following particulars effect has been given to the original scheme of the Act of 1914 in a way not foreseen when that scheme was approved by the Imperial Conference of 1911.

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(*A*)—*Canada.*

1. The Dominion Government did not adopt Part II of the Imperial Act in the manner contemplated by Section 9, and did not leave Parts I and III to operate *proprio vigore* in the Dominion. They preferred to re-enact, with certain slight variations, the whole of the Imperial Act by the Canadian Naturalization Act, 1914 (4 & 5 Geo. V, c. 44). This Canadian Act was repealed by the Canadian Naturalization Act, 1919, but was revived in 1920 by the Naturalization Act of that year (10 & 11 Geo. V, c. 59). The latter Act has been followed by the Canadian Act of 1923, in which the provisions of the Imperial Amending Act of 1922 were re-enacted without textual variation. In the result Parts I and III of the Imperial Act as amended are reproduced in Canada with unimportant textual variations, and it is unnecessary to state here precisely what those variations are since they have not in fact caused, and are unlikely to cause, any practical difficulty.

2. It is to be noted, however, that one curious effect of the re-enactment of Part II of the Imperial Act by the Canadian Act of 1914 is that Section 8 of the latter Act purports to confer on the Government of the United Kingdom and the Government of any British Possession a power to grant certificates of Imperial naturalization similar to the power possessed by the Canadian Government under the Canadian Act.

3. The question was raised whether the re-enactment of Part II of the Imperial Act was equivalent to such an " adoption " of that part as was contemplated by Section 9 of that Act. His Majesty's Government in Great Britain were, however, advised that, in view of the fact that in an amending Act passed later in 1914 (5 Geo. V, c. 7) the Canadian Parliament had declared in the Preamble that by the earlier Act the Dominion of Canada had adopted Part II of the Imperial Act, the course taken by Canada might be regarded as an effective adoption, and no Dominion which has adopted Part II subsequently has, so far as is known, declined to recognise as British subjects persons to whom certificates of Imperial naturalization have been granted in Canada.

4. It may be added that since 1914 Canada has consistently maintained the principle that the provisions of its own Act relating to British nationality and naturalization must conform with those of the Imperial Act and of any amendments of the Imperial Act, and the Canadian Legislature has even gone so far as to repeal (on the ground that there was no such provision in the Imperial Act) a certain provision giving power to naturalize married women which found its way into the Canadian Naturalization Act, 1919.

5. The present attitude of the Canadian Government with regard to the uniformity of Imperial Nationality Law may be illustrated by a recent speech by the Hon. Fernand Rinfret, Secretary of State of Canada (Canadian Commons Debates, No. 67, 6th April, 1927), of which the following is an extract :—

> " The House will appreciate the fact that the Naturalization Act in Canada is based upon the Imperial Act, and that it would not be wise to amend it in any way of our own accord without taking into consideration the effects of such an amendment within the Empire."
>
> " The existing Act in Canada is the result of what may be called a contract entered into between Great Britain and the Dominions at the Imperial Conference of 1911. I will not give the full agreement, but will mention only the most important points, one being that Imperial Nationality should be world-wide and uniform, and the other that the Imperial Act should be so framed as to permit the self-governing Dominions to adopt it."

(*B*)—*Newfoundland.*

6. Newfoundland followed the example of Canada by passing an Act in 1915 (Naturalization Act, Cap. 11 of 1915) on the same lines as the Canadian Act of 1914. His Majesty's Government in Great Britain were, however, advised that, in the absence of any legislative declaration such as that made by Canada, there was a doubt whether this amounted to a formal adoption of Part II, and accordingly a further Act was passed by Newfoundland in 1916 removing the doubt.

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(*C*)—*Australia.*

7. Australia, by an Act passed in 1920 (The Nationality Act of 1920, No. 48 of 1920), re-enacted Parts I and III of the Imperial Act without any variations, and re-enacted and formally adopted Part II with certain variations. These variations have not so far given rise to difficulty.

(*D*)—*New Zealand.*

8. The position in New Zealand in recent years has been that New Zealand had not adopted Part II of the Imperial Act and that, as a result of this fact, and of the provisions of the British Nationality and Status of Aliens (in New Zealand) Act, 1923, a person who has been naturalised in New Zealand is legally an alien outside the limits of the Dominion, and a person to whom a certificate of Imperial naturalisation has been granted elsewhere has hitherto been, by New Zealand law (Section 3 (3)), an alien unless and until he has obtained a New Zealand certificate.

9. In July, 1928, a British Nationality and Status of Aliens (in New Zealand) Bill was introduced into the New Zealand Parliament. This Bill provides (Section 3) for the adoption of Part II of the Imperial Act, which is set out in full in the First Schedule to the Bill and contains a declaratory statement (Section 6), with regard to the provisions of Parts I and III of the Imperial Act, which are set out in the Second Schedule to the Bill.

The Bill has passed both Houses of Parliament and is reserved for His Majesty's assent.

(*E*)—*South Africa.*

10. In July, 1926, South Africa passed the British Nationality in the Union and Status of Aliens Act, re-enacting Parts I, II, and III of the Imperial Act, with important additions and variations. The most important of these differences are as follows :—

(*a*) Under Section 3 of the Union Act a holder of a certificate of local naturalization granted before 1st July, 1926, is entitled as of right to a certificate of Imperial naturalization, and such a person may not fulfil any of the qualifications of residence or character laid down in the Imperial Act. It may be questioned whether in law a certificate granted under this provision has any effect outside the Union if the grantee does not in fact possess the qualifications required by Part II as repeated in the Union Act. A case has already come under notice in which a person of this class who had been refused a certificate in this country has after a short visit to South Africa returned here with a certificate of Imperial naturalization granted there. But as there is in the Minister a discretion in certain circumstances to deprive the holder of the local certificate of that certificate, the difference between the two systems may not be so great as it appears at first sight.

(*b*) Section 4 (1) (*b*) authorises the grant of special certificates of Imperial naturalization to persons domiciled in the Union for the five years immediately preceding the commencement of the Act on the basis of their service in the British or Republican Forces during the Boer War.

(*c*) Section 29 confers British nationality upon any person of European descent born in the South African Republic between the 18th June, 1894, and the 1st September, 1900 (the date of annexation), whose father was neither a burgher of that Republic nor a British subject.

(*F*)—*Irish Free State.*

11. The Irish Free State has not as yet passed any legislation on this subject.

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DOMINION CITIZENSHIP.

The only Dominions in which legislation is in force for the definition of citizenship are Canada, South Africa, and the Irish Free State.

(A)—Canada.

1. There are two Canadian enactments to consider, viz., the Canadian Immigration Act, 1910 (as amended by numerous subsequent enactments), which defines the expression " Canadian citizen " for the purpose of immigration ; and the Act of 1921 for the definition of " Canadian nationals."

2. By the former Act " Canadian citizen " means :—

(i) A person born in Canada who has not become an alien ;

(ii) A British subject who has Canadian domicile ; or

(iii) A person naturalized under the laws of Canada who has not subsequently become an alien or lost Canadian domicile.

A Canadian citizen for this purpose must, therefore, be a British subject who possesses British nationality everywhere, or a person who by local naturalization in Canada is a British subject within the limits of Canada. Domicile and the period of time necessary to acquire a domicile are specially defined by the Canadian Act, and the expression itself has not the same meaning as in English law.

3. It was intended by the Canadian Government that the Act of 1921 should provide a clear-cut definition of Canadian nationals for the purpose in particular of identifying those persons who would be affected by the extra-territorial legislation which, in 1921, it was anticipated would be authorised by the then proposed amendment of the British North America Act. By this Act the following persons are Canadian nationals :—

(*a*) Any British subject who is a Canadian citizen within the meaning of the Immigration Act, 1910, as amended up to 1921 ;

(*b*) The wife of any such citizen ;

(*c*) Any person born out of Canada whose father was a Canadian national at the time of that person's birth ; or with regard to persons born before the passing of the Act, any person whose father at the time of such birth possessed all the qualifications of a Canadian national as defined by the Act.

This definition evidently contemplates that the Canadian national shall in all cases be a person who possesses in Canada the status of a British subject.

4. Section 2 of the Act of 1921 provides that a person who is a Canadian national shall cease to be a Canadian national on making a declaration renouncing Canadian nationality if he has become a national also of the United Kingdom, or of any self-governing Dominion. This section pre-supposes that provision is made or will be made in the law of the United Kingdom and of the Dominions for the purpose of determining who are the nationals of those parts of the Empire.

(B)—South Africa.

5. The Union of South Africa Nationality and Flags Act, 1927, contains provisions for the definition of South African nationals similar to those in the Canadian Act of 1921 for the definition of Canadian nationals.

6. On the question whether South African nationals must be British subjects, it may be of interest to quote the following extract from the speech of the Minister of the Interior (Dr. Malan) on the Second Reading of this Bill in the House of Assembly on 24th May, 1927.

" The Bill made it quite clear that every South African national was and must be a British subject. South African nationality was merely a small circle within a larger one."

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(C)—Irish Free State.

7. Local citizenship in the Irish Free State is governed by Article 3 of the Irish Free State Constitution. This Article—

(*a*) defined Irish Free State citizenship, at the time when the Constitution came into force, in such a way as to include persons who were not necessarily British subjects, and

(*b*) confers power to determine the conditions governing the future acquisition and termination of Free State citizenship. This power has not been exercised.

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(2)—Nationality of Married Women.

1. At the last Imperial Conference the Nationality Committee, over which the Home Secretary presided, considered a number of proposed amendments of the British Nationality and Status of Aliens Act, 1914 (4 & 5, Geo. V, c. 17). The most important of these was a proposal relating to the nationality of married women. This proposal was to the effect that the existing principle of the law as enacted in Section 10 of the Act of 1914 (that the national status of a wife should follow that of her husband) should be abandoned, so far at any rate as that principle affects the status of a British woman who married an alien.

2. The specific proposal before the Nationality Committee was based on a Resolution passed unanimously in the House of Commons on the 18th of February, 1925, as follows :—

"That in the opinion of this House a British woman should not lose or be deemed to lose her nationality by the mere act of marriage with an alien but that it should be open to her to make a declaration of alienage."

A Resolution in similar terms was passed by the House of Representatives in Australia on the 25th of February, 1926.

3. In the course of discussion of this proposal at meetings of the Nationality Committee serious differences of opinion were disclosed. Some of the Dominions were in favour of the proposed change, while others were against any alteration of the law on the ground that it would be unsuitable to their own conditions and requirements, and that socially and politically there was no need or demand for it. The Government in Great Britain itself had not adopted any considered policy on the question, and the Nationality Committee reported to the following effect, as recorded in the Summary of Proceedings, Cmd. 2768, p. 39 :—

"On this matter some divergence of view was disclosed and the Committee were unable to arrive at a unanimous conclusion. Since however, they attach great importance to the maintenance of uniformity throughout the various parts of the Empire in the law relating to British nationality they decided to recommend to the Conference that further consideration of the question should be postponed pending the Report of the Committee of Experts . . . and in view of the possibility of an attempt being made to regulate the problems of dual nationality and no nationality by international agreement."

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(3)—Disabilities to which a British Woman becomes subject in the United Kingdom on Marriage with an Alien.

Franchise and Public Offices.

1. Under the Representation of the People Act, 1918 (7 & 8 Geo. V, c. 64), Section 9 (3), a person is not entitled to be registered or to vote as a parliamentary or local government elector if he is not a British subject.

A woman who has ceased to be a British subject by reason of marriage with an alien is therefore disqualified for the franchise.

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As an alien such a woman is of course ineligible for election as a member of Parliament. By Section 46 (1) of the Local Government Act, 1894 (56 & 57 Vic. c. 73), aliens are disqualified also from being members of Metropolitan Borough Councils, Urban and Rural District Councils, and Boards of Guardians.

Civil Service.

2. By Section 6 of the Aliens Restriction (Amendment) Act, 1919 (9 & 10 Geo. V, c. 92), it is provided that after the passing of that Act no alien shall be appointed to any office or place in the Civil Service of the State. Apart from this general prohibition in the case of aliens, any British woman who marries is as a rule required to resign her appointment in the Civil Service, and accordingly if a British woman married to an alien were excepted from the scope of the general prohibition in Section 6 of the Act of 1919, it would be of little or no assistance to her so long as it is the general policy not to employ married women in established situations.

Old Age Pensions.

3. Under the Old Age Pensions Acts, 1908 to 1924, a claimant for a pension whose claim is not within the scope of Section 20 of the Widows, Orphans and Old Age Contributory Pensions Act, 1925 (15 & 16 Geo. V, c. 70), must satisfy the Pension Authorities that for at least ten years up to the date of the receipt of any sum on account of a pension, he has been a British subject. This condition is, however, not required to be fulfilled in the case of a woman who satisfies the Pension Authorities that she would, but for her marriage with an alien, have fulfilled this condition.

A British woman who marries an alien is therefore eligible for an old age pension.

Aliens Restriction Acts, 1914 and 1919 (4 & 5 Geo. V, c. 12, and 9 & 10 Geo V, c. 92), and Aliens Order, 1920.

4. A British woman who becomes an alien by marriage is subject to the restrictions imposed by the Aliens Order on aliens. She is thus prohibited from landing in the United Kingdom without the leave of an Immigration Officer, and she is required to register as an alien if resident in the United Kingdom. She is also liable to be deported as an alien.

By Article 14 of the Aliens Order the Secretary of State may exempt from all or any of the provisions of the Order, any person or class of persons, either conditionally or unconditionally, or subject to conditions.

It may be possible for the Secretary of State to exercise this power in favour of women who are aliens by marriage. So far as concerns liability to register as an alien, this would appear to be quite practicable, and exemption is in fact granted from time to time in such cases where there are special circumstances. General exemption from the obligation to obtain leave to land in the United Kingdom rests on a somewhat different footing. It is only in very exceptional circumstances that leave to land is refused in the case of the British-born wife of an alien.

By Section 7 of the Aliens Restriction Act, 1919, an alien is not allowed to assume or use any name other than that by which he was ordinarily known on the 4th August, 1914. Any exception in favour of British women married to aliens would require an amendment of the section.

Registration of Business Names Act, 1916 (6 & 7 Geo. V, c. 58).

5. In Section 18 of this Act the nationality if not British, in addition to the name, of a person carrying on business is in certain circumstances required to be stated on all business letters and documents. This provision extends to a woman who has become an alien by marriage and an exemption would require legislation.

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(4)—Pension and Franchise Rights in the Dominions of a British Woman Marrying an Alien.

AUSTRALIA.

1. The wife of an alien is deemed to be an alien (Act 48 of 1920, Section 18).

Old Age Pensions :—

Under the invalid and old age pensions legislation of the Commonwealth certain classes of persons including aliens are not qualified to receive either of such pensions, but it is expressly laid down that no woman having married any person so disqualified shall in consequence only of such marriage be disqualified to receive such pensions. A British woman marrying an alien would therefore not be disqualified. (Invalid and Old Age Pensions Act, 1908–1926, Sections 16 and 21.)

Mothers' Allowances :—

Both New South Wales and Victoria provide for payments in certain circumstances to mothers in support of dependent children. There is nothing to show that any discrimination is made against a person who is an alien.

Parliamentary Franchise :—

In the Commonwealth the franchise is limited to natural-born or naturalized subjects of either sex (Act 27 of 1918, Section 39).

This is also the case in respect of all the States. A British woman in Australia marrying an alien would therefore forfeit her right to the franchise.

CANADA.

2. The wife of an alien is deemed to be an alien (Act 44 of 1914, Section 10).

Old Age Pensions :—

No old age pensions. In Canada, the movement, which in the United Kingdom and other Dominions resulted in the granting of old age pensions, took the form of providing Government annuities purchasable by any person, over the age of five years, domiciled or resident in the Dominion.

Mothers' Allowances or Pensions :—

In certain of the Canadian Provinces, viz., Alberta, British Columbia, Manitoba, Ontario, and Saskatchewan, mothers' allowances or pensions are granted to wives or widows in support of dependent children. Such allowance or pension is, in the case of Ontario, payable to a woman who was a British subject by birth or naturalization (10 & 11 Geo. V, c. 89, Section 3 (*e*)), but in British Columbia no mother is entitled to such allowance or pension unless she is a British subject (Cap. 176 Revised Statutes, 1924, Section 4 (*a*)). There is nothing in the corresponding legislation of Alberta, Manitoba, and Saskatchewan to suggest that such allowance would be refused to a woman if she were an alien.

Parliamentary Franchise :—

The Dominion franchise is limited to British subjects, male or female (10 & 11 Geo. V, c. 46, Section 29).

Throughout the Provinces the franchise is limited to British subjects* of either sex with the exception of Quebec, where apparently males only are entitled to vote. A British woman marrying an alien would therefore possess no right to either the Dominion or any Provincial franchise.

IRISH FREE STATE.

Old Age Pensions :—

3. The Imperial Old Age Pensions Acts, 1908–1919, as amended by Irish Free State Act 19 of 1924, are in force in the Irish Free State. Under these Acts a woman marrying an alien is eligible for pension.

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* In British Columbia a person is entitled to vote if, *inter alia*, he is " entitled within the Province to the privileges of a natural-born British subject."

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Parliamentary Franchise :—

All citizens of the Irish Free State without distinction of sex are eligible for the franchise (Irish Free State Constitution, Article 14).

Article 3 of the Constitution, while defining the conditions of citizenship at the time of the coming into operation of the Constitution, states that the conditions governing the future acquisition and termination of citizenship shall be determined by law. No such legislation has yet been passed.

NEWFOUNDLAND.

4. The wife of an alien is deemed to be an alien (Cap. 78 Consolidated Statutes, 1916, Section 10).

Old Age Pensions :—

The conditions laid down in Section 2 of the Newfoundland Old Age Pensions Act (Cap. 74 Consolidated Statutes, 1916) make no reference to nationality. Presumably therefore a British woman married to an alien would not be disqualified thereby.

Parliamentary Franchise :—

The franchise is limited to British subjects (Cap. 3 Consolidated Statutes, 1916, Section 4 as substituted by 15 Geo. V, cap. 7, Section 2). A British woman marrying an alien would therefore be disqualified.

NEW ZEALAND.

5. The wife of an alien is deemed to be an alien (Imperial Act, 1914–1922, Section 10, scheduled to New Zealand Act 46 of 1923).

Old Age, etc., Pensions :—

The Pensions Act, 1926 (No. 56 of 1926) provides, *inter alia*, for old age pensions, widows' pensions, and pensions for the blind. The Act does not apply to aliens (Section 91 (1) (*b*)), and the only circumstances in which a British woman having married an alien would be entitled to these pensions are if her husband is deceased, or if she is legally separated from him (see Section 91 (3)).

Parliamentary Franchise :—

An alien is not entitled to have his name registered on the electoral roll (No. 101 Consolidated Statutes, 1908, Section 38 ; see also the New Zealand Official Year Book, 1927, page 56).

UNION OF SOUTH AFRICA.

6. The wife of an alien in the Union is deemed to be an alien (Act 18 of 1926, Section 12).

Old Age Pensions :—

No legislation on the subject.

Parliamentary Franchise :—

Women, whether British or alien, have no rights (i.e., throughout the Union, the franchise is confined to male adults)—vide Official Year Book, 1910–1925, page 116, paragraph 8 (1) (1).

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CHAPTER IV.

THE JUDICIAL COMMITTEE.

Appeals to the King in Council.

1. Appeals from courts in the Dominions come before the King in Council (i.e., before the Judicial Committee) in one of three ways :—

(i) As of right in pursuance of Statute or Order in Council ;

(ii) By leave granted by the court from which the appeal is made, also in pursuance of Statute or Order in Council ;

(iii) By special leave granted under the Royal Prerogative by the King in Council.

2. The Constitutions of the Commonwealth of Australia, the Union of South Africa, and the Irish Free State contain the following provisions with regard to appeals to the King in Council :—

Constitution of the Commonwealth of Australia (*Schedule to the Commonwealth of Australia Constitution Act of 1900* (*63 & 64 Vic. c. 12*)), *Section 74.*

" No appeal shall be permitted to the Queen in Council from a decision of the High Court upon any question, howsoever arising, as to the limits *inter se* of the Constitutional powers of the Commonwealth and those of any State or States, or as to the limits *inter se* of the Constitutional powers of any two or more States, unless the High Court shall certify that the question is one which ought to be determined by Her Majesty in Council.

" The High Court may so certify if satisfied that for any special reason the certificate should be granted and thereupon an appeal shall lie to Her Majesty in Council on the question without further leave.

" Except as provided in this section, this Constitution shall not impair any right which the Queen may be pleased to exercise by virtue of Her Royal Prerogative to grant special leave of appeal from the High Court to Her Majesty in Council. The Parliament may make laws limiting the matters in which such leave may be asked, but proposed laws containing any such limitation shall be reserved by the Governor-General for Her Majesty's pleasure."

South Africa Act, 1909 (*9 Edw. VII, c. 9*), *Section 106.*

" There shall be no appeal from the Supreme Court of South Africa or from any division thereof to the King in Council, but nothing herein contained shall be construed to impair any right which the King in Council may be pleased to exercise to grant special leave to appeal from the Appellate Division to the King in Council. Parliament may make laws limiting the matters in respect of which such special leave may be asked, but Bills containing any such limitation shall be reserved by the Governor-General for the signification of His Majesty's pleasure ; provided that nothing in this section shall affect any right of appeal to His Majesty in Council from any judgment given by the Appellate Division of the Supreme Court under or in virtue of the Colonial Courts of Admiralty Act, 1890."

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Irish Free State Constitution Act, 1922 (Session 2) (13 Geo. V, Sess. 2, c. 1) Schedule, Article 66.

> " The Supreme Court of the Irish Free State shall, with such exceptions (not including cases which involve questions as to the validity of any law) and subject to such regulations as may be prescribed by law, have appellate jurisdiction from all decisions of the High Court. The decision of the Supreme Court shall in all cases be final and conclusive, and shall not be reviewed or capable of being reviewed by any other Court, Tribunal or Authority whatsoever.
>
> " Provided that nothing in this Constitution shall impair the right of any person to petition His Majesty for special leave to appeal from the Supreme Court to His Majesty in Council or the right of His Majesty to grant such leave."

3. There are no similar constitutional provisions in the cases of the Dominions of Canada and New Zealand, but the Dominion of Canada has made the following provision in Section 59 of Chapter 139 of the Revised Statutes of Canada :—

> " The judgment of the (Supreme) Court shall, in all cases, be final and conclusive, and no appeal shall be brought from any judgment or order of the Court to any Court of Appeal established by the Parliament of Great Britain and Ireland by which appeals or petitions to His Majesty in Council may be ordered to be heard, saving any right which His Majesty may be graciously pleased to exercise by virtue of his royal prerogative."

4. It will be seen from the above survey that the present position as regards the right of the King in Council to give special leave to appeal is (1) that the right now exists as regards all the Dominions and their constituent Provinces or States (except in the case of the Commonwealth of Australia in respect of the limited class of Constitutional appeals above referred to) ; (2) that the Parliaments of Australia and South Africa have power to pass laws limiting the matters in respect of which such leave may be asked, but that no such laws have in fact been passed, and any such law must be reserved for His Majesty's pleasure, but (3) that the Parliaments of Canada, New Zealand, and the Irish Free State have no such power.

5. It appears expedient to add a short note with regard to the appeal as of right. This has, in general terms, been abolished in the case of the High Court of Australia (Section 73 of the constitution), the Supreme Court of South Africa (*ubi supra*), and the Supreme Court of the Irish Free State (*ubi supra*) by Imperial Statute, and in the case of the Supreme Court of Canada (*ubi supra*) by Dominion legislation. The right still remains in New Zealand, and also in Newfoundland, and is regulated in the case of the former by Order in Council made under the Judicial Committee Act, 1844 (7 & 8 Vic. c. 69), and in the case of the latter by Order in Council made under the Newfoundland Act, 1824 (5 Geo. IV, c. 67), (providing for the administration of justice in that Colony). The right also remains in the case of the Canadian Provinces and of the Australian States.

6. There is also an appeal as of right from Indian courts ; it is regulated by an Order in Council of 9th February, 1920 (under the Judicial Committee Act, 1833 (3 & 4, Will. IV, c. 41)), by clauses in the letters patent which govern the several High Courts in India, and by Sections 109 and 112 of the Code of Civil Procedure.

7. There are certain matters, however, with regard to which the appeal as of right cannot be abolished by Dominion legislation so long as the Colonial Laws Validity Act, 1865, continues in its present application to the Dominions. These are Admiralty Appeals under Section 6 of the Colonial Courts of Admiralty Act, 1890 (53 & 54 Vic. c. 27), and Prize Appeals under Section 5 of the Naval Prize Act, 1864 (27 & 28 Vic. c. 25). Admiralty Appeals to the Privy Council are expressly saved by the South Africa Act, 1909, but the provisions of the Commonwealth of Australia and the Irish Free State Constitutions are silent on the subject.

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CHAPTER V.

THE OFFICIAL SECRETS ACTS.

The Official Secrets Act, 1889 (52 & 53 Vic. c. 52).

1. This Act applied to all acts made offences by the Act when committed in any part of His Majesty's dominions, or when committed by British officers or subjects elsewhere (Section 6 (1)). Section 5 provided for the suspension by Order in Council of this Act in any British Possession the Legislature of which had made equivalent provision, and " British possession " was defined as any part of His Majesty's dominions not within the United Kingdom.

The Act was accordingly suspended in Jersey (1890) and in the Isle of Man (1890).

The Official Secrets Act, 1911 (1 & 2 Geo. V, c. 28).

2. This Act repealed the Act of 1889 but re-enacted in Section 10 (1) the provisions of Section 6 (1), and in Section 11 the provisions of Section 5, of the earlier Act.

Under Section 11 the Act has been suspended in Malta (1914), the Commonwealth of Australia (1915), and India (1923).

The Official Secrets Act, 1920 (10 & 11 Geo. V, c. 75).

3. This Act supplements and amends the Act of 1911 (referred to as the principal Act) and provides (Section 11 (1)) that it shall be construed as one with the principal Act and that the two Acts may be cited together as the Official Secrets Acts, 1911 and 1920.

By proviso (*a*) to Section 11 (1), the Dominions and India are expressly excluded from its operation, but it applies to all the rest of His Majesty's dominions, and it may be mentioned that, on Malta having passed legislation equivalent to the Act of 1920, the Order in Council of 1914 suspending the Act of 1911 in Malta was replaced by an Order in Council in 1923 suspending both Acts in that Island.

It would not appear that either the Act of 1911 or the Act of 1920 has been suspended in Jersey or the Isle of Man.

The Act was passed on the 23rd December, 1920, and copies were sent out to the Dominions on the 15th January, 1921. The Dominions generally have not passed similar legislation up to the present time ; but the Irish Free State has recently issued an Order under the (Free State) Adaptation of Enactments Act, 1922, with the object of adapting the Acts of 1911 and 1920 for Free State purposes only.

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CHAPTER VI.

(1) THE FUGITIVE OFFENDERS ACT, 1881.

(2) THE EXTRADITION ACTS, 1870 TO 1906.

(3) THE COLONIAL PRISONERS REMOVAL ACTS, 1869 AND 1884.

(1)—The Fugitive Offenders Act, 1881.

1. The Fugitive Offenders Act, 1881 (44 & 45 Vic. c. 69), applies throughout His Majesty's dominions. Part I of the Act provides machinery for securing that a person accused of having committed certain offences in one part of these dominions can be arrested and returned to that part if found in some other part. The procedure provided for this purpose bears a general resemblance to extradition, but it is naturally of a simpler and less formal character, since there is no question, as in the case of extradition, of the Government of any part dealing with foreign States.

The offences to which Part I of the Act applies are treason and piracy and every offence for the time being punishable, in the part of His Majesty's dominions in which it was committed, by not less than twelve months' imprisonment with hard labour, or any greater punishment.

2. The first step in the procedure, under Part I of the Act, is the issue in the place where the offence was committed of a warrant for the arrest of the offender. The arrest may be effected either under the authority of an endorsement of this warrant by the proper authority in the place to which the fugitive goes or, as is more usually the case, under authority of a provisional warrant issued by a magistrate in that place. The application for a provisional warrant must be supported by such information as would justify the issue of a warrant, if the offence of which the fugitive is accused had been committed in the jurisdiction of the magistrate to whom the application is made (Section 4).

3. The essential requirements of the system established by Part I are: (*a*) that a fugitive cannot be sent back to the place whose authorities have applied for his return until the original warrant has arrived (Section 5); (*b*) that the evidence produced to the magistrate shall, according to the law ordinarily administered by him, be such as to raise a strong or probable presumption that the fugitive committed the offence mentioned in the warrant (Section 5); (*c*) that the fugitive shall only be returned under the authority of a warrant under the hand of a Secretary of State in the United Kingdom or the Governor of the Possession, as the case may be.

The Act provides certain safeguards so as to ensure, e.g., that the fugitive shall not be returned until he has had the opportunity of applying for a writ of habeas corpus.

4. The procedure laid down by this Act has hitherto necessarily been dependent upon an Act of the Imperial Parliament giving extra-territorial effect throughout all the dominions and on British ships on the high seas to warrants of return issued in any part. Thus, by Section 6 of the Act of 1881, a warrant of return signed by the Secretary of State or the Governor of a British Possession authorises the conveyance of the offender by sea or otherwise in legal custody to the part of His Majesty's dominions from which he is a fugitive. Section 27 of the Act provides that the fugitive may be sent "in any ship belonging to Her Majesty or to any of Her subjects" and empowers the authority

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signing the warrant to require the master of the ship to receive the fugitive and on the ship's arrival in the part of His Majesty's dominions to which he is being returned to give him into custody of some constable there to be dealt with according to law.

5. The Act contains no provision corresponding to the provision in Section 18 of the Extradition Act, 1870 (33 & 34 Vic. c. 52), which provides for the complete suspension of the Imperial legislation in the case of a British Possession which has passed comprehensive legislation of its own. Section 32 of the Act of 1881 makes provision for recognising and giving effect by Order in Council to local legislation relating to certain specified matters; and when such an Order has been made the local law, subject to any modification or alterations specified in the Order, has effect throughout His Majesty's dominions and on the high seas as if it were part of the Act of 1881. The matters specified include the definition of offences committed in the Possession to which the Act of 1881 is to apply, the determination of certain matters of procedure and costs and generally anything which is necessary or proper for the carrying of the Act into effect in the Possession.

6. In Part II of the Act of 1881 (Sections 12 to 19) there are provisions relating to the inter-colonial backing of warrants so as to facilitate, without the intervention of the Governor, the transfer of accused persons as between British Possessions which are grouped together for this purpose under the Act by reason of their contiguity. This scheme applies only to groups of British Possessions which are so constituted by Order in Council.

In the case of Australia an Order was made under the Act in 1925 for the purpose of grouping together the different Australasian territories.

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(2)—The Extradition Acts, 1870 to 1906.

1. The Acts of the Imperial Parliament relating to extradition are :—
The Extradition Act, 1870 (33 & 34 Vic. c. 52) ;
The Extradition Act, 1870 (Amendment) Act, 1873 (36 & 37 Vic. c. 60) ;
The Extradition Act, 1895 (58 & 59 Vic. c. 33) ;
The Extradition Act, 1906 (6 Ed. VII. c. 15).

2. The Imperial Acts authorise the carrying out of arrangements made with foreign States for the surrender of criminals who are fugitive from those States and are charged with having committed an extradition crime. To bring the Acts into operation in relation to any foreign State it is necessary that there should be (1) an extradition treaty with that State ; and (2) an Order in Council made in Great Britain applying the Acts in the case of that State, subject to such "conditions, exceptions and qualifications as may be deemed expedient" (Section 2 of the Act of 1870). When the Acts are so applied in the case of any foreign State, every fugitive criminal of that State who "is in or suspected of being in any part of His Majesty's dominions (or that part which is specified in the Order in Council applying the Acts, as the case may be) is liable to be apprehended and surrendered" as provided by the Acts whether there is or is not any concurrent jurisdiction in any court of His Majesty's dominions over the crime in respect of which the surrender is sought (Section 6 of the Act of 1870).

The term "Extradition crime" is defined as meaning a crime which, if committed in England or within English jurisdiction or if committed in any British Possession to which the Act is extended, would be one of the crimes described in the first schedule to the Act of 1870.

The term "Fugitive criminal" means any person accused or convicted of an extradition crime committed within the jurisdiction of any foreign State who is in or is suspected of being in some part of His Majesty's dominions.

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3. The Acts when applied by Order in Council extend, unless otherwise provided in the Order, to every British Possession in the same manner as if, throughout the Acts, the British Possession were substituted for United Kingdom or England as the case may require (Section 17 of the Act of 1870). The Governor of a British Possession has all the powers and duties of the Secretary of State and of a police magistrate in relation to the surrender of a fugitive criminal; and the warrant for surrender is issued by him subject to the right on the part of the person charged to challenge the legality of the surrender in the same way as in the United Kingdom.

4. (*a*) The Extradition Acts thus apply generally throughout His Majesty's dominions; but provision is made in Section 18 of the Act of 1870 for the suspension of the operation of the Acts in any part of the dominions by Order in Council if, in that part, there is a law or ordinance of the local Legislature in force for carrying into effect the surrender of fugitive criminals and so long as such law or ordinance continues in force, and no longer. A "suspending" Order in Council is only made if the part of the dominions in question has passed a comprehensive Extradition Act for itself. Only in the case of Canada has the Act been so suspended, Canada having enacted many years ago a comprehensive Extradition Law of its own (Canadian Revised Statutes, 1906, c. 155) consolidating and amending previous Acts of 1877 (C. 25) 1882 (C. 20) and 1886 (C. 142).

(*b*) Section 18 of the Act of 1870 also provides, alternatively, that an Order in Council may be made directing that any local law or ordinance relating to the surrender of fugitive criminals in a British Possession shall have effect in that Possession as if the local law were part of the Act of 1870. The intention and effect of this is to enable a Possession to regulate by local enactment matters of domestic machinery and procedure according to its own requirements. Such enactments have been passed in some of the Dominions and Colonies and effect has been given to them by Orders in Council, with the result that the local procedure becomes (locally) part of the scheme of extradition under the Act of 1870. Extradition procedure in Australia, for example, is regulated by a Commonwealth Act to which effect has been given by an Order in Council under this part of Section 18. (Extradition Act, 1903, of the Commonwealth.)

It is to be observed that "legislature of a British possession" in Section 18 of the Act of 1870 means the Central Legislature of the Possession. In a Dominion, therefore, a Provincial or State Legislature cannot legislate on the subject of extradition as contemplated by the Act of 1870.

It is also to be observed that neither of the alternative powers given by Section 18 is confined to self-governing Dominions. Both extend to all British Possessions, but no Colony has acted on the former alternative (comprehensive legislation).

In a draft Bill prepared during the war, and submitted to and agreed by all the Dominions then existing, it was proposed, *inter alia*, that the Imperial Act should be suspended only in the case of legislation by a Dominion. A copy of the Bill is annexed.

5. The Act of 1870 appears to contemplate only general extradition treaties which apply or may be applied to the whole Empire. Such treaties have in the past been negotiated by His Majesty's Government in Great Britain and up to a recent date (1924) this was done without previous consultation with the Dominions or India. In recently concluded treaties, however, it is provided that the treaty shall not apply to any of the Dominions or India unless notice of accession is given and that it may be separately terminated in respect of any Dominion or India. The corresponding Orders in Council applying the Act of 1870 in the case of the foreign States with whom these treaties have been made contain a provision suspending the operation of the Act within each of the Dominions (except Canada) and India until accession has been notified. Six extradition treaties containing this provision have been negotiated since 1924 and to these all the Dominions have acceded.

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It may be pointed out that Canada has entered into two independent obligations with the United States by separate treaties concluded in 1922 and 1925. These treaties are expressed to be supplementary to, and an integral part of the extradition treaties in force between, the United States and Great Britain.

6. With regard to the operation of surrender warrants, the present position is that a surrender warrant issued under the Act of 1870 is valid throughout His Majesty's dominions (save possibly in Canada, which has its own Extradition Act), but a surrender warrant issued in Canada is invalid out of Canada. If a person who is extradited from Canada passes through England *en route*, e.g., to Germany, it becomes necessary, in the event of the offender disputing the legality of his custody, to begin extradition proceedings against him in England *de novo*.* In other words, while in custody under a Canadian warrant only, he cannot be said to be in legal custody in England.

7. It was contemplated that the difficulty mentioned in the last paragraph might be met by an amendment of the Act on the lines proposed in Clause 2 (1) (*b*) of the Bill, copy of which is annexed.

APPENDIX.

Draft of a Bill to Amend the Law relating to Extradition and Fugitive Offenders.

Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Part I.—Extradition.

Power of legislatures of British possessions to add to extradition crimes.

1. It shall be lawful for the legislature of any part of His Majesty's Dominions outside the United Kingdom by law or ordinance to add to the list of extradition crimes mentioned in the First Schedule to the Extradition Act, 1870, such crimes as may be specified in such law or ordinance, and where such a law or ordinance has been passed the Extradition Acts, 1870 to 1906, as extended to that part of His Majesty's Dominions by Order in Council, whether made before or after the passing of this Act, shall as respects that part have effect as if the crimes so added were included in the said list.

Extradition legislation of British possessions.

2.—(1) If by any law or ordinance made either before or after the passing of this Act by the legislature of any part of His Majesty's Dominions outside the United Kingdom provision is made for carrying into effect within such part the surrender of fugitive criminals who are in or suspected of being in such part, His Majesty may by the Order in Council applying the Extradition Acts, 1870 to 1906, in the case of any foreign state, or by any subsequent Order—

(*a*) direct that such law or ordinance or any part thereof shall have effect in such part of His Majesty's Dominions with or without modifications and alterations as if it were part of those Acts ; or

(*b*) if such law or ordinance has been made by the legislature of any of the self-governing Dominions suspend the operation within that Dominion of those Acts or any part thereof so far as they relate to such foreign state, and so long as such law or ordinance continues in force there, and direct that such law or ordinance shall, with or without modification, be recognised and given effect to throughout His Majesty's Dominions and on the high seas, in substitution, as respects the Dominion in question, for the Extradition Acts, 1870 to 1906, or such part thereof as aforesaid.

(2) In this section the expression " self-governing Dominion " means the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa, and Newfoundland.

(3) Section eighteen of the Extradition Act, 1870, is hereby repealed, but nothing in this repeal shall affect the provisions of any Order in Council having effect under the said section eighteen, and any such provisions shall continue in force and may be revoked, altered, or amended as if made under this section.

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* Police conducting such a person across England are in practice furnished with a provisional warrant of arrest for use if necessary.

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3. For removing doubts it is hereby declared :— Removal of doubts on certain points.

(1) that a warrant for the apprehension of a fugitive criminal under section eight of the Extradition Act, 1870, may be issued before his arrival in the United Kingdom if it is believed that he will shortly arrive there ;

(2) that evidence on oath of the commission of an offence within His Majesty's Dominions may be taken in the absence of the accused for the purpose of supporting an application for his extradition from a foreign country.

4. A fugitive criminal committed to prison under section eleven of the Extradition Act, 1870, may, if he consents and does not wish to apply for a writ of habeas corpus, be surrendered before the expiration of the fifteen days mentioned in that section, anything in section three of that Act to the contrary notwithstanding. Time for surrender.

5. A Secretary of State may by order vary the forms set out in the schedule to the Extradition Act, 1870, or prescribe new forms in lieu thereof, and may prescribe additional forms for any of the purposes of that Act, and all such forms shall have effect as if enacted in the said schedule. Forms.

Part II.—Fugitive Offenders.

6. A fugitive committed to prison under section five of the Fugitive Offenders Act, 1881, may, if he consents and does not wish to apply for a writ of habeas corpus or other like process, be surrendered before the expiration of the fifteen days mentioned in that section, and that section and section six of the same Act shall have effect accordingly. Time of surrender.

Part III.—General.

7.—(1) This Act may be cited as the Extradition and Fugitive Offenders Act, 1918. Short title and construction.

(2) Part I of this Act shall be construed as one with the Extradition Acts, 1870 to 1906, and those Acts and Part I of this Act may be cited together as the Extradition Acts, 1870 to 1918.

(3) Part II of this Act shall be construed as one with the Fugitive Offenders Acts, 1881 and 1915, and those Acts and Part II of this Act may be cited together as the Fugitive Offenders Acts, 1881 to 1918.

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(3)—The Colonial Prisoners Removal Acts, 1869 and 1884.

1. The Colonial Prisoners Removal Act, 1869 (32 & 33 Vic. c. 10), provides for agreement between two Colonies for the removal of prisoners from one to the other. Such agreements require the sanction of an Order in Council here. No agreement of this kind, however, has ever been entered into by any Colony which now forms a Dominion or part of a Dominion.

2. The Colonial Prisoners Removal Act, 1884 (47 & 48 Vic. c. 31), provides for the removal of prisoners and criminal lunatics from one British Possession to another or to the United Kingdom. Under the definition of " British Possession " contained in the Act it applies directly to all parts of the Dominions and to India. Every Dominion has, however, long been able to make adequate provision for its own prisoners, and Dominion prisoners are not sent to the United Kingdom under this Act. There might, perhaps, be some rare and exceptional case in which a Dominion desired to do so, and recently a prisoner was, in special circumstances, removed from Southern Rhodesia (a self-governing Colony) to this country under the Act.

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CHAPTER VII.

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(1) CERTAIN ACTS RELATING TO EVIDENCE.

(2) THE BANKRUPTCY ACTS, 1914 AND 1926.

(3) THE COMPANIES ACTS.

(4) THE COINAGE ACTS.

(5) INDUSTRIAL PROPERTY.

(6) AIR NAVIGATION.

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(1)—Certain Acts relating to Evidence.

The British Law Ascertainment Act, 1859 (22 & 23 Vic. c. 63).

1. This Act enables a court in one part of His Majesty's dominions to remit a case for the opinion of a court in another part thereof on any point on which the law of the latter is different from the law in force in the part where the remitting court is situate. The latter court is bound to apply the opinion when obtained but the Judicial Committee or the House of Lords (as the case may be) on appeal may adopt or reject the opinion.

The Act applies to the superior courts of law or equity in the Dominions, but there is no information as to the extent, if any, to which they avail themselves of it.

The Foreign Law Ascertainment Act, 1861 (24 & 25 Vic. c. 11).

2. This Act enables courts in His Majesty's dominions to remit a case to a foreign court for an opinion as to the foreign law applicable to the facts of the case, and conversely to pronounce an opinion as to their own law on a case remitted to them by a foreign court.

The Act, however, only comes into operation in pursuance of conventions entered into with foreign States for the purpose, and as it is understood that no such conventions have at present been made it remains practically a dead letter.

The Evidence by Commission Acts, 1859 and 1885 (22 Vic. c. 20, and 48 & 49 Vic. c. 74).

3. These Acts provide for the taking of evidence in cases pending before courts in His Majesty's dominions in places out of the jurisdiction of such courts.

The court issues a commission or order for the examination of witnesses out of its jurisdiction and the court within whose jurisdiction they are makes an order for their examination and the production of documents, etc., and generally enforces the order of the first-mentioned court as if it were its own.

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The Act of 1859 provides that " any Supreme Court in any of His Majesty's colonies or possessions abroad, and any judges of any such Court, and every judge in any such colony or possession, who, by an order of His Majesty in Council may be appointed for this purpose, shall respectively be Courts and judges having authority under this Act," and it enables the chief or only judge of the Supreme Court in any of His Majesty's colonies or possessions abroad, so far as relates to such colony or possession, to make rules for giving effect to the provisions of the Act, and regulating the procedure thereunder.

The Foreign Tribunals Evidence Act, 1856 (19 & 20 Vic. c. 113).

4. This Act provides for the taking of evidence in His Majesty's dominions in relation to civil and commercial matters pending before foreign tribunals, and Section 24 of the Extradition Act, 1870, extends its provisions to criminal matters of a non-political character so pending.

The Act contains provisions similar to those contained in the Evidence by Commission Act, 1859, with regard to the judges who are to have authority under the Act in the colonies, but differs from that Act in conferring the rule-making power on the Lord Chancellor, with the assistance of two of the judges of the Courts of Common Law at Westminster (now the Supreme Court Rule Committee).

The practice under both Acts is regulated by the same rules in England (*see* Rules of the Supreme Court, Order 37, rules 54–60).

It would appear that the Dominions, in general, have adopted similar rules of practice, both as regards the Evidence by Commission Act and as regards the Foreign Tribunals Evidence Act.

The Evidence Act, 1851 (14 & 15 Vic. c. 99), Section 11.

5. Under this Section every document which, under any law for the time being in force, is admissible in the English or Irish Courts without proof of seal, stamp, or signature or of the judicial or official character of the person signing the same is made admissible to the same extent and for the same purposes in any court of any of the British colonies without proof of seal, stamp, or signature or of the judicial or official character of the person signing the same.

Several of the Dominions have already re-enacted, without material alteration, the substance of this provision in its relation to themselves.

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(2)—The Bankruptcy Acts, 1914 and 1926.

1. The Bankruptcy Acts, 1914 and 1926 (4 & 5, Geo. V, c. 59, and 16 & 17 Geo. V, c. 7), which contain the bankruptcy code at present in force apply in some respects to the Dominions.

2. By Section 122 of the Bankruptcy Act, 1914 (commonly known as the mutual aid section), it is provided that the High Court, County Courts, Courts having jurisdiction in bankruptcy in Scotland and Ireland and every British Court elsewhere having jurisdiction in bankruptcy or insolvency, and the officers of those Courts, respectively, shall severally act in aid of and be auxiliary to each other in all matters of bankruptcy, and that an Order of the Court seeking aid with a request to another of the said Courts shall be deemed sufficient to enable the latter Court to exercise, in regard to matters directed by the Order, such jurisdiction as either the Court which made the request or the Court to which the request was made would exercise in regard to similar matters within their respective jurisdiction.

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3. By Section 167 of the Bankruptcy Act, 1914, the property which passes on an Order of Adjudication is defined as money, goods, land and every description of property whether situate in England or elsewhere, and it has been held that a bankrupt's property in the Dominions passes to the Trustee in an English bankruptcy subject, in the case of land, to any local requirements as to the conditions necessary to effect a transfer of real estate there. (*Ellis v. MacHenry*, L.R. 6, C.P. 228 and *Callender v. Lagos*, 1891, A.C. 460.)

4. Whether a Dominion adjudication passes property of the bankrupt outside the territorial limits of that Dominion was formerly open to some doubt. The better opinion, however, now appears to be that the mutual aid section in the English Act of 1914 is properly construed as giving as a matter of practice extra-territorial effect to a Dominion adjudication—*re Levy's Trust*, 30 Chancery Division 119.

5. An order of discharge from an English bankruptcy under an Imperial Act (which includes for this purpose the Scottish Act) is a good defence to an action of debt in any part of the Dominions no matter what the law of the debt may be—(*New Zealand Loan Company v. Morrison*, 1898, A.C. 359). On the other hand an order for discharge under a Dominion Statute is probably not a good discharge outside the jurisdiction of the Dominion unless by the law governing the debt such an order operates as a discharge, e.g., it has been held that a discharge from a Victorian bankruptcy is not a good discharge from a debt governed by the law of England (*Bartley v. Hodges*, 1861, 1 B. and S. 375).

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(3)—The Companies Acts.

1. The Companies (Consolidation) Act, 1908 (8 Ed. VII, c. 69), does not apply in the Dominions except with regard to the keeping of Colonial Registers by British companies. By Section 34 of the Act provision is made that a company whose objects comprise the transaction of business in a Colony may, if authorised by its articles, cause to be kept in any Colony in which it transacts business a branch register of members resident in that Colony. By Section 35 it is provided that this Colonial Register shall be kept in the same manner in which the principal register is required by the Act to be kept, and that any competent court in the Colony may exercise the same jurisdiction of rectifying the register as under the Act is exercisable by the High Court in England and, further, that the offences of refusing inspection or copies of the Colonial Register may be prosecuted summarily before any tribunal in the Colony having summary criminal jurisdiction.

2. Mention should also be made of the Companies Act, 1928 (18 & 19 Geo. V, c. 45), which was passed in August of 1928 but which does not come into force until a day to be fixed by Order in Council. It is hoped that the necessary legislation to consolidate all the Companies Acts will be passed during the year 1929, and in the consolidated Act the provisions of the Act of 1928 will be included.

3. By Section 10 of that Act amendments are made in Section 34 of the Act of 1908 above referred to. The effect of these amendments is that a Company having a share capital, whose objects comprise the transaction of business in any part of His Majesty's dominions outside Great Britain, the Channel Islands, or the Isle of Man, may cause to be kept in such part of His Majesty's dominions in which it transacts business a Branch Register of members resident in that part, and for references to a " Colonial Register " wherever they occur in the Act of 1908 or in any Articles of Association, there is substituted a reference to a "Dominion Register." Provision is also made for punishment by fine of Companies in default in complying with the provisions of Subsection (2) of Section 34, and Subsection (3) of Section 35 of the Act of 1908, which provide for the notification of the situation of a Branch Register to the Registrar of Companies, and for the keeping at the Registered Office of the Company of a duplicate of the Dominion Register.

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4. By Section 11 of the 1928 Act provision is made that if by virtue of the law in force in any of His Majesty's dominions outside Great Britain, companies incorporated under that law have power to keep in Great Britain Branch Registers of their members resident in Great Britain, His Majesty may, by Order in Council, direct that Sections 30 and 32 of the Companies Act, 1908, which deal with the inspection of the Register and the power of the Court to rectify the Register shall, subject to any modifications and adaptations specified in the Order, apply to such Branch Registers kept in Great Britain.

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(4)—The Coinage Acts.

1. The coinage of money and matters relating thereto are part of the Royal Prerogative, though now regulated by a series of Statutes the most important of which for the present purpose are the Coinage Act, 1870 (37 Vic. c. 10), subsequently amended by the Coinage Act, 1891 (54 & 55 Vic. c. 72), and the Coinage Act, 1920 (10 Geo. V, c. 3). It is an interesting but unprofitable speculation whether the original prerogative powers in relation to the coinage still exist, or are to be regarded as superseded by existing legislation.

2. There is no record of the grant of this prerogative to the Governor of a Dominion. It is a branch of the prerogative which, subject to Imperial legislation, can be exercised by the self-governing Dominions, and in fact local Statutes on the subject have been passed in all the Dominions with the exception of New Zealand. The British North America Act, 1867, and the Commonwealth of Australia Act, 1900, reserve the exclusive power of legislating on coinage and legal tender to the Dominion and Commonwealth Parliaments, respectively, while in the other Dominions the power is derived from the right to legislate for the peace, order, and good government in the Dominion constitution. By Section 4 of the Government of Ireland Act, 1920, the Parliament of Northern Ireland is expressly prohibited from making laws in respect of coinage, legal tender, and negotiable instruments including bank notes. The right of disallowance has been not infrequently exercised in the case of Dominion legislation on coinage matters, though not of recent years; the history of the subject is exhaustively dealt with in Lord Chalmers' book on Colonial Currency (1893).

3. The Imperial coinage legislation, however, is still applicable to the Dominions to the limited extent indicated in the following paragraphs.

4. The Coinage Act, 1870, a consolidating and amending Statute, enacts a standard of weight and fineness for all coins and regulates the amounts for which particular classes of coins shall be legal tender. It prohibits the making and issuing of coinage except by the Mint, and provides that all profits received by the Mint shall be paid into the Exchequer. It further empowers His Majesty, with the advice of the Privy Council, from time to time by Proclamation (*inter alia*) to determine the dimension and design of any coin and the denomination of coins to be coined at the Mint; to call in coins of any date or denomination; to direct that the coins coined in any foreign country shall be current and be a legal tender at such rates and up to such amounts and in such portion of His Majesty's Dominions as may be specified in the Proclamation; to direct the establishment of any branch of the Mint in any British Possession, to impose a charge for the coinage of gold thereat, to determine the application of such charge and to determine the extent to which such branch is to be deemed part of the Mint and to which coins issued therefrom are to be current and be legal tender; to direct that the whole or any part of the Act shall apply to and be enforced in any British Possession with or without any modifications contained in the Proclamation; and to regulate any matters relative to the coinage at the Mint within the existing prerogative of the Crown which are not provided for by the Act. The Act of 1891 amends the Act of 1870 in certain particulars not material to the present purpose. The Act of 1920 makes further amendments in the earlier Act and provides that where, by virtue of a Proclamation made under the Act of 1870, the whole or any part of that Act is in force in any British Possession, the Act of 1870 shall apply in that Possession as amended by the Act of 1920, but in the case of the self-governing Dominions only if the provisions of the Act of 1920 are adopted as regards the Dominion by a Proclamation of the Governor-General or Governor.

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5. By a Proclamation dated the 1st August, 1896, and issued under the Act of 1870, certain sections of the Act, as amended by the Act of 1891, were applied to the six Australian States and to New Zealand, the Order in Council by which the Proclamation was approved directing that the Proclamation itself should take effect in each Colony as from the date of its promulgation in the Colony. In New Zealand the Proclamation is still in force ; but the establishment of the Commonwealth of Australia in 1900 with its reservation of coinage legislation to the Commonwealth Parliament was followed by a Commonwealth Act of 1909 which dealt with coinage and legal tender of the Commonwealth and provided for a new Commonwealth silver coinage. This Act superseded the Proclamation of 1896 so far as regards Australia, but in order to make it valid (by reason of the Colonial Laws Validity Act) a further Proclamation was necessary repealing that of 1896, and this was duly issued on 23rd January, 1911.

6. A Proclamation under the Act of 1870, dated the 29th November, 1881, applied the whole of the Act of 1870 to the Cape of Good Hope and Natal, and a further Proclamation of the 16th February, 1906, applied certain parts of the Act of 1870, as amended by the Act of 1891, to the Transvaal. A later Proclamation of the 23rd January, 1911, revoked the earlier Proclamation and applied certain sections of the Act of 1870, as so amended, to the whole of the Union of South Africa. Under the Union of South Africa Coinage Act, 1922, the Union Government has power to issue its own bronze and silver coin, and this power is recognised by a Proclamation of 14th December, 1922.

7. There is no Proclamation under the Act of 1870 in force in Canada, but a Canadian Act of 1871 provided for the issue of a Royal Proclamation fixing the nominal rates at which coins struck for use in Canada should be current. A later Canadian Act, however, in 1910 transferred to the Governor-General in Council the Proclamation-making power. Though the Act of 1871 contemplated the issue of a Canadian gold coinage, no gold coins were in fact struck in Canada until the establishment of the Ottawa Mint in 1907.

8. In Newfoundland there appears to have been a combination of local legislation and Royal Proclamations. In accordance with a local Act of 1873, a Proclamation was issued on the 9th August, 1870, authorising a special coinage to be struck at the Royal Mint for Newfoundland. The local Act at present in force is the Currency Act, 1917, which (*inter alia*) empowers His Majesty in Council to cause new coins to be struck for Newfoundland and to fix the rates at which American gold coins shall be legal tender.

9. The position in the Irish Free State is governed by the Free State Coinage Act, 1926, which provides for the issue of silver, nickel, and bronze coins of various denominations, and by the Free State Currency Act of 1927, which authorises the issue of gold coinage, provides for the issue of currency notes, etc. The Irish Free State are now arranging to issue a token coinage of their own.

10. Among other powers conferred by the Act of 1870 upon His Majesty in Council is, as already stated, the power to issue Proclamations establishing branch Mints in any British Possessions. Before 1870, Proclamations for this purpose had been issued under the prerogative and a branch Mint was so established at Sydney in 1855, and at Melbourne in 1869. By Proclamations issued under the Act of 1870, branch Mints were established at Perth in 1898, at Ottawa in 1907, and at Pretoria in 1911. Further provision was made by Proclamation in 1900 in relation to the Mints at Melbourne and Sydney, but the Sydney Mint was ultimately discontinued (also by Proclamation) in 1926. These branch Mints are all under the control of the Royal Mint and of the British Treasury, arrangements being made with the Dominion Governments for the payment by the latter to the British Government of the necessary establishment charges, the profits made by the branch Mint being paid into the local Exchequer. The Ottawa Mint Proclamation, which may be taken as typical, is dated the 2nd November, 1907, and after declaring the establishment of a branch of the Mint at or near Ottawa, provided that gold coins of the same dimensions, designs, weights, and finenesses as gold coins coined at the Mint in England might be coined at the Ottawa Mint and should be deemed to have been issued from the Mint in England and be current and a legal tender in like manner

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and to the same extent as if they had been coined in England. They are, therefore, legal tender wherever British gold coin is legal tender. The Proclamation further provides that, subject to any regulations and conditions which may be made by the Master of the Mint in England, the Ottawa Mint shall coin there any gold, silver, bronze, or other coins which the Governor-General of the Dominion desires to be so coined, and which is for the time being a coin of the Dominion and current and legal tender in the Dominion ; but the coins so coined shall not for the purposes of the Coinage Act, 1870, be deemed to be coins made at or issued at the Mint in England. They are, therefore, legal tender only within the limits of the Dominion. The Canadian silver coinage is now struck at the Ottawa Mint, and the Australian silver coinage at one or other of the Australian Mints. Similarly in South Africa the branch Mint is engaged in preparing local token currency.

11. Proclamations have been issued under the Act of 1870 from time to time directing that foreign currency shall be a legal tender in various British Possessions at such rates and up to such amounts as may be specified in the Proclamation ; and also making legal tender elsewhere than the country of origin coins struck at any of the branch Mints. Similar Proclamations were issued before 1870 under the Royal prerogative. Thus, a Proclamation dated the 19th August, 1853, declared gold coins made at the Sydney Mint to be a legal tender in a number of British Possessions including the Cape of Good Hope.

12. The control of note issues appears never to have been regarded as part of the prerogative, and though local Acts on the subject have from time to time been disallowed for various reasons, there is no case in which any Proclamation has been issued regulating the note issues in a Dominion, nor is there any Imperial Statute authorising the issue of any such Proclamation. A local Newfoundland Act, however, expressly provided in 1919 that the Act should only come into operation upon a date to be appointed for the purpose by a Proclamation of the Governor to the effect that the Act had been approved and confirmed by His Majesty in Council. This approval was signified by an Order in Council dated the 29th October, 1919, which was followed by a Proclamation of the Governor dated the 3rd March, 1920.

13. It will be seen, therefore, that matters relating to currency in the Dominions may be regulated at the present time either (1) by local legislation ; or (2) by Proclamation under the Act of 1870 ; or (3) partly by local legislation and partly by Proclamation. In Australia, Canada, Newfoundland, and the Irish Free State, the currency at the present time is for the most part regulated by local legislation, though Proclamations relating to the branch Mints in Australia and Canada still remain in force ; in New Zealand and, to some extent, in the Union of South Africa by Proclamations under the Act of 1870. It should be observed that the Act of 1870 is not employed to regulate questions of currency which are domestic to the Dominion. The Dominions have a free hand so far as their token coinage is concerned, e.g., Section 6 (1) of the Union of South Africa Coinage Act, 1922, provides that :—

> " The Governor General may, by proclamation in the Gazette, do any of the following things :
>
> (*a*) determine the dimensions of and design for any Union coin,
>
> (*b*) diminish the amount of the remedy allowed in the case of Union coins,
>
> (*c*) determine the least current weight of any Transvaal or Union coin other than gold coin,
>
> (*d*) call in Transvaal coins or Union coins of any date or denomination,
>
> (*e*) revoke or alter any such proclamation previously issued."

14. To sum up, the machinery of Proclamations under the Act of 1870 is only used, so far as the Dominions are concerned, to direct the establishment and to regulate the operations of the branch Mints (which have the privilege of coining sovereigns and half-sovereigns) or to regulate the token coinage in those Dominions (e.g., New Zealand) which have elected to retain British silver in circulation.

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ORDERS IN COUNCIL AND PROCLAMATIONS RELATING TO COINAGE AND CURRENCY IN THE DOMINIONS: IN FORCE, 1928.

1896. February 8.

Order in Council assenting to Bill passed by Legislature of Western Australia providing for the maintenance of a branch of the Royal Mint at Perth, Western Australia.

1896. August 1.

Order in Council approving Proclamation applying parts of the Coinage Act, 1870, to New Zealand.

1897. October 13.

(Amended by Order in Council and Proclamation of 7th March, 1898.)

Order in Council approving Proclamation establishing a Branch Mint at Perth, Western Australia, giving currency to gold coins coined there as if they had been issued in England, etc.

1900. September 17.

Order in Council approving the Melbourne Mint Proclamation, 1900, continuing establishment of Melbourne Branch Mint (originally established by Proclamation of 7th August, 1869); giving currency to sovereigns and half-sovereigns of the Melbourne Branch Mint as if they had been issued in England, etc.; and revoking previous Order in Council and Proclamation of the 7th August, 1869.

1900. September 17.

Order in Council approving the Sydney Mint Proclamation, 1900, continuing establishment of Sydney Branch Mint (originally established by Order in Council of 19th August, 1853) giving currency to sovereigns and half-sovereigns of the Sydney Branch Mint as if they had been issued in England, etc.; and revoking previous Orders in Council and Proclamations of 19th August, 1853, 18th October, 1854, 3rd February, 1866, 10th November, 1866, 14th January, 1871, 24th March, 1871, and 23rd November, 1877.

1907. November 2.

Order in Council approving the Ottawa Mint Proclamation, 1907, establishing Branch Mint at Ottawa, provision having been made for its maintenance by the Dominion Government; and giving currency to sovereigns and half-sovereigns of Ottawa Branch Mint, as if they had been issued in England, etc.

1911. January 23.

Order in Council reciting the enactment by the Commonwealth Parliament of the Coinage Act, 1908, and revoking, so far as relates to the Commonwealth of Australia, a Proclamation of 1st August, 1896, applying parts of the Coinage Act, 1870, to the six Australian States.

1911. January 23.

Order in Council approving the Union of South Africa and Basutoland (Coinage) Proclamation, 1911, applying parts of the Coinage Act, 1870, to the Union of South Africa and Basutoland.

1922. December 14.

The Pretoria Mint Proclamation, 1922, establishing a branch of the Royal Mint at Pretoria, reciting that provision has been made for its maintenance by the Government of the Union of South Africa, giving currency to sterling gold coins coined at Pretoria as if they had been coined and issued in England, etc.

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1926. November 5.

Sydney Mint (*Discontinuance*) *Proclamation, 1926*, discontinuing the branch of the Mint at Sydney.

In addition there were three Proclamations issued on 28th July, 1916, 20th June, 1922, and 25th July, 1924, regulating the payment to be made for bullion by the Australian Branch Mints. The last of these expired in 1925.

There are also two Orders in Council relating to Newfoundland, one of 9th August, 1870, approving a Proclamation giving currency in Newfoundland to certain gold, silver, and bronze coins, the other of 29th October, 1919, approving and confirming the Newfoundland Notes Act, 1919. In each case the Order in Council was required by virtue of a clause in a local Act.

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(5)—Industrial Property.

1. The Copyright Act of 1911 (1 & 2 Geo. V, c. 46) prima facie does not extend to a Dominion. Uniformity of law, however, can be, and has been, secured by the alternative machinery described below.

2. The first alternative—employed by the Commonwealth of Australia, the Union of South Africa, and Newfoundland—is direct adoption of the 1911 Act. Under Section 25 (1) the Dominion Legislature can declare that Act to be in force in the Dominion " either without any modifications and additions or with such modifications and additions relating exclusively to procedure and remedies or necessary to adapt this Act to the circumstances of the Dominion as may be enacted by such Legislature."

3. The second alternative, to which recourse was had in the case of New Zealand and Canada, is that of officially recognising the equivalent effect of legislation passed by the Dominion. Under Section 25 (2) when a Dominion has passed legislation giving " substantially identical " rights to works of which the authors (at the date of making the works) were either British subjects resident outside the Dominion or non-British subjects resident in some part of His Majesty's dominions to which the Act extends, then the Secretary of State may certify that fact by notice in the London Gazette and thereupon, so long as such legislation continues in force, the Dominion is treated (for the purpose of rights conferred by the Act) as one to which the Act extends.

Section 26 expressly authorises a Dominion to repeal or amend copyright enactments (including the 1911 Act) passed by the Imperial Parliament, and contains a further provision for reciprocity.

4. Under Section 3 of the Irish Free State Constitution Act, the Free State Parliament could have adopted the 1911 Act as an Act applicable to a Dominion. This step has not been taken. By the Irish Free State Industrial and Commercial Property (Protection) Act (No. 16 of 1927) the Free State has repealed the 1911 Act. This Act confers rights limited in certain respects, e.g., right of protection against translations—as compared with the Copyright Act of 1911, and the Secretary of State has not found it possible to issue a certificate under Section 25 (2). Negotiations are, however, proceeding with the Irish Free State with a view to the issue of an Order in Council under Section 26 (3), by which substantial reciprocity will be secured.

5. International copyright depends upon the application of the 1911 Act by Order in Council to foreign countries which undertake to give corresponding facilities. The principal Order in Council of 24th June, 1912, amended and extended almost every year since, applied the Act (as modified) to the various countries of the Copyright Union. The Order is expressly excluded from application to the Dominions. The Governors in Council of Dominions to which the 1911 Act extends can make similar Orders in Council in relation to their respective Dominions with like effect.

6. Provisions also exist for the mutual protection of patents, designs, and trade marks throughout the Empire.

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(6)—Air Navigation.

1. The only legislation relating to air navigation in force in this country is the Air Navigation Act, 1920 (10 & 11 Geo. V, c. 80). Apart from the question of jurisdiction mentioned in paragraph 2 below, this Act is not expressed to apply to the Dominions, and such application is by implication excluded by Section 4 (1) whereby power is given by Order in Council to extend, with any necessary modifications or exceptions, any of the provisions of the Act to any British Possessions other than those mentioned in the Schedule to the Act, and to any territory under His Majesty's protection. The Possessions mentioned in the Schedule consist of the Dominions (as then existing, that is, not including the Irish Free State), and India ; and by the proviso to Section 4 (1) " territory under His Majesty's protection " is defined as excluding any territory over which the Government of any part of His Majesty's dominions mentioned in the Schedule exercises authority.

2. Under Section 14 (1), any offence under the Act, or under an Order in Council or regulations made thereunder, and any offence whatever committed on a British aircraft is, for the purpose of conferring jurisdiction, to be deemed to have been committed in any place where the offender may for the time being be. By Article 2 of the Air Navigation (Consolidation) Order, 1923, made under the Act, the provisions of that Order are expressed to apply (unless the contrary intention appears) to all British aircraft registered in Great Britain and Northern Ireland wherever such aircraft may be. Jurisdiction is thus claimed over offences committed abroad, including offences committed in the Dominions, in or in respect of British aircraft registered in Great Britain and Northern Ireland. But apart from this point, and the special position of the Irish Free State, the Act of 1920 is regarded as having no application to the Dominions, all of which (except the Irish Free State and possibly Newfoundland) have passed air legislation of their own. The position in the Irish Free State is that, presumably under Article 73 of the Constitution, the Act of 1920 is in force there, subject to certain adaptations and modifications which have been made by Order of the Executive Council under the (Irish Free State) Adaptation of Enactments Act, 1922.

3. As regards future air legislation, it should be observed that as regards International relations the most important matters are governed by rules laid down in or under the International Air Navigation Convention of the 13th October, 1919, to which the United Kingdom, all the Dominions and India are parties. In practice similar rules are likely to govern inter-Imperial relations. The Convention does not extend to questions of private aerial law, but other international Conventions with a view to obtaining uniformity on these matters are in prospect.

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CHAPTER VIII.

CERTAIN LEGISLATION OF WHICH THE OPERATIVE EFFECT IS MAINLY IN RELATION TO FOREIGN TERRITORY.

(1) THE FOREIGN JURISDICTION ACTS, 1890 AND 1913.

(2) EXTRA-TERRITORIAL JURISDICTION IN RESPECT OF OFFENCES COMMITTED ON LAND BY BRITISH SUBJECTS.

(3) STATUTORY FUNCTIONS OF BRITISH CONSULAR OFFICERS.

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(1)—The Foreign Jurisdiction Acts, 1890 and 1913.

1. This section of this Chapter refers only to the exercise of jurisdiction under the Foreign Jurisdiction Acts over British subjects in countries where such persons possess ex-territorial rights and are consequently withdrawn from the jurisdiction of the local courts. It does not deal with the operation of the Acts in British Protectorates, mandated territories, etc.

2. The jurisdiction which " by treaty, capitulation, grant, usage, suffrance, and other lawful means His Majesty has within divers foreign countries " is exercised under the Foreign Jurisdiction Acts, 1890 and 1913 (53 & 54 Vic. c. 37, and 3 & 4 Geo. V, c. 16). Under these Acts it is lawful for His Majesty in Council to make provision for the exercise of such jurisdiction, and in each of the countries in question there is one or more Orders in Council made under the Acts (under the advice of His Majesty's Government in Great Britain), prescribing or constituting the body of law applicable to British subjects in that country, and establishing courts to administer it. The general scheme is to apply English (or in some cases Indian) law with such modifications or additions as local circumstances may necessitate.

3. This body of law is applicable to all British subjects (including British registered companies) and British ships when within the country in question, irrespective of the part of the Empire from which they may come; there are occasionally special provisions applicable only to Asiatics or other particular classes of British subjects, but these are not material to the present question. The Courts established by these Orders in Council have similarly jurisdiction over all British subjects in the country; they are usually held by consular officers, and where there are barrister judges these are appointed by His Majesty on the advice of the Foreign Secretary from among the members of the English Bar. The expense of maintaining these courts, so far as they are not self-supporting, is borne by the Diplomatic and Consular Vote, i.e., by the taxpayer of the United Kingdom.

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(2)—Extra-Territorial Jurisdiction in Respect of Offences Committed on Land by British Subjects.

1. The original criminal jurisdiction of the courts in England—which at common law was confined to offences committed within the body of the realm and was distinct from the jurisdiction exercised by the Admiral over British ships on the high seas and elsewhere—has from time to time been extended by Statute so as to enable those courts to try British subjects for certain offences committed on land outside the realm, whether in some other part of His Majesty's dominions or in foreign territory. Cases in which such jurisdiction has been conferred are treason (25 Edw. 3, st. 5, c. 2; 35 Hen. 8, c. 2), treason felony (11 & 12 Vic. c. 12); murder and manslaughter (Offences Against the Person Act, 1861 (24 & 25 Vic. c. 100, sections 9 and 10); bigamy (section 57 of that Act); offences against the Official Secrets Acts, 1911 and 1920 (1 & 2 Geo. V, c. 28, and 10 & 11 Geo. V, c. 75); the

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Foreign Enlistment Act, 1870 (33 & 34 Vic. c. 90) ; misdemeanours committed in India (13 Geo. 3, c. 63, section 39) ; and offences committed by persons employed in any public service out of Great Britain (42 Geo. 3, c. 85, section 1). The enactments in question apply to all British subjects.

2. As regards the criminal jurisdiction of the Courts of the Dominions, the position appears to be that under the law as it stands at present that jurisdiction does not extend to offences committed outside the limits of their territory and territorial waters except in so far as it has been otherwise provided by Imperial enactments, including the Dominion Constitution Acts. Hence the Dominions, in the absence of authority conferred by Imperial enactments, are not in a position legally to apply their own criminal laws extra-territorially. On the principle laid down in *MacLeod* v. *Attorney-General for New South Wales* (*1891*), *A.C. 445*, the general authority in their Constitution Acts to make laws for peace, order and good government would not enable them to enact legislation conferring jurisdiction on their Courts to try British subjects for offences committed outside their territorial limits and waters.

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(3)—Statutory Functions of British Consular Officers.

1. Certain functions are conferred on British consular officers by or under enactments of the Imperial Parliament, and, speaking generally, these functions are at present exercised by them in relation to any British subject who may be concerned irrespective of the part of the Empire from which he comes.

This section of this Chapter does not deal with functions performed by Consuls under the Merchant Shipping Act.

Notarial Duties.

2. Under the Commissioners for Oaths Acts, 1889, and 1891 (52 & 53 Vic. c. 10, and 54 & 55 Vic. c. 50) any British diplomatic or consular officer "exercising his functions in any foreign place may, in that country or place, administer any oath and take any affidavit and also do any notarial act which any Notary Public can do within the United Kingdom ; and every oath, affidavit and notarial act administered, sworn or done by or before any such person, shall be as effectual as if duly administered, sworn or done by or before any lawful authority in any part of the United Kingdom," and any document bearing the seal and signature of any such official is to be admitted in evidence without proof of the seal or signature or of the official character of the officer concerned.

3. It would seem that this provision only makes the documents with which it deals valid in the United Kingdom, but it is understood that in practice consular officers perform the functions in question irrespective of the part of the Empire from which the applicant (if he be a British subject) comes, or in which the document is to be used.

4. Legislation has been passed by some of the Canadian Provinces and three of the Australian States on the lines of Section 6 of the Act of 1889—summarised above—and a similar provision has been made by rule in the Union of South Africa. Moreover, legislation has been passed by New Zealand and Newfoundland and three of the Australian States substantially re-enacting Section 11 of the Evidence Act, 1851 (14 & 15 Vic. c. 99), under which every document admissible in an English court without proof of seal or signature or of the official character of the officer concerned is made admissible to the same extent and for the same purposes in the courts of New Zealand, etc., without proof of seal or signature or the official character of the officer concerned. Dominion legislation of this kind, therefore, covers consular documents which are made admissible in English courts by the Act of 1889.

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Foreign Marriages.

5. Under the Foreign Marriage Act, 1892 (55 & 56 Vic. c. 23), all marriages between parties, of whom one at least is a British subject, solemnized in accordance with the Act by or before a diplomatic or consular officer who is a marriage officer within the meaning of the Act (i.e., who holds a marriage warrant), " shall be as valid in law as if the same had been solemnized in the United Kingdom with a due observance of all forms required by law." The Foreign Marriages Order in Council, 1913, made under power conferred by the Act, provides the detailed regulations for the exercise of the function in question. The power which is given by the Act and Order to dispense with certain requirements as to notice, etc., is exercised by the Secretary of State for Foreign Affairs.

Apart from the question of persons professing polygamous religions, no distinction is made, in the application of the Act, between different classes of British subjects. If a Consul is requested to marry a British subject under the Act and the statutory requirements are complied with, he would not enquire from what part of the Empire the applicant came.

Employment of Children Abroad.

6. Under the Children (Employment Abroad) Act, 1913 (3 & 4 Geo. V, c. 7), certain functions are conferred upon consular officers in relation to children in respect of whom licences have been granted under the Act allowing them to go out of the United Kingdom for the purpose of singing, playing, etc., for profit.

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CHAPTER IX.

CONSTITUENT AND FEDERATING INSTRUMENTS (INCLUDING THE COLONIAL BOUNDARIES ACT, 1895), RESERVATION, AND DISALLOWANCE.

(1) DOMINION CONSTITUTIONS.

(*a*) PROVISIONS REQUIRING BILLS TO BE RESERVED.

(*b*) PROVISIONS ENABLING DOMINIONS TO ALTER THEIR CONSTITUTIONS.

(*c*) EXPRESS LIMITATIONS IN DOMINION CONSTITUTIONS AS TO THE SUBJECTS ON WHICH LEGISLATION MAY BE ENACTED.

(2) THE COLONIAL BOUNDARIES ACT, 1895.

(3) THE PREROGATIVE OF MERCY.

(4) THE COLONIAL STOCK ACTS.

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(1)—Dominion Constitutions.

(A)—Provisions requiring Bills to be Reserved.*

Australia.—By Section 74 of the Constitution of the Commonwealth of Australia (1900) it is provided that the Commonwealth Parliament may make laws limiting the matters in which special leave to appeal from the High Court of Australia to His Majesty in Council may be asked. But proposed laws containing any such limitation shall be reserved by the Governor-General for His Majesty's pleasure.

Canada.—Nil.

Irish Free State.—Nil.

Newfoundland.—Nil.

New Zealand.—By Section 65 of 15 and 16 Vic. c. 72 (the New Zealand Constitution Act, 1852) the General Assembly of New Zealand is given power to alter the sums allocated by the schedule for the Governor's salary, the Judges, the establishment of the general government and native purposes respectively, but any Bill altering the salary of the Governor or the sum allocated to native purposes " shall be reserved for the signification of Her Majesty's pleasure thereon."

(This section is one of those (*vide post*) which the General Assembly is not empowered to alter or repeal).

South Africa.—Section 64 of the South Africa Act, 1909 (9, Edw. VII, c. 9), provides that all Bills repealing or amending that section or any of the provisions of Chapter IV under the heading " House of Assembly " and all Bills abolishing provincial councils or abridging the powers conferred on them under Section 85, otherwise than in accordance with the provisions of that section shall be reserved for the signification of His Majesty's pleasure.

Section 106 of the Act contains a provision similar to that in Section 74 of the Constitution of the Commonwealth of Australia (*ante*). By Section 25 of the Schedule to the Act which lays down the terms and conditions on which the Governor in Council may undertake the government of native territories transferred to the Union under Section 151 it is provided that all Bills to amend or alter the provisions of this Schedule shall be reserved for the signification of His Majesty's pleasure.

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* There are also provisions in certain other Imperial enactments requiring the reservation of Dominion legislation, viz., the Colonial Courts of Admiralty Act, 1890 (*see* page 14 above), and the Merchant Shipping Act, 1894 (*see* separate memorandum relating to merchant shipping legislation).

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(B)—PROVISIONS ENABLING DOMINIONS TO ALTER THEIR CONSTITUTIONS.

Australia.—By Section 128 of the Constitution of the Commonwealth of Australia it is provided as follows :—

"This Constitution shall not be altered except in the following manner :—

The proposed law for the alteration thereof must be passed by an absolute majority of each House of the Parliament, and not less than two nor more than six months after its passage through both Houses the proposed law shall be submitted in each State to the electors qualified to vote for the election of members of the House of Representatives.

But if either House passes any such proposed law by an absolute majority, and the other House rejects or fails to pass it or passes it with any amendment to which the first-mentioned House will not agree, and if after an interval of three months the first-mentioned House in the same or the next session again passes the proposed law by an absolute majority with or without any amendment which has been made or agreed to by the other House, and such other House rejects or fails to pass it or passes it with any amendment to which the first-mentioned House will not agree, the Governor-General may submit the proposed law as last proposed by the first-mentioned House, and either with or without any amendments subsequently agreed to by both Houses, to the electors in each State qualified to vote for the election of the House of Representatives.

When a proposed law is submitted to the electors the vote shall be taken in such manner as the Parliament prescribes. But until the qualification of electors and members of the House of Representatives becomes uniform throughout the Commonwealth, only one-half the electors voting for and against the proposed law shall be counted in any State in which adult suffrage prevails.

And if in a majority of the States a majority of the electors voting approve the proposed law, and if a majority of all the electors voting also approve the proposed law, it shall be presented to the Governor-General for the Queen's assent.

No alteration diminishing the proportionate representation of any State in either House of the Parliament, or the minimum number of Representatives of a State in the House of Representatives, or increasing, diminishing, or otherwise altering the limits of the State, or in any manner affecting the provisions of the Constitution in relation thereto shall become law unless the majority of the electors voting in that State approve the proposed law."

Canada.—Nil.

Irish Free State.—Article 50 of the Constitution of the Irish Free State set forth in the first Schedule to the "Constituent Act" set forth in the Schedule to the Irish Free State Constitution, 1922, provides as follows :—

"Amendments of this Constitution within the terms of the Scheduled Treaty may be made by the Oireachtas, but no such amendment, passed by both Houses of the Oireachtas, after the expiration of a period of eight years from the date of the coming into operation of this Constitution, shall become law, unless the same shall, after it has been passed or deemed to have been passed by the said two Houses of the Oireachtas, have been submitted to a Referendum of the people, and unless a majority of the voters on the register shall have recorded their votes on such Referendum, and either the votes of a majority of the voters on the register, or two-thirds of the votes recorded, shall have been cast in favour of such amendment. Any such amendment may be made within the said period of eight years by way of ordinary legislation and as such shall be subject to the provisions of Article 47 hereof."

The Article 47 referred to above provides for the suspension of the operation of Bills passed by both Houses and their submission by Referendum to the decision of the people.

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Newfoundland.—Nil.

New Zealand.—Section 2 of 20 and 21 Vic. c. 53 provides that 15 and 16 Vic. c. 72 (New Zealand Constitution Act, 1852), may be altered or repealed by the General Assembly of New Zealand except Sections 32, 44, 46, 47, 53, 54, 56–59, 61, 64, 65, 71 and 80, which contain provisions relating (*inter alia*) to the establishment of a General Assembly and its power to make laws, assent to and reservation and disallowance of laws, the grant of the sums mentioned in the schedule for civil and judicial services, and the power of the General Assembly to alter such sums, and the maintenance of native laws and customs.

South Africa.—By Section 152 of the South Africa Act, 1909, it is provided as follows :—

> " Parliament may by law repeal or alter any of the provisions of this Act :
>
> Provided that no provision thereof, for the operation of which a definite period of time is prescribed, shall during such period be repealed or altered : and
>
> Provided further that no repeal or alteration of the provisions contained in this Section, or in Sections 33 and 34 (until the number of members of the House of Assembly has reached the limit therein prescribed, or until a period of ten years has elapsed after the establishment of the Union, whichever is the longer period), or in Sections 35 and 137, shall be valid unless the Bill embodying such repeal or alteration shall be passed by both Houses of Parliament sitting together, and at the third reading be agreed to by not less than two-thirds of the total number of members of both Houses. A Bill so passed at such joint sitting shall be deemed to have been duly passed by both Houses of Parliament."

(C)—Express Limitations in Dominion Constitutions as to the Subjects on which Legislation may be Enacted.

There do not appear to be any such express statutory limitations in any of the Dominion Constitutions on the general power to legislate for the peace, order and good government of the Dominion, except that (1) in certain cases the legislative capacity of a Federal Parliament is limited in consequence of the distribution under the Constitution of the legislative power between itself and the Provincial or State legislatures ; and (2) in the case of the Irish Free State there is an express limitation laid down in Section 2 of the " Constituent Act " (referred to above) under which any law passed by the Irish Free State Legislature which is in any respect repugnant to any of the provisions of the Articles of Agreement for a Treaty between Great Britain and Ireland shall, to the extent only of such repugnancy, be absolutely void and inoperative, and the Parliament and the Executive Council of the Irish Free State shall respectively pass such further legislation and do all such other things as may be necessary to implement the said Articles of Agreement.

In the case of New Zealand, whilst there is no express limitation as to the subjects on which legislation may be enacted, Section 53 of 15 and 16 Vic. c. 72 (the New Zealand Constitution Act, 1852) gives the General Assembly power " to make laws for the peace, order, and good government of New Zealand, provided that no such laws be repugnant to the law of England." This Section, as indicated under (B) above, is one of the Sections of the Act of 1852 which the General Assembly of New Zealand has no power to alter.

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(2)—The Colonial Boundaries Act, 1895.

(58 & 59 Vic. c. 34.)

1. This Act enables the boundaries of a Colony to be altered by Order in Council or Letters Patent but provides that the consent of a self-governing Colony must be required for the alteration of their boundaries.

The self-governing Colonies as set out in the Schedule were :—

Canada,
Newfoundland,
New Zealand,
The 6 Australian States, and
The Cape of Good Hope, and
Natal.

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2. The Commonwealth Constitution Act (Section 8) provided that the Colonial Boundaries Act should not apply to any Colony which became a State of the Commonwealth, but that the Commonwealth should be taken to be a self-governing Colony for the purposes of that Act.

3. The South Africa Act, 1909 (Section 7) provided that upon any Colony entering the Union the Colonial Boundaries Act should cease to apply to that Colony but should apply to the Union.

4. The Act, therefore, applies to the Commonwealth and the Union, in each case, as a whole and no longer to their component States or Provinces individually. Moreover, there are provisions in the Commonwealth Constitution for the admission of new States (Section 121), the acquisition of Territories (Section 122) and the alteration of the limits of States (Section 123) and somewhat similar provisions in the South Africa Act as to the alteration of the boundaries of the Provinces (Section 149) and the transfer to the Union of other South African Territories (Section 151).

5. In the case of the Commonwealth at any rate resort to the Colonial Boundaries Act may in future be unnecessary. For example, if it should be decided to hand over any islands in the Pacific to the Commonwealth, it could be done in pursuance of Section 122 of the Commonwealth Constitution though this would require an Order in Council or Letters Patent issued here. Territories handed over in this way, however (*e.g.*, Norfolk Island and Papua), are not included within the boundaries of the Commonwealth and do not form part of it.

6. The Cook Islands were included in New Zealand (before it became a Dominion) by an Order in Council of 13th May, 1901, under the Colonial Boundaries Act.

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(3)—The Prerogative of Mercy.

1. The manner in which the prerogative of mercy, always delegated to the Governor-General or Governor of a Dominion or Colony, is to be exercisable by him is prescribed in the Letters Patent constituting his Office and/or in the Royal Instructions. Nevertheless, the prerogative of mercy being an essential function of any system of government may be and not infrequently is the subject of Dominion legislation. In practice, however, Bills which affect the prerogative have usually been reserved.

2. The provisions of the Letters Patent and/or Instructions relating to this matter have varied from time to time, but at the present day are substantially to the same effect in the case of all the Dominions. In Canada the matter is dealt with in the Instructions only, and by them the Governor-General is authorised (1) to grant a pardon to any person convicted of any offence against the laws of the Dominion, either free or subject to lawful conditions, to respite the execution of any sentence, and to remit any fines, penalties or forfeitures which may become due and payable to the Crown ; but except where the offence has been of a political nature he is forbidden to make it a condition of remission of sentence that the offender shall be banished from or shall absent himself from the Dominion ; (2) to pardon any accomplice, when an offence has been committed against the laws of the Dominion for which the offender may be tried within the Dominion, who shall give such information as shall lead to the conviction of the principal offender. The Governor-General may not pardon or reprieve without first receiving, in capital cases, the advice of the Dominion Ministers, and in other cases the advice of at least one Minister ; and in any case in which the pardon or reprieve might directly affect Imperial interests, or those of any country or place beyond the jurisdiction of the Government of the Dominion, he is enjoined before deciding as to either pardon or reprieve to take those interests specially into his own personal consideration in conjunction with such advice as aforesaid. The prerogative is exercised in the Canadian Provinces by the Lieutenant-Governor by virtue of provincial Statutes,

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but only in the case of offences against the laws of the provinces. Though by Section 91 of the British North America Act, 1867, the Dominion Parliament has an exclusive power of legislating with regard to criminal law and procedure in criminal matters, by Section 92 each province has the exclusive right of legislating with respect to the administration of justice in the provinces including the constitution, maintenance, and organisation of provincial courts of criminal jurisdiction, and, with respect to the imposition of punishment by fine, penalty, or imprisonment, for the enforcing of any law of the province made in relation to any matter on which the province has power to legislate. The powers of the Governor-General and of the Lieutenant-Governors are thus mutually exclusive.

3. In Australia the position is different, because there is no reservation to the Commonwealth Parliament of the exclusive right of legislation with regard to criminal law, which thus remains a matter for the constituent States. Hence, while the scope of the Governor-General's authority to pardon as set out in the Instructions is precisely the same, *mutatis mutandis*, as that of the Governor-General of Canada, it is in practice very much more restricted, inasmuch as the offences against the laws of the Commonwealth in respect of which he alone has power to pardon are few in number. On the other hand, each of the State Governors exercises the prerogative within the limits of his own State, the manner in which it is to be exercised being prescribed partly in the Letters Patent constituting the Officer of Governor and partly in the Instructions; these being substantially the same within those limits as those of the Governor-General himself.

4. The powers of the Governor-General of New Zealand are contained partly in the Letters Patent constituting his Office and partly in the Instructions and are to the same effect as in the case of Canada and the Commonwealth.

5. In the case of the Union of South Africa, there are certain differences. In the first place, the Instructions permit it to be made a condition of any pardon or remission of sentence that the offender shall be banished from or shall absent himself from the Union, unless he be a natural born or naturalised British subject. Secondly, in capital cases, though the Governor-General must consult his Executive Council, yet he has to decide either to extend or to withhold a pardon or reprieve according to his own deliberate judgment, whether the members of the Executive Council concur therein or otherwise. Lastly, there is no injunction to him in his Instructions to take specially into his own personal consideration, in conjunction with the advice of the Executive Council, any case in which a pardon or reprieve might directly affect Imperial interests or the interests of any country or place beyond the jurisdiction of the Government of the Union.

6. In Newfoundland the authority delegated to the Governor partly by the Letters Patent constituting his Office and partly by his Instructions is similar to that of the Governor-General of the Union of South Africa, save that there is no power to make banishment of an alien a condition of the pardon or reprieve.

7. In the Irish Free State the Instructions are identical with those in the case of Canada.

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(4)—The Colonial Stock Acts.

1. The Colonial Stock Act, 1900 (63 & 64 Vic. c. 62), provides :—

(*a*) That a Trustee may, under the powers of the Trustee Act, 1893 (56 & 57 Vic. c. 53), invest in any Colonial Stock which is registered in the United Kingdom in accordance with the provisions of the Colonial Stock Acts, 1877 and 1892* (40 & 41 Vic. c. 59, and 55 & 56 Vic. c. 35), and with respect to which there had been observed such conditions as the Treasury may by Order notify in the London Gazette prescribed ;

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* The Act of 1877 requires a register to be kept in the United Kingdom. That of 1892 merely recognises transfer by Deed as well as transfer by inscription.

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(*b*) That the restrictions in Section 2 (2) of the Trustee Act, 1893, shall apply, i.e., that a Trustee may not purchase, at a price over redemption value, Stock with less than 15 years to run, or purchase Stock liable to be redeemed at par or other fixed rate at a price exceeding 15 per cent. above par, or such other rate ;

(*c*) That the Treasury shall keep a list of any Colonial Stocks in respect of which the provisions of the Act are for the time being complied with, and shall publish it.

2. The conditions determined by the Treasury were laid down in 1900, S.R. and O. 1900 No. 926. They are :—

(1) The Colony shall provide by legislation for the payment out of the revenues of the Colony of any sum which may become payable to Stockholders under any Judgment, Decree, Rule, or Order of a Court in the United Kingdom ;

(2) The Colony shall satisfy the Treasury that adequate funds (as and when required) will be made available in the United Kingdom to meet any such Judgment, Decree, Rule, or Order ;

(3) The Colonial Government shall place on record a formal expression of their opinion that any Colonial legislation which appears to the Imperial Government to alter any of the provisions affecting the Stock to the injury of the Stock holder, or to involve a departure from the original contract in regard to the Stock, would properly be disallowed.

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APPENDIX.

Colonial Laws Validity Act, 1865.

(28 & 29 Vic. c. 63.)

An Act to remove Doubts as to the Validity of Colonial Laws. [29th *June*, 1865.]

WHEREAS Doubts have been entertained respecting the Validity of divers Laws enacted or purporting to have been enacted by the Legislatures of certain of Her Majesty's Colonies, and respecting the Powers of such Legislatures, and it is expedient that such Doubts should be removed:

Be it hereby enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Definitions: "Colony:" 1. The Term "Colony" shall in this Act include all of Her Majesty's Possessions abroad in which there shall exist a Legislature, as herein-after defined, except the Channel Islands, the *Isle of Man*, and such Territories as may for the Time being be vested in Her Majesty under or by virtue of any Act of Parliament for the Government of *India*:

"Legislature." "Colonial Legislature:" The Terms "Legislature" and "Colonial Legislature" shall severally signify the Authority, other than the Imperial Parliament or Her Majesty in Council, competent to make Laws for any Colony:

"Representative Legislature:" The Term "Representative Legislature" shall signify any Colonial Legislature which shall comprise a Legislative Body of which One Half are elected by Inhabitants of the Colony:

"Colonial Law:" The Term "Colonial Law" shall include Laws made for any Colony either by such Legislature as aforesaid or by Her Majesty in Council:

Act of Parliament, &c. to extend to Colony when made applicable to such Colony: An Act of Parliament, or any Provision thereof, shall, in construing this Act, be said to extend to any Colony when it is made applicable to such Colony by the express Words or necessary Intendment of any Act of Parliament:

"Governor:" The Term "Governor" shall mean the Officer lawfully administering the Government of any Colony:

"Letters Patent." The Term "Letters Patent" shall mean Letters Patent under the Great Seal of the United Kingdom of *Great Britain* and *Ireland*.

Colonial Law when void for Repugnancy. 2. Any Colonial Law which is or shall be in any respect repugnant to the Provisions of any Act of Parliament extending to the Colony to which such Law may relate, or repugnant to any Order or Regulation made under Authority of such Act of Parliament, or having in the Colony the Force and Effect of such Act, shall be read subject to such Act, Order, or Regulation, and shall, to the Extent of such Repugnancy, but not otherwise, be and remain absolutely void and inoperative.

Colonial Law when not void for Repugnancy. 3. No Colonial Law shall be or be deemed to have been void or inoperative on the Ground of Repugnancy to the Law of *England*, unless the same shall be repugnant to the Provisions of some such Act of Parliament, Order or Regulation as aforesaid.

Colonial Law not void for Inconsistency with Instructions. 4. No Colonial Law, passed with the Concurrence of or assented to by the Governor of any Colony, or to be hereafter so passed or assented to, shall be or be deemed to have been void or inoperative by reason only of any Instructions with reference to such Law or the Subject thereof which may have been given to such Governor by or on behalf of Her Majesty, by any Instrument other than the Letters Patent or Instrument authorizing such Governor to concur in passing or to assent to Laws for the Peace, Order, and good Government of such Colony, even though such Instructions may be referred to in such Letters Patent or last-mentioned Instrument.

Colonial Legislature may establish, &c. Courts of Law. Representative Legislature may alter Constitution. 5. Every Colonial Legislature shall have, and be deemed at all Times to have had, full Power within its Jurisdiction to establish Courts of Judicature, and to abolish and reconstitute the same, and to alter the Constitution thereof, and to make Provision for the Administration of Justice therein; and every Representative Legislature shall, in respect to the Colony under its Jurisdiction, have, and be deemed at all Times to have had, full Power to make Laws respecting the Constitution, Powers, and Procedure of such Legislature; provided that such Laws shall have been passed in such Manner and Form as may from Time to Time be required by any Act of Parliament, Letters Patent, Order in Council, or Colonial Law for the Time being in force in the said Colony.

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Certified Copies of Laws to be Evidence that they are properly passed.

6. The Certificate of the Clerk or other proper Officer of a Legislative Body in any Colony to the Effect that the Document to which it is attached is a true Copy of any Colonial Law assented to by the Governor of such Colony, or of any Bill reserved for the Signification of Her Majesty's Pleasure by the said Governor, shall be *primâ facie* Evidence that the Document so certified is a true Copy of such Law or Bill, and, as the Case may be, that such Law has been duly and properly passed and assented to, or that such Bill has been duly and properly passed and presented to the Governor; and any Proclamation purporting to be published by Authority of the Governor in any Newspaper in the Colony to which such Law or Bill shall relate, and signifying Her Majesty's Disallowance of any such Colonial Law, or Her Majesty's Assent to any such reserved Bill as aforesaid, shall be primâ facie Evidence of such Disallowance or Assent.

Proclamation to be Evidence of Assent and Disallowance.

And whereas Doubts are entertained respecting the Validity of certain Acts enacted or reputed to be enacted by the Legislature of *South Australia:* Be it further enacted as follows:

Certain Acts enacted by Legislature of South Australia to be valid.

7. All Laws or reputed Laws enacted or purporting to have been enacted by the said Legislature, or by Persons or Bodies of Persons for the Time being acting as such Legislature, which have received the Assent of Her Majesty in Council, or which have received the Assent of the Governor of the said Colony in the Name and on behalf of Her Majesty, shall be and be deemed to have been valid and effectual from the Date of such Assent for all Purposes whatever; provided that nothing herein contained shall be deemed to give Effect to any Law or reputed Law which has been disallowed by Her Majesty, or has expired, or has been lawfully repealed, or to prevent the lawful Disallowance or Repeal of any Law.

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DUPLICATE

CANADA.
Dominions No. 601
Confidential.

Downing Street,
27 December, 1928.

Sir,

With reference to the Prime Minister's message contained in my telegram Circular A.No.58 of the 16th November regarding the proposed Expert Committee on the Operation of Dominion Legislation and Sub-Conference on Merchant Shipping Legislation, I have the honour to transmit for the information of His Majesty's Government in Canada, copies of two preparatory memoranda containing a survey of existing legislation, which have been drawn up with the object of assisting the work of the Expert Committee and Sub-Conference.

2 Memoranda

2. It will be seen that the survey includes references to Dominion legislation. These references have necessarily been based on the information available in this country.

I have the honour to be,
Sir,
Your most obedient,
humble servant,

(Signed) L. S. AMERY.

THE SECRETARY OF STATE
FOR EXTERNAL AFFAIRS,
CANADA.

POOR
COPY

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Mr. King C 97508

Confidential.

D.L. 16th Meeting, 1929. **Copy No. 35**

CONFERENCE ON THE OPERATION OF DOMINION LEGISLATION AND MERCHANT SHIPPING LEGISLATION.

Minutes of the Meeting held on November 28, 1929, at 11 a.m.

Present:

UNITED KINGDOM.

The Right Hon. LORD PASSFIELD, Secretary of State for Dominion Affairs.

Sir WILLIAM JOWITT, K.C., M.P., Attorney-General.

Sir MAURICE GWYER, K.C.B.

Sir THOMAS BARNES, C.B.E.

Sir E. J. HARDING, K.C.M.G., C.B.

Mr. O. F. DOWSON, O.B.E.

Mr. H. G. BUSHE, C.M.G.

Sir C. HIPWOOD, K.B.E., C.B.

Secretaries:

Mr. G. S. KING, M.C.

Mr. J. E. STEPHENSON.

Mr. A. E. LEE.

CANADA.

Hon. ERNEST LAPOINTE, K.C., M.P., Minister of Justice.

Dr. O. D. SKELTON, Under-Secretary of State for External Affairs.

Mr. J. E. READ, K.C., Legal Adviser, Department of External Affairs.

Mr. C. P. PLAXTON, K.C., Senior Advisory Counsel, Department of Justice.

Mr. C. J. BURCHELL, K.C., Member of the Bar of Nova Scotia.

Secretary:

Mr. JEAN DESY, K.C.

AUSTRALIA.

Sir WILLIAM HARRISON MOORE, K.B.E., C.M.G.

Secretary:

Mr. W. T. HARRIS

NEW ZEALAND.

Sir C. J. PARR, K.C.M.G., High Commissioner for New Zealand.

Secretary:

Mr. C. BURDEKIN, M.B.E.

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UNION OF SOUTH AFRICA.

The Hon F. W. BEYERS, K.C., (late) Minister of Mines and Industries.

Dr. H. D. J. BODENSTEIN, Secretary, Department of External Affairs.

Mr. F. P. VAN DEN HEEVER, Legal Adviser, Department of External Affairs.

Secretary :

Mr. W. C. NAUDÉ.

IRISH FREE STATE.

Mr. P. McGILLIGAN, T.D., Minister for External Affairs.

Mr. J. A. COSTELLO, K.C., Attorney-General.

Mr. D. O'HEGARTY, Secretary to the Executive Council.

Mr. J. P. WALSHE, Secretary, Department of External Affairs.

Mr. J. J. HEARNE, Legal Adviser, Department of External Affairs.

Secretaries :

Mr. S. MURPHY.

Mr. F. H. BOLAND.

INDIA.

Sir BASANTA KUMAR MULLICK, Member of the Council of India.

Sir E. M. D. CHAMIER, K.C.I.E., India Office.

Secretary :

Mr. R. S. BROWN, India Office.

LORD PASSFIELD said that the meeting of the Conference was to consider the Report of the Colonial Laws Validity Act Committee, under the chairmanship of Sir Maurice Gwyer. The Committee was appointed on the 30th October, and they were only able to finish their Report a day ago; it was, therefore, possible to appreciate the great care and thoroughness with which they had examined the intricate problems involved.

He suggested that the Conference might wish him, on their behalf, to express their very cordial thanks to Sir Maurice Gwyer and his colleagues.

Lord Passfield then read a covering letter to the Report received from Sir Maurice Gwyer in the following terms :—

"My Lord, *November* 26, 1929.

I have the honour to transmit herewith the Report of the Committee appointed by the Conference to consider the Colonial Laws Validity Act, 1865, and certain ancillary matters.

The Report, I am happy to say, is a unanimous one, and bears the signatures of all the members of the Committee. Some of us might have wished to see it contain more, others might have been content with less; but the Report itself represents that measure of agreement at which we have all found ourselves able to arrive, after prolonged and anxious discussion and an honest endeavour on the part of each one to appreciate and give effect to the point of view of his colleagues. The Conference will, therefore, understand that the Report is intended to be taken as a whole, in the sense that agreement has been secured by a

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process of give and take and by a series of mutual concessions all round. The Committee rightly, as I think, attach great importance to this aspect of the Report, and they desire me to draw the particular attention of the Conference to it.

I have the honour to be,
Your obedient Servant,
M. L. GWYER.

The Rt. Hon. Lord Passfield,
Dominions Office.''

LORD PASSFIELD then said that the first question before the Conference was whether they were prepared to consider as a whole the Report of the Committee.

MR. BEYERS said that the Report had not reached him in time to enable him to express a final view as to acceptance of the Report, in particular with regard to certain paragraphs. He would, however, be prepared to discuss other parts of the Report.

SIR HARRISON MOORE thought it was necessary that the Report should be discussed as a whole and not piecemeal.

MR. LAPOINTE said that it was of the greatest importance that the Report of the Conference should be unanimous.

There was one matter outstanding in connection with the Committee's Report, namely, the precise form of the particular clauses dealing with the Colonial Laws Validity Act and the Merchant Shipping Act.

SIR MAURICE GWYER explained that the Committee had originally concluded its work with authority to him to agree in consultation with Mr. Burchell the precise form of the clause to be included relating to the Merchant Shipping Acts. In the discussion on this point it had emerged that there were certain doubts felt as to the precise form of the clause relating to the Colonial Laws Validity Act, namely, whether the negative form would be sufficient to give full power of repeal and whether a positive form was not also required.

LORD PASSFIELD suggested that it would seem necessary to adjourn a further discussion of the Report of the Colonial Laws Validity Act Committee until a later meeting. In the meantime, he thought it would be helpful to consider whether progress could not be made with at any rate the formal parts of the draft Report which the Conference would ultimately require to make.

MR. McGILLIGAN pointed out that there were some other questions which would have to be considered, namely, those dealt with in the Report of the Committee under the chairmanship of Sir Harrison Moore. In addition to the Report of that Committee, there were certain points on those subjects still outstanding.

MR. BEYERS indicated that he saw no objection to commencement being made with the drafting of the Report of the full Conference.

MR. COSTELLO then explained the point which he thought should be settled by the full Conference before the drafting of the Report on the question of disallowance was proceeded with.

The Report of Sir Harrison Moore should be extended so as to include a statement regarding the existing statutory provisions on the subject of disallowance and reservation. He also thought that the Conference should decide on the point relating to the Treasury Regulations made under the Colonial Stock Act. He quite agreed that, so far as past transactions were concerned, the position must be left as it is, but the question which he wished to raise was what should be done in the future. He agreed also that it was fully within the right and the competence of the United Kingdom Treasury to make what Regulations they liked with regard to the admission of Stocks to the List of Trustee Securities in the United Kingdom, but he thought that an anachronistic form (such as disallowance) should not be allowed to remain as a condition, particularly in respect of those Dominions which did not wish to accept such a condition, and were not able to accept it under their present Constitution. He pointed out that no reference to the power of disallowance appears in the Irish Free State Constitution; and that, when that Constitution was being

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drawn up, it was agreed between the then Attorney-General of the Irish Free State and the Law Officers of the United Kingdom that the power was so far then dead that no reference need appear to it.

He suggested that the following formula might prove acceptable :-

> " As regards the admission of future issues of Dominion Stocks to the list of Trustee Securities in the United Kingdom the conditions to be imposed are a matter for settlement between the Treasury and the Dominion concerned, and in this connection it is obvious that a Dominion, if it so desires, may accept a condition requiring disallowance. Such acceptance, being in effect in the nature of a contractual obligation, would not in any way affect the general position regarding disallowance in other respects. In the case of those Dominions who are unable to accept the condition of disallowance, it is recommended that an endeavour should be made by the Treasury in consultation with such Dominions to frame alternative conditions in harmony with their constitutional position and powers."

SIR JAMES PARR said that it was vital to New Zealand as a regular borrower on the London market that they should continue to be able to accept the disallowance condition with regard to future loan issues. He could not possibly consent to or sign any report which did not fully preserve the *status quo* in this respect.

SIR WILLIAM JOWITT thought that the position of those Dominions who desired the maintenance of this condition could be safeguarded, while a recommendation might be made relating to other Dominions.

SIR HARRISON MOORE indicated that the position of Australia would be the same as that of New Zealand, but he saw no objection to a suggestion being put forward that some other means might be sought to meet the position of a Dominion to which disallowance was inapplicable.

MR. BEYERS said that the present conditions were antiquated and derogatory to the position of a Dominion. He saw no reason, however, why the present condition should not remain for any Dominion which wished to retain it, and he fully agreed with the view that vested rights should be dealt with properly.

After some discussion, in which emphasis was laid on the weight which the Governments would have to attach to a Report signed unanimously, it was agreed that the Conference should adjourn; the next meeting was provisionally fixed for Monday afternoon.

It was agreed also that the Committee under the chairmanship of Sir Maurice Gwyer should be reconstituted to deal with all outstanding matters, and that authority should be given to co-opt such additional members as might be required for the discussion of any special problems.

In particular, in connection with the Merchant Shipping Acts, it was suggested that Mr. Burchell and Sir Thomas Barnes should be co-opted, and it was also agreed that Sir Maurice Gwyer should discuss with the Treasury the suggestion made by Mr. Costello relating to the Colonial Stock Act.

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C 97512

Confidential.

D.L. 17th Meeting, 1929.

Copy No. 36

CONFERENCE ON THE OPERATION OF DOMINION LEGISLATION.

Minutes of the Meeting held on December 4, 1929, at 3 p.m.

PRESENT :

UNITED KINGDOM.

The Right Hon. LORD PASSFIELD, Secretary of State for Dominion Affairs.

Sir WILLIAM JOWITT, K.C., M.P., Attorney-General.

Sir MAURICE GWYER, K.C.B.

Sir THOMAS BARNES, C.B.E.

Sir E. J. HARDING, K.C.M.G., C.B.

Mr. H. G. BUSHE, C.M.G.

Sir C. HIPWOOD, K.B.E., C.B.

Mr. O. F. DOWSON, O.B.E.

Mr. W. L. SCOTT, D.S.C.

Secretaries :

Mr. G. S. KING, M.C.
Mr. J. E. STEPHENSON.
Mr. A. E. LEE.

AUSTRALIA.

Sir WILLIAM HARRISON MOORE, K.B.E., C.M.G.

Secretary :

Mr. W. T. HARRIS.

CANADA.

Hon. ERNEST LAPOINTE, K.C., M.P., Minister of Justice.

Dr. O. D. SKELTON, Under-Secretary of State for External Affairs.

Mr. C. P. PLAXTON, K.C., Senior Advisory Counsel, Department of Justice.

Mr. J. E. READ, K.C., Legal Adviser, Department of External Affairs.

Mr. CHARLES J. BURCHELL, K.C., Member of the Bar of Nova Scotia.

Secretary :

Mr. JEAN DESY, K.C.

NEW ZEALAND.

Secretary :

Mr. C. BURDEKIN, M.B.E.

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UNION OF SOUTH AFRICA.

The Hon. F. W. BEYERS, K.C., (late) Minister of Mines and Industries.

Dr. H. D. J. BODENSTEIN, Secretary, Department of External Affairs.

Mr. F. P. VAN DEN HEEVER, Legal Adviser, Department of External Affairs.

Secretary:

Mr. W. C. NAUDÉ.

IRISH FREE STATE.

Mr. P. McGILLIGAN, T.D., Minister for External Affairs.

Mr. J. A. COSTELLO, K.C., Attorney-General.

Mr. D. O'HEGARTY, Secretary to the Executive Council.

Mr. J. P. WALSHE, Secretary, Department of External Affairs.

Mr. J. J. HEARNE, Legal Adviser, Department of External Affairs.

Secretaries:

Mr. S. MURPHY.

Mr. F. H. BOLAND.

INDIA.

Sir BASANTA KUMAR MULLICK, Member of the Council of India.

Sir E. M. D. CHAMIER, K.C.I.E., India Office.

Secretary:

Mr. R. S. BROWN, India Office.

THE Draft Report in the form circulated was taken as read and accepted as the Report of the Conference subject to the correction of any verbal or typing errors which might be discovered, but it was agreed that no alteration of substance or repair of any possible omissions should be made without the concurrence of all the Governments represented at and concerned in the Conference.

2. It was decided that a statement should be issued to the Press to the effect that a unanimous Report had been made and in accordance with the terms of reference submitted to the respective Governments; and adding that the publication of the Report must be deferred until each Government had had an opportunity of considering the Report.

3. It was considered that publication would be unavoidable but that secrecy should be maintained with regard to the contents of the Report until publication had been decided upon by all the Governments concerned.

4. It was also decided to recommend to the Governments that concurrent publication should take place in the United Kingdom and in each Dominion on an agreed date as early in February 1930 as possible.

5. Sir B. K. Mullick pointed out that, although India, owing to her constitutional position, was not concerned with the more important questions discussed in the report of the Gwyer Committee, that Committee made recommendations for consultation between and reciprocal legislation by the different parts of the Commonwealth in respect of certain subjects, such as Nationality, Fugitive Offenders, Foreign Enlistment, Extra-territoriality and Colonial Courts of Admiralty, in which India is interested and which, if the recommendations were carried out, might involve separate action and legislation by India. The report had now been embodied in the report of the Conference. He assumed that in these and some other similar matters, it was intended that the recommendations should apply to India and that where reciprocal action and legislation was required, India would be consulted in the usual manner. It was agreed that it would be sufficient if Sir B. K. Mullick's statement were incorporated in the minutes.

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6. It was agreed that the following passage should also be embodied in the Minutes as an explanatory statement by Lord Passfield :—

"In the chapter of the Report dealing with the extra-territorial operation of Dominion legislation there is a paragraph dealing with the discipline of armed forces, in which it is recommended that provision should be made for each member of the Commonwealth to give effect to the customary extra-territorial immunities. I understand that those words are intended to cover such arrangements as each member of the Commonwealth in whose territory such armed forces are may consider necessary or advisable to render such discipline effective."

Lord Passfield explained that this passage was not intended to represent anything more than had been agreed by Sir M. Gwyer's Committee.

7. It was agreed that the following statement by Sir William Harrison Moore should be embodied in the Minutes :—

"The Governments assembled in London in 1926 considered it necessary to obtain expert guidance as a preliminary to further consideration by His Majesty's Governments in Great Britain and the Dominions.

I called attention in my remarks at the opening of the Conference to the different constitution of delegations in that some of them included Ministers of the Crown, and to the effect that that might have upon the weight of the recommendations of the Conference with our respective Governments.

During the Conference itself it has been possible for some delegations to be so far in touch with their Governments that those Governments have already been able to give consideration to some of our recommendations and may be satisfied that they are willing to accept them.

The Commonwealth of Australia has not had the advantage of being represented by a Minister, and the Government of the Commonwealth has not seen the Report or been advised of its contents.

I sign the Report in the assurance that nothing in the different constitution of delegations or in the mutual relations of Governments will prejudice the full and effective consideration by each of them of such views as the Commonwealth Government may desire to present when the time arrives for the further consideration by His Majesty's Governments of the matters referred to us."

8. In the unavoidable absence of Sir James Parr, it was agreed that no objection would be raised by the Conference to Sir James associating himself with Sir William Harrison Moore if he so desired.*

9. It was agreed that seven copies of the Report should be signed on behalf of the various delegations by the signatories named :—

For the Delegation of the United Kingdom of Great Britain and Northern Ireland :

LORD PASSFIELD.
SIR WILLIAM JOWITT.

For the Delegation of the Dominion of Canada :

MR. LAPOINTE.

For the Delegation of the Commonwealth of Australia :

SIR WILLIAM HARRISON MOORE.

For the Delegation of the Dominion of New Zealand :

SIR JAMES PARR.

For the Delegation of the Union of South Africa :

MR. BEYERS.

For the Delegation of the Irish Free State :

MR. MCGILLIGAN.

For the Delegation of the Government of India for such parts of the Report as relate to India :

SIR BASANTA MULLICK.

* NOTE.—A letter from Sir James Parr to Lord Passfield enclosing a statement which he desired to have placed on record is reproduced as an Annex to these Minutes.

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Seven copies were then signed by all the signatories with the exception of Sir James Parr, whose signature it was agreed should be obtained later, owing to his absence from the meeting.

LORD PASSFIELD: In concluding our work I should like to say a few words and, in the first place, desire to utter a word of appreciation, on behalf of the Delegation from the United Kingdom, of the assistance which has been given to us by the Dominion Secretaries. Without their co-operation throughout, the Secretarial work of the Conference could not have been carried out with the same sort of agreement that has prevailed, and we ought to recognise that.

At the end of the Imperial Conference of 1926, Mr. Mackenzie King, I noticed, referred to the striking readiness and desire manifested at the Conference "to understand and appreciate one another's point of view and special difficulties." That, I venture to think, has been the spirit in which each of us has approached the very difficult problems which we have been discussing during the past eight weeks. I value highly the readiness which all the members of the Conference have shown to appreciate the difficulties which we have had to put forward, and each other's difficulties.

Another point which has struck me about the work of this Conference is that we have been thinking in terms not so much of the present day only, perhaps not even so much of the present generation, as of future generations. I think I am the oldest member here present; but perhaps only the youngest members here present will be able eventually fully to appreciate the results of our labours.

We are not laying the foundations, the Imperial Conference of 1926 laid the foundations of a new structure, the British Commonwealth of Nations. That foundation, we may say, was equality and free association under the Crown, and it is on that foundation that we have been endeavouring to build.

Our recommendations are designed to establish liberty as the right of each member of the British Commonwealth of Nations. Yet liberty differs from the manner of its exercise, and in the presence of so many lawyers I might perhaps venture to adduce the legal maxim that a right connotes a duty. The duty which rests upon each member of the Commonwealth might perhaps be expressed as to work always for the larger freedom implied in voluntary association. It is that work, I believe, which is going to be fruitful in result.

I do not wish to trouble you with any further observations except to say, on my own behalf, how much I appreciate the co-operation which has been given to me in my special part of the task as presiding over the full Conference and as, I hope, helping to get a common desire expressed in a way which meets the difficulties and special needs of each of the members.

As long as I live, I shall remember this Conference. What will happen when our work comes to be reviewed by the Prime Ministers at the next Imperial Conference we cannot foresee, but I venture to think that the work we have done has been done in such a way that it will be extremely difficult for any superior authority to depart from the conclusions which we have endeavoured to express. In that sense our work may prove to be as important as any work of the next Imperial Conference can possibly be.

When we have signed the Report it will be for us to say "Adieu," and to wish you God-speed on your journey back to your respective Dominions, coupled with the hope that you will carry away with you a pleasant impression at any rate of London, if not of this Conference itself.

MR. LAPOINTE: On behalf of Canada I wish to express our gratitude and thanks to His Majesty's Government in the United Kingdom for the cordial hospitality and courtesy extended to us for the success of this Conference, and to you, Mr. Chairman, for the manner in which you have presided over our deliberations.

May I also join with yours the name of the learned Attorney-General, for the great ability and help that he has brought to our work.

May I also, on behalf of Canada, and personally as a member of the Imperial Conference of 1926, thank all those whose constructive work has contributed to the success of this Conference.

I make a special reference to the Gwyer Committee, and to its Chairman more particularly, whose ability, industry and goodwill have been a great factor in making agreement possible.

Apart from being entrusted with the task of giving effect to the doctrine formulated by the Imperial Conference of 1926 this meeting was in some respects

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the first practical test of the possibility of the harmonious working out of the doctrine, and I am pleased that the test has been successfully passed, notwithstanding the many and serious difficulties which we have had to meet.

I desire to associate myself with you, Mr. Chairman, in your fine definition of our inter-Imperial relations, to which I have nothing to add. May I express the hope that you will still be with us when the Imperial Conference comes to give final effect to the findings of this Conference.

SIR WILLIAM HARRISON MOORE: I have great pleasure in associating myself with what Mr. Lapointe has said in grateful acknowledgment to yourself, and to the British Government and those who have been associated with us in our work, and to add that I appreciate the spirit with which I think everyone concerned has approached the work that we have done. I express the hope that what we have done will turn out to be for the good of the British Commonwealth of Nations.

MR. BEYERS: Lord Passfield, and may I couple with your name that of Sir William Jowitt, we have now been in Conference for nearly two months. During that time we have discussed matters of vital interest to the members of the British Commonwealth of Nations.

We have reached substantial conclusions, though each member may not have attained all that it desired.

It is, however, a matter for congratulation that where so many interests were involved, such a full measure of unanimity was reached. That in itself is, in my opinion, a thing of the greatest significance.

We have arrived at agreement after a frank discussion of our problems, after insistence on our rights and a rational reconciliation of conflicting interests by a process of mutual concessions. A certain amount of strain and stress is inevitable in such a process; but it is the pain of growth distinguishing the living organism from the inert mass. Mere servile acquiescence simply in order to reach harmony would not be free or genuine co-operation and would be as unsatisfactory as it would be dangerous.

I feel deeply indebted to the representatives of the sister States in the Commonwealth. From them we have always received a patient hearing and sympathetic counsel. Where there has been a difference of opinion they have always tried to see our point of view, as we have endeavoured to see theirs.

I wish once more to express our thanks to our hosts, His Majesty's Government in the United Kingdom, and our appreciation of the able assistance of their officers of which we could avail ourselves.

I hope, Lord Passfield, that these discussions which have taken place under your guidance will appear to have marked yet another happy turning-point in the history of the British Commonwealth, namely, the removal of the antiquated system of legal restraint and the inauguration of the new era of free co-operation and mutual trust.

MR. McGILLIGAN: I wish also to associate myself with the remarks passed regarding the courteous and liberal reception that we have had from the Government in the United Kingdom, and the hospitality we have so abundantly enjoyed. I wish to go further, and associate myself with all that has been said in compliment to yourself as Chairman for the guidance we have received from you, and for the assistance which Sir William Jowitt has lent in dealing with matters that have come before us on such broad and general lines that our later discussions were made much easier and the results much better.

I feel it difficult to express myself adequately regarding the work of Sir Maurice Gwyer and his Committee. I have had many reports from my own colleagues on that Committee, and I think it should be recognised here that of all the Committees set up, none has had a more difficult task than that over which Sir Maurice Gwyer presided, and the fact that a unanimous report was arrived at is itself a tribute to his work. He will not, I am sure, think that I am decrying his own merits when I say that to the other members of that Committee a tribute is also due for the way in which they surmounted their own difficulties and so enabled the Committee to reach a settlement.

While paying due tribute to Sir Maurice Gwyer and his Committee, we ought not to fail to recognise the exceptionally heavy work which fell upon Sir William Harrison Moore, both as a member of that Committee and as President of the Committee which had to deal with other special matters. Sir William Harrison Moore had, himself, to shoulder a heavy burden of work which other Delegations,

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more fortunately situated, were able to share amongst a large number of their members.

We are also specially indebted to Mr. Burchell for his very thorough and comprehensive statement with regard to merchant shipping legislation, and for his conclusions, which, from the point of view of putting into effect the free and equal association, are unequalled by any other recommendations that can come from this Conference.

If I may add a personal note on what Lord Passfield has said, I would like to refer to the fact that this is the third of these Conferences that I personally have attended, and on every occasion I have found here a recognition of the difficulties that beset certain Dominions in their dealings with matters that arise for consideration, and I wish again to thank the members of the other Dominions for very definitely recognising the difficulties in which a Delegation from the Irish Free State must be in matters that ordinarily arise. But I think that on this occasion more than on any other official contacts—and I would like to hope, official friendships—have been formed which will render co-operation much easier in the future than it has been in the past. At each of the three Conferences I have myself seen the idea of equality steadily advancing and occupying a wider field, and I hope it will now be admitted that as equality and free association have extended, the desire on the part of these equal and free associates for greater co-operation has steadily grown. I myself believe that a great many of the points that obstructed free co-operation on the part of the Irish Free State were removed as far as principles are concerned, by the Report of 1926, and removed in detail by the Report we now have before us, and when that Report comes to be accepted next year at the Imperial Conference, it will, I think, prove very definitely that the last remaining obstacles to the freest of co-operation with all the members of the British Commonwealth of Nations have gone. When those obstacles have disappeared it will be recognised that there has always been a desire on the part of the Irish Free State to exercise the fullest co-operation.

SIR B. MULLICK : Although India has not been able to take part in all the discussions of this Conference on account of her special constitution and position, there have been matters on which we have been heard, and I desire to take this opportunity of thanking you, Sir, and the other members of the Conference, for your courtesy and kindness throughout the discussions, and also for your very great hospitality while we have been in London.

MR. BURDEKIN : I am sure that Sir James Parr deeply regrets his inability to be present this afternoon to associate himself, as I am sure he would have done fully, with the remarks of his colleagues at this Conference.

SIR WILLIAM JOWITT : May I say a word? You have been good enough to refer to me, and I should like to say that I feel quite sorry that our labours are ended, because though our task has been a very difficult and sometimes a very arduous one, the charm of the personal relationships that I have formed—and here I am sure I may speak for Sir Maurice Gwyer—has amply compensated us for any labour that we have put in here, and I hope that we may all meet again in the near future, and frequently thereafter.

(The Conference then terminated.)

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ANNEX.

Letter from Sir James Parr to Lord Passfield.

Dear Lord Passfield, *December* 7, 1929.

I HAVE this morning signed the sheets to be attached to the copies of the Report of the recent Conference on Dominion Legislation and Merchant Shipping Legislation.

I feel indebted to the Conference for their kindness in agreeing to allow me, if I so desired, to associate myself with the statement made at the final meeting by Sir Harrison Moore, and I enclose herewith a statement almost identical in terms with that submitted by Sir Harrison Moore, but with slight verbal alterations in the second paragraph to bring it into accord with the actual facts, as I did not express my point of view so fully as Sir Harrison Moore at the first meeting, but clearly stated it on various occasions thereafter.

I need hardly say that I was extremely sorry it was not possible for me to be present at the final meeting, and was thus precluded from expressing to you my thanks for the manner in which you presided over our meetings, and the hospitality and help accorded to us by all members of the British Delegation.

Believe me,

Yours very truly,

C. J. PARR.

Statement by Sir James Parr.

THE Governments assembled in London in 1926 considered it necessary to obtain expert guidance as a preliminary to further considerations by His Majesty's Governments in Great Britain and the Dominions.

I called attention in my remarks at the opening of the Conference to the fact that, unlike some other Dominions, New Zealand was not represented by a Minister of the Crown, and on various occasions I made it clear that I was not in a position in any way to bind my Government and emphasised the necessity for the expert and advisory character of the Conference being clearly recognised.

During the Conference itself it has been possible for some delegations to be so far in touch with their Governments that those Governments have already been able to give consideration to some of our recommendations and may be satisfied that they are willing to accept them.

The Dominion of New Zealand has not had the advantage of being represented by a Minister, and the Government of the Dominion has not seen the Report or been advised of its contents.

I sign the Report in the assurance that nothing in the different constitution of delegations or in the mutual relations of Governments will prejudice the full and effective consideration by each of them of such views as the Dominion Government may desire to present when the time arrives for the further consideration by His Majesty's Governments of the matters referred to us.

C. J. PARR.

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Confidential

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ON
CONFERENCE ON OPERATION OF DOMINION LEGISLATION AND MERCHANT SHIPPING

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The notes which follow are intended as a confidential memorandum, to supplement the Report of the Conference, which will be published, and the printed Record of the Plenary Meetings, which will not be published.

I. Purpose and Scope of Conference.

The Conference, it will be recalled, was set up for the purpose of examining in detail the legal restrictions on Dominion self-government which still survive from an earlier period and of suggesting the most appropriate means of bringing these legal forms and practices into harmony with the constitutional position of equality as laid down by the Imperial Conference of 1926. The chief restrictions on the free operation of Dominion legislation were stated to be:

(a) Reservation: the right or in some cases the duty of the Governor-General to reserve bills passed by a Dominion parliament for the signification of the King's consent, which was given or withheld on the advice of the King's ministers in London.

(b) Disallowance: the right of the King, acting on the advice of his ministers in London, to disallow within one or two years any Act passed by a Dominion parliament.

(c) Extraterritorial limitation: the presumed inability of a Dominion parliament to pass laws having effect beyond its borders, e.g., governing a Dominion ship on the high seas, or providing for the punishment of one of its citizens, on returning, for having committed bigamy when abroad.

(d) Subordination to the Parliament of Great Britain, through the doctrine of the common law, and its statutory affirmation in the Colonial Laws Validity Act of 1865,

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providing that any "colonial" law repugnant to a British law should be void and inoperative.

(e) Merchant Shipping: a special instance of subordination, of particular importance, all ships registered within the British Empire being under the legislative and administrative control of London, under the Merchant Shipping Act of the United Kingdom, and a Dominion parliament being unable, except within very narrow limits, to legislate for its own shipping or in fact to have any distinct ships of its own.

II. Composition of the Conference.

The Conference was a fairly large one, consisting of seven delegations, of varying size. It was noteworthy that there was a nearer approach to equality among the Commonwealth delegations in numbers, previous preparation, and share in the direction of the discussion than in the Imperial Conference of 1926, which again had marked an advance in some of these respects over the Conference of 1923.

The British delegation was headed by Lord Passfield, Secretary of State for Dominion Affairs, and Sir William Jowitt, the Attorney-General. Lord Passfield acted as Chairman. He was well-intentioned, but not a particularly good Chairman, and at times displayed an obstinate streak which made progress difficult. Sir William Jowitt had the main responsibility. He is a man of outstanding ability, good personality, keen to [illegible]ize a point and sense a situation, and very frank and fair-minded. William Graham, President of the Board of Trade, a very able, thorough and level-headed man, who was supposed to have charge of Merchant Shipping, was absorbed in the coal dispute

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and took little part. Arthur Ponsonby, Parliamentary Under-Secretary for the Dominions, put in an occasional appearance. All shared in varying degree in the colossal ignorance of present-day inter-imperial relationships which marks the whole Labour ministry from Ramsay MacDonald to Jimmy Thomas, and shared too their nervous anxiety to show that Labour Codlin is the friend of the Empire as much as Tory Short.* Passfield knew more of the situation than the others, but had learned some of what he knew in the days when he was a clerk in the Colonial Office forty years or more ago. Jowitt knew little beyond the brief which had been prepared for him, but he had an open mind, a Conference give-and-take attitude and as he said himself, a Liberal predisposition toward self-government.

The ministers were supported by a very able Civil Service group. Sir Maurice Gwyer, Procurator-General and Treasury Solicitor, and probably the ablest legal mind in the British permanent Service, had acted as Chairman of a Committee which had been studying the question for a year and a half. He proved himself to be extremely keen, tenacious of his points, but fair and straightforward, and did much in the end to bring about an agreed settlement. Sir Edward Harding and H. T. Bushe, of the Dominions Office, were the die-hards of their delegation, obstructing at every point. Sir Claude Schuster,

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* Ramsay MacDonald took it upon himself in a Guildhall address on Nov. 9 to "warn" the Conference not to sacrifice the precious unity of the Empire to the shibboleths of local independent action.

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Secretary of the Lord High Chancellor's Office, H. W. Malkin, Sir Cecil Hurst's able but less domineering successor in the Foreign Office, Sir John Anderson and O. F. Dowson of the Home Office, and half a dozen others, took lesser part. In the Merchant Shipping inquiry, Sir Charles Hipwood and Sir Thomas Barnes, of the Board of Trade, were competent and fair-minded.

The Canadian delegation was fortunate in having at its head the best-informed member of the Conference, through his participation in the 1926 discussion, as well as its outstanding personality. The staff members took different tasks, Skelton, Read and Plaxton on the constitutional questions, Hawken and Burchell, who was made Chairman of the sub-committee, on Merchant Shipping, and Desy on the secretariat. All kept in touch with the whole field, however, and delegation conferences were held by the Minister daily or oftener.

The Irish Free State delegation was a large one, and had the further advantage that practically all its members had been at the Conference of 1926. P. McGilligan, Minister for External Affairs, is an able man but too discursive a talker; Costello, the Attorney-General, was particularly keen, clear and hard-hitting in stating his points, but very fair and open to reason. The other members, Walshe, O'Hegarty, Hearne, etc., were very well-informed on the whole field. They were more concerned about the outcome than any other delegation. They felt it necessary to get the obsolete survivals of British supremacy swept away to prove to their people that, as they had all along declared, freedom could be attained within the British Commonwealth and under the Treaty, as fully as under the independent republican government the Opposition

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under De Valera is still urging. A successful outcome of the Conference, they held, was absolutely essential to prevent the republican movement in Ireland getting the upper hand. They found themselves under a good deal of suspicion from the British side (which they returned with interest), and had to make it clear that they "represented the only government that had fought a civil war to keep within the British Commonwealth." They took things very seriously, and the whole group often sat up till three in the morning going over the day's proceedings. While they went up into the air two or three times, in the long run they proved extremely reasonable and ready to compromise, and had general sympathy at the close.

The South African delegation was headed by Hon. F. W. Beyers, K.C., who had just resigned from the Hertzog government because of ill-health. He is a man of parts, concise and lucid in his statements, but about the most obstinate Dutchman in history. He had one special kink, a belief that the Courts, at least in South Africa, would hold that the 1926 Imperial Conference resolutions had legal force and overrode repugnant British statutes, which did not help progress. Dr. Bodenstein and Van den Heever, of the Department of External Affairs, were new to the work, but competent and more reasonable than their Chief.

Australia was represented only by Sir William Harrison Moore and Major R. G. Casey. Moore was formerly professor of constitutional law in Melbourne, a very able and extremely decent fellow, but a bit given to hair-splitting, and with a troublesome conscience. Casey, who is Bruce's closest friend and liaison officer with the

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Foreign Office, is a man of marked ability - a future Prime Minister of Australia, Moore declares, but he did not take much part. The crisis in the Australian parliament, followed by the election, prevented Sir John Latham, their Attorney-General and now Bruce's successor as leader, from coming over. Moore consequently had an extremely heavy burden. The work of the Conference was held up at several points accordingly. Sir William had general instructions from the Bruce government; the new government did not send any new instructions, and he felt it incumbent on him accordingly to stick to the old ones, even though admitting that the new cabinet would take a distinctly more nationalist position.

New Zealand was also inadequately represented. Sir James Parr, the High Commissioner, who had resigned and was about to sail home, and a New Zealand lawyer, S. G. Raymond, both attended, but did not take a very active part.

India was represented by two official or "tame" Indians and another official of the India Office, Sir Muhammad Habibullah, Sir Basanta Mullick and Sir E. M. D. Chamier. While India was interested in Merchant Shipping, it was not clear that she had any right to take part in a "Conference on the Operation of Dominion Legislation," and care was taken to confine her role to that of an observer.

Newfoundland did not deign to take part at all. Sir Richard Squires was present in London at the opening, but he was interested in borrowing

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money, not in constitutional questions, and did not even turn up for the official photograph. Care was taken to exclude any reference to Newfoundland in the Report. It was assumed she could come in if desired, but it also seemed to be assumed it would make no difference to the others if she stayed out.

Query, therefore, if Newfoundland stays out, why not New Zealand? The anomaly of lumping Canada, Australia and Ireland together with Newfoundland (which has a population half of Toronto's), as all having "Dominion status", is becoming more and more apparent. If India is given nominal "Dominion status," though in fact refused control of her army, foreign policy, etc., further confusion will exist. Movements are on foot to give Southern Rhodesia and even Palestine "Dominion status." It will be advisable (1) for Canada to drop the word and to stand forth as "Canada," not as"a Dominion," or (2) to set up two grades of Dominions, or (3) to go back to Sir John Macdonald's phrase - how would the Six Kingdoms (or the Six Nations!) do as a title for the British Commonwealth of Nations?

III. Procedure.

The Conference operated through three agencies:

(a) Plenary meetings, first to discuss general principles and later to consider committee reports: seventeen were held.

(b) Committee meetings: chiefly Colonial Laws Validity Act under Gwyer, and Merchant Shipping under Burchell, with some preliminary discussion of Reservation, Disallowance and Extraterritoriality by a committee under Moore, later reconsidered by the Gwyer committee.

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(c) Heads of Delegations meetings, five or six, to discuss particularly knotty points, including "ultimatums" from various quarters.

It was perhaps significant that the Conference opened in the Moses room of the House of Lords.

IV. General Trend and Outcome.

The Conference faced serious difficulties, which are not apparent in its Report, but are rather to be found in the scores of alternative drafts and the great mass of material that finally did not go into the Report.

Its work, it is true, was made simpler by the fact that the Imperial Conference of 1926 had laid down the general principles, and the present Conference had merely to apply them. The technical difficulty of the application, however, proved to be notable, even when agreement was reached on the general end in view, and the divergencies of background and temperament, resulting in different interpretations of the 1926 conclusions (e.g., emphasizing "equality of status" or "differentiation in function," that invention of Balfour's), made progress slow if a unanimous report was to be reached.

The starting-point was afforded by a carefully prepared brief, read by the Attorney-General. It contained some good features, but was pervaded by the assumption that something short of equality was adequate, and that it was necessary to retain the supremacy of the British parliament for many purposes. Reservation and disallowance, it was agreed, were for the most part obsolete. The general

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limitation on extraterritorial power must go, though it was assumed that the Dominion power would extend only to its own nationals, and would be limited to matters ancillary to its peace, order, and good government. The Colonial Laws Validity Act might go in general, but a number of important subjects, constituting the "legal nexus" of the Empire, were to be excepted, and to remain under the control of the United Kingdom parliament, which would act as a benevolent trustee. These subjects included the Crown, certain prerogatives, certain aspects of defence, such as prize law and courts and control of armed forces of one part of the Commonwealth while in the territory of another, nationality, and Dominion constitutional acts: as to this latter point, the United Kingdom parliament was to act as an arbiter - for the Irish Free State, to ensure the observance of the Anglo-Irish Treaty of 1922; for South Africa, to control certain laws re natives; and for Canada, whose constitution was asserted to be a compact, so that even if the British North America Act were amended so as to enable it to be altered in Canada, a fresh compact between the Federal power and the provinces would thereby have come into existence which it would be necessary for the United Kingdom parliament to guarantee. Finally, the Optional Clause row at Geneva suggested the need of a Court to determine disputes between members of the Commonwealth, and for other purposes.

It was at once made clear that this programme was wholly unacceptable. The Dominions had not come to London to accept some compromise between 1865 and 1929, but to carry out in full the mandate of the 1926

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Imperial Conference: better not touch the matter at all than attempt to maintain the dominance of the United Kingdom in half the field and thus increase irritation and agitation. There followed prolonged discussions in plenary conference, committees, and heads of delegations meetings. The British stood at one pole, the South Africans at the other. Finally, a Harding-Passfield document presented at a heads of delegations meeting, and a draft by Gwyer, proved so reactionary and threatened a complete breakdown, that steps were taken by the Canadian and Irish delegations to try to work out a compromise which the South Africans might accept; this was done, and then the draft presented to the Australians, and then to Gwyer. It was accepted by Jowitt and Gwyer, with some modifications, as a reasonable basis, and the full Conference met to consider the consequent Gwyer Committee report. It was dramatically upset by the flat refusal of Beyers to accept it, though Bodenstein and Van den Heever had accepted and thought Beyers had also done so. Beyers and Bodenstein communicated **with** General Hertzog, and McGilligan tried to talk Beyers over. The Conference was on tenterhooks for five or six days.

Then Canada contributed to the difficulty, by suggesting or rather re-suggesting a revision of the draft giving a Dominion parliament the power to pass laws repealing, amending or repugnant to British laws applying to the Dominion in question. The objection was as to the form, which was not considered by some members of the delegation to be really effective; this view found little support at first, but later was acceded to by all the Gwyer Committee, Moore

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reluctantly; it was given added force later when it became clear that some of the British delegation had preferred the first draft on the very ground that it wasn't really effective to grant full power.

After the Gwyer Committee had completed its work on the revised basis, it became apparent, or as apparent as Beyers would make anything in advance, that he was going to withdraw his veto. Then it was Moore's turn to upset the apple-cart. He stated that he objected to the whole trend of the report, and specifically to the Colonial Laws Validity provision and the Extraterritorial provision, insisted it was a political and not an expert report, and declared he would not sign. Mr. Lapointe and Sir William Jowitt accordingly labored with him all Saturday night, and he consulted Casey next day; he finally decided to sign, but to make a reservation, which was later watered down, in the final proceedings. Jowitt had become converted to the necessity of a genuine settlement: his political fears of Tory back-bencher opposition had been lessened by a consultation with Stanley Baldwin, who advised him to carry out 1926 in full, and said his experience was that if you trusted a man 80 per cent. you had better trust him 100 per cent.; curiously, Jowitt still seemed to fear Lloyd George's opposition - probably on personal grounds.

All seemed set fair, when on Monday Passfield, after a long consultation with the Dominions Office people, announced he couldn't sign: he was really afraid of criticism from the Tory die-hard opponents of the Irish Free State, it appeared. He did so without any consultation with Jowitt or Gwyer, who were both furious and upset. Another heads of delegations meeting was

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accordingly held, at which Mr. Lapointe, who had been very pacific hitherto, put the fear of the Lord into Passfield and later into Harding. One of the points at issue was remitted to the Gwyer Committee, which saved face by finding a different formula for the Colonial Laws Validity repeal, meaning the same thing, but incidentally better phrased. Not till the last day of the Conference was it known that this basis would be accepted by all, and even then there was a nervous feeling that the left wing (Beyers) or the right wing (Moore) would prevent an agreed report at the last moment. However, the report was finally signed on Dec. 4, including Merchant Shipping, on which agreement had been reached earlier.

In general, the result is a Report signed by everybody, which provides for the complete removal by convention or statute of the legal limitations on Dominion self-government, while maintaining co-operation where required in the common interest.

V. Reservation. (Report, paragraphs 26-35.)

It was considered preferable to seek a conventional rather than a legal solution of this difficulty, so far as regards constitutional provisions for reservation. To abolish reservation by statute would involve an amendment to the British North America Act and the New Zealand, Australian and South African Constituent Acts. Canada did not wish this; the policy of the delegation was to avoid any formal amendment of the British North America Act for which it might be alleged the Dominion government had no mandate, and which it might be declared upset the balance against the provinces.

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The other Dominions which had power to amend their constitution did not want it amended by a British act. Accordingly, a conventional restriction of the British government's power was sought by a declaration that the power could not now be exercised, and that it was open to any Dominion which wished to abolish the legal basis of its exercise, to take appropriate steps, which the British parliament should facilitate where required, to amend its constitution. Provision was made for repeal by the British parliament of the reservation requirements of the Merchant Shipping and Colonial Courts of Admiralty Acts (par. 120-123).

VI. Disallowance. (Report, paragraphs 18-25.)

Here also it was considered best to seek a conventional solution on the same lines: a statement that the power of disallowance which the constitutions of certain Dominions granted to the King or his London ministers could not now be exercised, together with an indication as to how the legal power might be abolished.

Difficulty arose in connection with the disallowance provided for in connection with Dominion securities issued to the British Trustee list. Under regulations made by the British Treasury under authority of the Colonial Stocks Act of 1900, a Dominion may have its stocks admitted to the British Trustee list on condition of formally agreeing that the British government shall have the right to disallow any legislation which it thinks adversely affects the security. It is an interesting indication of the rate at which opinion moves that this Act appears to have been passed at the request or with the consent of W. S. Fielding. The Canadian, South African, and Irish delegates opposed

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this provision as antiquated and insulting; the Canadians stated it made no material difference to them, as Canada had not borrowed in the London market since 1913, and now found ready market at home or in New York, but that in view of the desirability on imperial grounds of using the London market and because of the stigma involved in the present condition, a change was desirable as regards future issues; all were agreed that the disallowance provision must stand as regards existing issues; the South Africans opposed, though they had floated a loan under these conditions two years ago; the Irish Free State said that as their constitution did not provide for disallowance, they could not borrow under present conditions. Jowitt stated the present provision was hopelessly antiquated. But Australia and New Zealand, whose credit is bad and whose appetite for future loans is insatiable, hugged their chains and said they couldn't risk any change. The Treasury was consulted; it frankly said it didn't want any Dominion borrowers in London competing with its own borrowings, and if the disallowance provision discouraged Dominion borrowing, well and good. It was clear that its interest was quite distinct from that of the British investors and financial houses. The best that could be done was the mild paragraph 25, which the Irish accepted with great reluctance.

VII. Extraterritoriality. (Report, paragraphs 37-44.)

Much detailed discussion took place as to the present position, Canada contending that the doctrine of certain courts to the effect that Dominion parliaments did not have the power was very doubtful. Many drafts were debated. It was agreed that legislation by the British parliament making clear that the Dominion parliaments

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possess this power was necessary. It was decided not to limit its scope to the nationals of the Dominion: e.g., Canada should be free to punish Germans conspiring abroad to violate its customs law, if later found in Canada. It was decided also not to define its scope as covering matters "ancillary to the peace, order, and good government," as this was an ambiguous and limiting phrase. Safeguards for provincial interest were provided in the general clause, IX (b) below. It was considered unnecessary also to include any restriction to avert the possible direct application of, say, Canadian laws in South Africa; it was felt that the Dominion parliaments, like that of Great Britain or any foreign state, could be trusted to use their power with common sense. Accordingly the draft section of the proposed British Act finally was boiled down to the following:

> "It is hereby declared and enacted that the Parliament of a Dominion has full power to make laws having extraterritorial operation."

VIII. Colonial Laws Validity Act: Supremacy of British Legislation. (Report, paragraphs 45-82.)

In general, it was agreed that the overriding power of the British parliament was inconsistent with the present constitutional relationship, and must go. This was provided for by:

First, a recommendation that the Colonial Laws Validity Act should be repealed by the British parliament so far as it applied to a Dominion.

Second, a recommendation that the British Act should include a substantive section in the following terms:

> "No law and no provision of any law hereafter made by the parliament of a Dominion shall be void or

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inoperative on the ground that it is repugnant to the law of England or to the provisions of any order, rule or regulation made thereunder, and the powers of the Parliament of a Dominion shall include the power to repeal or amend any such Act, order, rule or regulation in so far as the same is part of the law of the Dominion."

Third, a conventional restriction (as a legal restriction would be of doubtful effect) upon future legislation by the British parliament, to be placed on record at the next Imperial Conference and included in the preamble of the proposed British Act:

"It would be in accord with the established constitutional position of all members of the Commonwealth in relation to one another that no law hereafter made by the Parliament of the United Kingdom shall extend to any Dominion otherwise than at the request and with the consent of that Dominion."

This would be supplemented by a rule of interpretation to be included in the same Act:

"Be it therefore declared and enacted that no Act of Parliament hereafter made shall extend or be deemed to extend to a Dominion unless it is expressly declared therein that that Dominion has requested and consented to the enactment thereof."

Meanwhile a review had been made of all existing British statutes applying to the Dominions, to consider whether any special provision would be necessary under the changed conditions. It was agreed after detailed consideration that no difficulty would arise in most cases if such statutes were repealed or amended by any Dominion, but some Acts presented difficulty.

(a) The Crown.

Much the greatest difficulty was occasioned by the existing British statutes regarding the Succession to the Crown. It was argued that if each Parliament was to

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be free to deal with this matter as it pleased, the Succession might be different in different parts of the Commonwealth, and the unity afforded by the Kingship disappear. A further difficulty was occasioned by the fact that certain of these Acts contained clauses barring a Catholic from the succession, and that there was consequently the possibility of a religious row on the part of ultra-Catholic or ultra-Protestant agitators in any part of the Commonwealth. The situation, though hypothetical, could not be evaded. All wished the confounded question had not arisen, but it had. If the Dominions were to assert their equality, they must face the consequences. The South Africans refused to accept any legal limitation on the power of their parliament to act independently and as it pleased. The British pressed for a legal limitation. A compromise proposal was made that a formal agreement should be concluded between all the governments whereby each would covenant to take no action for the purpose of altering the law without the consent of all, and that this agreement should be ratified by each Dominion parliament and given the force of law by an Act of the United Kingdom parliament. This was objected to as giving the British parliament an overriding position, and also, by the Canadian members, as tending, through the requirement of distinct and formal approval by each Dominion parliament, to give undue prominence and arouse political and religious debate. Finally, it was agreed to recommend a conventional solution (paragraphs 58-61), in the form of a statement to be placed on record in the proceedings of the next Imperial Conference, and included as a preamble in the proposed British Act: it would be

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approved by each Dominion parliament, presumably after the Imperial Conference and before the passing of the British Act, but only as one part of the whole agreement, probably by a resolution approving the draft British Act, including the sections granting the extraterritorial power, repeal of Colonial Laws Validity Act, etc. The proposed statement is as follows:

> "Inasmuch as the Crown is the symbol of the free association of the members of the British Commonwealth of Nations and as they are united by a common allegiance to the Crown, it would be in accord with the established constitutional position of all the members of the Commonwealth in relation to one another that any alteration in the law touching the Succession to the Throne or the Royal Style and Titles shall hereafter require the assent as well of the Parliaments of all the Dominions as of the Parliament of the United Kingdom."

The solution is doubtless not perfect, but it is the best that could be done, and the only one on which agreement was possible.

(b) Nationality. (Report, paragraphs 72-79.)

It was urged by the British representatives that a common nationality was the complement and result of a common Crown, and that steps must be taken to ensure uniformity in this respect. Support was given to this view by the terms of the British Nationality and Status of Aliens Acts, 1914-22, which applied to or had been accepted by most of the Dominions, and which spoke only of "British nationality." On the other hand it was urged that a distinction should be made between the common status of allegiance owed by all subjects of His Majesty, wherever resident, and the distinct nationality possessed by citizens of each Dominion, "nationality" corresponding to "nation," and involving membership of a definite state and obedience to its government: there was no government of the British Empire and therefore could be no British Empire

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nationality. The term "British" was ambiguous, meaning in some cases the whole British Commonwealth, in others, the United Kingdom alone.✡ Support was given this concept of Dominion nationality by the League of Nations usage, and by the Canadian Nationals Act, passed during the Borden administration, which gave a definition of "Canadian nationals." A Canadian, it was contended, was both "a subject of His Majesty" and a "Canadian national." Further point was given to the discussion by the necessity which arose simultaneously, in connection with the Conference on the Treatment of Foreigners, held at Paris in November-December, of defining the term "nationals" more strictly.

The outcome was a brief statement, which recognized the common status and the necessity of common action to maintain or alter it, and also, for the first time, the distinct Dominion nationality. The subject is one in which much confusion and ambiguity exist, and further consideration will be required. The forthcoming Conference at The Hague on the Codification of International Law, including the law of Nationality, will bring the necessity to a head.

There was further some discussion of the perennial question of married women's claims to distinct nationality, e.g., the right of an Englishwoman marrying a foreigner to remain "British," or the necessity of a foreign woman marrying an Englishman acquiring "British citizenship" by naturalization, not automatically by marriage. No definite conclusions were reached.

✡ In the Merchant Shipping discussion, with reference to the use of the term "British ship," attention was called to this ambiguity, and to a current widespread advertisement of the "British Motor Car Manufacturers' Association": "Buy a British car. A British car is a car made in the British Isles by British workmen out of British materials."

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(c) Prize law, discipline of armed forces, foreign enlistment, and a number of other subjects were discussed at length, but it was at last agreed that no compulsory uniformity was necessary and that the case could be covered by recommending consultation and if possible agreement. A special memo. was prepared on prize law and jurisdiction. (Report, paragraph 80.)

IX. Dominion Constitutions and Provincial Position. (Report, paragraphs 62-71.)

This subject was given special attention by the Canadian delegation, to avert any possibility of criticism on the ground that the Dominion parliament was being given power to alter the constitution or was taking over powers that belonged to the provinces. To some extent, the same position arose with Australia, but not altogether so, as Australia can amend its own constitution.

Three different aspects of the position require notice:

(a) Amendment of Dominion Constitution.

It was recommended that a clause be inserted in the proposed British Act to make it clear that no new power to amend the Constitution Act was being conferred on the Parliament of Canada (or, for different reasons, on the Parliaments of Australia or New Zealand). It was further pointed out in the Report that the question of alternative methods of amendment to the present method was a matter for consideration by the appropriate Canadian authorities. The suggestion thrown out by Jowitt (or the Dominions Office) that it would be necessary, in case a wholly Canadian method of amendment, e.g., consent of parliament and six provinces, were adopted, for the British parliament to continue to exercise control to preserve the balance between Dominion

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and provinces was effectually squelched by Mr. Lapointe in a Conference meeting.

Much debate took place over the Irish and South African constitutions. The Irish agreed to insert a sentence making it clear that any change in their Constitution was subject to the provisions of the Agreement or Treaty of 1921, with which the British were satisfied.

(b) Preservation of Provincial or State Powers.

A further clause in the proposed British Act was recommended declaring expressly that nothing in the Act should authorize the Parliament of Canada (or Australia) to make laws on any matter at present exclusively within the authority of the provinces (or states).

(c) Application of Recommendations to Provinces (or States) themselves.

The Colonial Laws Validity Act applies to legislation passed by a provincial or state legislature as well as by a Dominion parliament. The question was debated whether the new Act should confer on the provinces and states a power to override British legislation on subjects within their jurisdiction, corresponding to the power to be conferred on Dominion parliaments. It was concluded that it would not be advisable to recommend either that this should or that it should not be done: if before the next Imperial Conference is held, the provinces or states or some of them express a desire for similar powers, provision might then be made for granting it (perhaps on an optional basis).

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The Australian states possess jurisdiction over criminal law which in Canada falls to the Dominion. There is therefore an argument in their case for giving to state law extraterritorial operation. The same argument does not hold good in the case of the provinces of Canada, and the many definite territorial limitations imposed by Sect. 92 of the British North America Act on provincial powers, and the confusion arising if they had extraterritorial powers re taxation, etc., are strong reasons against any extension. So, also, the fact that the British government appoints directly the governors of the Australian states and has the power of disallowing or reserving their legislation brings in an element of difference between the two countries.

X. Merchant Shipping. (Report, paragraphs 83-124.)

This question bristled with difficulties, political and technical. It was clear that the present condition under which the control over all British Commonwealth shipping rests with the parliament and administrative officials of the United Kingdom, and the Canadian parliament is unable to legislate either for its own ships on the high seas or British or foreign ships in Canadian waters, on the most important points, could not continue. On the other hand, the uniformity secured under United Kingdom legislation had its good points, and loud objections would be voiced both by British and by Canadian shipping interests if it were thrown overboard.

The question was discussed in full Conference. It was agreed, first, that the general principles of grant of extraterritorial power and repeal of the Colonial Laws Validity Act, and the conferring on the Dominion parliaments of power to pass laws repealing, amending or repugnant to British laws, should apply to Merchant Shipping and Colonial

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Courts of Admiralty (the courts dealing with shipping disputes, e.g., as to collisions, chartering, liens). This would give each Dominion full control over its own ships. It was agreed, in the second place, that this freedom ought to be used in such a way as to secure uniformity in matters of general interest, as in fact was in large part being done in the international sphere by treaties. The form this uniformity should take was expressed in the Report (paragraph 95):

> "As shipping is a worldwide interest, in which uniformity is from the nature of the case desirable, there is a strong presumption in favour of concerted action between the members of the British Commonwealth in shipping matters, but this concerted action must from its nature result from voluntary agreements by the members of the Commonwealth; it should be confined to matters in which concerted action is necessary or desirable in the common interest; it should be sufficiently elastic to permit of alterations being made from time to time as experience is gained; and it must not prevent local matters being dealt with in accordance with local conditions. The kind of agreement which we have in mind in making our recommendations is one extending over a fixed period of years and providing for revision from time to time."

The question was then remitted to a Committee. The Committee steered its way with skill between confining itself to a mere statement of general principles, and attempting to draw up a detailed Merchant Shipping Code. It reviewed the existing situation, and recommended the removal of all limitations on Dominion autonomy. Direct repeal by the British Act of the provisions requiring reservation of Dominion Acts on most phases of merchant shipping or Courts of Admiralty was recommended: other provisions of the British Merchant Shipping Act could be repealed or amended by the Dominion parliament, under the new regime, if and when it desired. The Committee then proceeded to

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suggest subjects on which uniform action was desirable and the general lines on which it should be sought - i.e., as to qualifications for ownership, measurement, standards of safety, certificates of competency, bills of lading, etc. On other subjects reciprocal legislation would be desirable - courts of inquiry, mutual enforcement of law, relief of distressed seamen, etc.

The Report, it is considered, meets the political considerations in favour of freedom of action and the business considerations in favour of substantial uniformity. There still remain questions of detail of much difficulty, and the whole subject will require careful consideration by the departments concerned and by the shipping interests before action can be taken. It is possible, though not certain, that such consideration might be given before the Imperial Economic Conference meets.

XI. Inter-Commonwealth Tribunal. (Report, paragraph 125.)

The suggestion of a Commonwealth Court or Tribunal had two roots - anticipation that the day of the Privy Council was nearly over, and recollection of the disputes at Geneva over the Optional Clause.

The question of the Appeal to the Judicial Committee of the Privy Council was not included in the terms of reference of the Conference, and did not come before it directly. It will be recalled that at the 1926 Conference the British government stated that it was not its policy to determine the question of the appeal otherwise than in accord with the wishes of the part of the Empire primarily concerned, and that the Irish Free State, while not pressing the matter at the time,

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reserved the right to bring it up at the next Imperial Conference. The work of the present Conference had a bearing on the Appeal, in that it recommended the repeal of the Colonial Laws Validity Act, and the removal therefore of the barrier to any Dominion legislation restricting the appeal which the Privy Council decided in the Nadan case that Act presented. The Conference did not, however, recommend the removal of the similar barrier on provincial action (see IX (c) above). Private discussion indicated a rapidly growing feeling that the Privy Council was losing prestige. Sir Claude Schuster declared it was becoming merely a Supreme Court for India: no cases come from South Africa, very few from Australia or New Zealand, and only India and Canada now provide the grist for its mills. Sir William Jowitt remarked that its permanent continuance on the present basis was not possible; he hoped the question of the appeal would not come up at the present Conference, but he intended to prepare a memorandum for the next Imperial Conference preparing the way for its abolition where any Dominion demanded it: how far he spoke for the government, and how far this carried beyond the 1926 declaration, was not quite clear. The general result was a feeling that some alternative should be prepared, and it seemed to some of the British delegation that a new Commonwealth Court, constituted on a basis of equal representation, might take its place.

The Optional Clause row at Geneva was fresh in mind. The controversy as to whether the Optional Clause would be signed by all members of the Commonwealth, and if so with similar and what reservations, had been a prolonged one. The Australians, South Africans, Irish, and some of

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the British who had been present, told us that the leading British representatives at Geneva handled the discussion badly. Neither Ramsay MacDonald nor Arthur Henderson had any appreciation of the present international position of the Dominions, or any detailed knowledge of the Optional Clause position; the difference between them was that MacDonald, who left early, was sympathetic and willing to discuss, while Henderson, who stayed on, was arrogant and stubborn. Both wanted immediate acceptance of the Clause by Britain and all the cubs, as a fine gesture, and both were willing, so long as the gesture was made, to accept all the reservations the Foreign Office urged even though they deprived the gesture of all reality. The Irish took the opposing view with equal stubbornness. They were not as keen on signing the Clause, but if they did, they were not willing to accept reservations of doubtful legality; they were of course unwilling in any case to be dragged along behind Ramsay's triumphant car of rhetorical gestures, and they were specially desirous of retaining the right of appeal to the Permanent Court in case of a dispute with England over the Anglo-Irish Treaty. The Canadians and Australians took up a middle position; the South Africans, or rather Hertzog's cables, were hopelessly muddled. The Irish suggested as a compromise, postponing signing for a year, and in the meantime examining, perhaps at the next Imperial Conference, the possibility of a British Commonwealth Tribunal as a substitute for the

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Permanent Court in inter-Commonwealth disputes, but Henderson refused to listen. The result was that the British, Canadians, Australians, New Zealanders and South Africans signed a declaration as full of reservations as a sieve is of holes, and the Irish signed with no reservation whatever. The British had failed to secure unanimous action, and the Irish had failed to have inter-Commonwealth disputes included in the Permanent Court's jurisdiction. A peculiar dodge by Henderson and Hurst, in making at the time of signing, and without warning, a public statement, previously handed to the Press, on a very controversial point, which required immediate counter-statements by Eric Louw and Senator Dandurand, increased the friction. The suggestion accordingly developed in London that if a Commonwealth Court were set up, one at least of the points in dispute at Geneva would be settled.

The general feeling at the Conference was that the proposal was a promising one, but that it was not within the terms of reference. It was also the prevailing view that the two objects referred to above were not compatible. A Court to deal with legal disputes between members of the Commonwealth would not need to act more than once a year and would not be permanently constituted; a Court to act as a Court of Appeal from all the Dominions (and from the United Kingdom as well, if it was really to be established on a basis of equality) in private disputes, would need to sit every day and be a permanent body. The case for a tribunal to settle inter-governmental disputes was strong; but there was not a strong case for sending purely domestic issues to an outside court, whether Privy Council or Empire Court.

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It was considered necessary to avoid any suggestion that if the appeal to the Privy Council was to disappear, its disappearance should be conditional on accepting a new Court for private disputes.

The question was debated at length, and some useful suggestions recorded. The final report was very brief, however, (paragraph 125), merely suggesting further examination of the question by the governments concerned, and indicating the view that such a Tribunal, if established, should, as to constitution, be an ad hoc body selected from standing panels nominated by the several members of the Commonwealth, and as to jurisdiction, be confined to justiciable issues arising between the governments participating. More will of course be heard of the question later.

XII. Prerogatives, and Advice to Crown.

The only other point which appears to require note was as to the desirability of a clarification of the position as to the prerogatives of the Crown, and particularly as to the giving of advice to the King by his Dominion ministers. A number of recent writers, Keith, Corbett and Smith, Morgan, Marriott, etc., driven from other grounds of criticism, have been contending (1) that advice to the Crown on Dominion questions must be tendered to the King and not to the Governor-General on certain matters of high prerogative; (2) that such advice must be tendered through British ministers, and not directly, and (3) that in such case British ministers have the right and duty to tender contrary advice if imperial interests are deemed to require it, and that the requirement of the Great Seal of England on Dominion

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documents is a means and guarantee of control. The Canadian delegation considered the advisability of raising the question, and of discussing such alternative solutions as transfer of prerogatives to the Governor-General, a formal statement from British ministers that in transmitting Dominion ministers' advice their action is wholly automatic and formal, or provision for direct approach to the King by a Dominion Prime Minister or High Commissioner, on certain special occasions. It was, however, concluded that this question was one which would more fitly come up at an Imperial Conference. It was found that Keith, Morgan, et al., had little standing in British governmental circles. Incidentally, it was learned the last few days that Hertzog had been claiming the right to tender advice directly to the King re the appointment of the next Governor-General and that some tension in high quarters had developed in consequence.

XIII. Future Procedure.

The 1926 Imperial Conference recommendations suggested that the report of the present Conference be submitted to the several governments as a preliminary to further consideration. The Australian, New Zealand and South African delegations did not want any publication before the report reached their respective governments - six or eight weeks. The understanding reached accordingly was that publication would be made simultaneously on a date early in February, to be arranged later.

A good deal of discussion arose as to the binding effect of the report. At one extreme, Sir Harrison Moore, supported at first by Passfield, contended it was purely an

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experts' report, which any government was free to accept or reject in whole or part; at the other, McGilligan, regarding it as a political compromise, insisted it must be taken as a whole and that it was morally binding on the several governments. The Canadian view was that the Report was not formally binding; that it carried merely whatever weight its inherent merits and the fact that Ministers of several governments took part gave to it; but that the fact that it was unanimous and that eight weeks' experience had shown the difficulty of getting agreement on any other basis would naturally be taken into account by each government. Jowitt said that in signing he could not pledge his government, but he did commit himself to resign if his government did not support it. The British and Irish delegations were in close touch with their governments, the British and Irish cabinets considering certain points. The South Africans communicated several times with their government, and Sir James Parr started doing so but stopped when he found the cabling was adding to his confusion, not solving it. Moore put on the minutes of the last meeting a caveat as to his special orphaned position.

The future procedure contemplated is (1) publication of the Report in February; (2) such preliminary discussion in the several parliaments as may be considered desirable in each case; (3) consideration, and, it is hoped, confirmation by the governments taking part in the Imperial Conference in October; (4) resolutions of approval, in the several Dominion parliaments, of the British draft bill implementing the recommendations, or of the whole Imperial Conference report; (5) passing of the Act by the British parliament.

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PARLIAMENTARY DEBATES - BRITISH HOUSE OF COMMONS.

THURSDAY - FEBRUARY 13th, 1930

Dominion Legislation

Mr. MANDER asked the Under-Secretary of State for Dominion Affairs whether it is the intention of the Government to introduce legislation necessitated by the Conference on the Operation of Dominion Legislation and the merchant shipping legislation; and when this will take place?

Mr. LUNN: The Government have under consideration the Report of the Conference on the Operation of Dominion Legislation; but I am not in a position at the present time to give any indication of the date when a decision will be possible as to action on the Report.

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Canadian Government Merchant Marine,

Government Proceeded by Order in Council

The next is that, before Parliament was at all consulted, the Government, between those two sessions of 1917 and 1918, appropriated $ 25,000,000. for the purpose of starting that shipbuilding programme. I find a tacit admission of that patent irregularity in the words of Sir Robert Borden himself, at the beginning of the session of 1918, (Hansard, 1918, page 28) when he said:-

"An appropriation of $ 25,000,000. has been authorized, so far "as Council was able to authorize it, for the present year."

, Mr. Meighen, in his speech at Winnipeg in October 1920, tried to explain this extraordinary course taken by the Government of voting $ 25,000,000., by Order in Council, and without any authority from Parliament, but with his legal ability failed to give a satisfactory explanation as there is no excuse for it.

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CANADIAN GOVERNMENT MERCHANT MARINE

Parliament Not Consulted, nor the People

The first remark I wish to make is that this policy was adopted between two sessions, between that of 1917 and that of 1918, and it is only after the carrying out of the shipbuilding programme had been put in full swing, in 1918, at the beginning of the session, that Parliament was apprised officially of it. I have here an article from the Halifax Herald, dated January, 1918, which gives the substance of the new programme, at its very inception.

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From the Halifax Herald, January 5, 1918.

SIXTY MILLIONS OF DOLLARS FOR SHIPBUILDING IN CANADA.

The Ships to be built under the Government's New Program Will be Owned by the Government, Who Will Control Canada's Ocean Transport - Only Existing Yards To Be Used.

OTTAWA, January 4, (1918) - Hon. C. C. Ballantyne tonight made public some further details of the great shipbuilding project announced yesterday. Here are some of the outstanding features of the program:-

(1) The ships will be built and owned by the Government. They will be operated partly, at least, and perhaps wholly, by the Government, altho in special cases they may be chartered to responsible parties. After the war they will be owned and operated by the Government in co-operation with Government-owned railways. In a word, the policy inaugurated is a policy of government ownership of ocean transports.

(2) Ships now under construction for the British Government will be completed. Contracts for these vessels are let by the imperial munitions board, and most of them will be completed early in the summer. After that Canada will take charge of all construction.

(3) The Government's contemplated program will involve an expenditure of from fifty to sixty millions of dollars.

(4) There will be an equitable distribution of labor between the various plants, so as to ensure the maximum of efficiency and speed in the output of ships.

(5) No new shipyards will be constructed for the present, but all existing yards will be utilized to their fullest capacity. Ships will be built at Vickers, Montreal; George Davies, Levis; Polson Iron Works, Toronto; Collingwood Shipbuilding Company, Collingwood; at New Glasgow; and in the yards of the Pacific Coast.

(6) Charles Duguld, naval architect of the government service, who has a wide experience in yards in Belfast and on the Clyde, will be the technical officer in charge of the work.

(7) Steel rolling plants - heretofore exclusively confined to the United States - will be erected at Sydney, New Glasgow, Hamilton and Sault Ste. Marie.

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We might rightly have expected that such an important programme of shipbuilding should have first been discussed by Parliament. The excuse given was that the emergency necessitated prompt action, but that cannot be a legitimate excuse for ignoring the rights of Parliament, since the emergency was properly taken care of by the Imperial Munitions' Board which at the time had contracts placed in Canadian Shipwards for 89 ships , (Hansard, 1918, page 28). As I said, I wish to make that quite clear, the necessity of increasing the sea tonnage decimated by submarines existed and was a pressing one, but that emergency was at the time being met, as far as we could in Canada, by all our canadian shipyards working to full capacity for the Imperial Munitions' Board, the Canadian Government advancing the money to England for that purpose. Moreover, the Government policy was not to add to those ships being built by the Imperial Munitions' Board, but to substitute itself for the latter. Therefore, the emergency being properly taken care of, there was no necessity at all to enter upon a new policy of shipbuilding without consulting Parliament first. That is the first point.

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CANADIAN GOVERNMENT MERCHANT MARINE

POLICY OF SHIPBUILDING NOT JUSTIFIED
BY WAR EXIGENCY WHICH WAS ONLY A PRETEXT.

(Hansard, 1921 Page 1929-30)

We endorsed however, the Government policy during that session of 1918, thinking the Government were really pressed by war emergencies. The Members of the Opposition were not then well acquainted with the facts in regards to the operations of the Imperial Munitions' Board. It was practically impossible to keep track of what was going on in the shipping business, and nobody exactly knew, except those in close touch with the cabinet, that in so many of the shipyards in this country ships were being constructed at that time for the Imperial Munitions' Board, moreover, the censor was busy and any news relating to the construction and, launching of ships was suppressed. If we had known in 1918, that the yards of Canada were all busy building ships for the Munitions' Board, on the account of the Admiralty, we would have had great hesitation in allowing the Government to go forward with their programme without a protest.

As I said, we accepted the new shipbuilding policy as a war necessity and let us assume it was such. The only conclusion to be drawn is that, when the war was over, the shipbuilding programme should normally have come to an end, the purposes thereof having been served. And it would have been easy for the Government to recede from this shipbuilding programme at the close of the war. When the war ended,

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CANADIAN GOVERNMENT MERCHANT MARINE

POLICY OF SHIPBUILDING NOT JUSTIFIED
BY WAR EXIGENCY WHICH WAS ONLY A PRETEXT.

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on Nov. 11, 1918, there were actually only four keels laid. The names of the vessels for which keels had been laid were the Voyageur, the Pioneer, the Warrior, the Volunteer. But they did not do that. They went on building and building ships, going entirely beyond the purpose for which the programme had been started.

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C 97557

Canadian Government Merchant Marine

Owes its inception to War

But before going into that, it is important that we should take up the history of the Canadian Merchant Marine, the pet child of Hon. Mr. Ballantyne, which he advertises monthly as faring well and giving all sorts of promises for the future. Then we will be in a better position to deal with the question of information.

The origins of the Canadian Merchant Marine are well known. It is an accepted fact all over the country that the Canadian Merchant Marine arose out of the war. In 1917, the sea tonnage of the world and particularly of the British Empire was decimated by German Submarines, resulting in a serious shortage of ships, and it was necessary to the successful prosecution of the war to provide means of transportation overseas and keep the tonnage up to full capacity. That was the reason given by the Government to enter upon a policy of canadian shipbuilding, and all hearts being united in a desire to help the Allies and England to win the war, His Majesty's opposition all joined in support of that policy for the prosecution of the war, thinking the alleged reason was a genuine one.

I must confess that, after a sincere study of the origins of that policy, I have not been able to find that the real reason was the emergencies of the war. The real reason which I draw from the alleged one not being valid, is that the Government desired to embark upon a programme of shipbuilding to favour certain canadian interests. One of our members has said in the House, during his able speech made on the Canadian Merchant Marine that he suspected there must be an Ethiopion somewhere and that he hopes to land him

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some day. Remember it is not the only instance where the Government alleging war emergencies, took certain steps of administration where the real motives were carefully hidden. For example, who will believe today that when the Government established the Board of Commerce, they seriously intended to curb the wave of profiteering.

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C 97559

CANADIAN GOVERNMENT MERCHANT MARINE

PROCEEDED WITH AFTER WAR, IN SPITE OF SURPLUS SHIPPING.

The Liberal Party has never ceased protesting against that past-war policy, on the ground of no justification and of useless expenditure at improper times. You can take the Hansard, and realize how complete, thorough and persisting has been our protest.

In spite of these protests, the Government decided to carry on, although the war was over.

In, 1919, they built in our Canadian Shipyards 19 steel vessels, of a total deadweight tonnage of 99,610.

In 1920, they built 28 vessels, making with the tonnage for 1919 a total of 255,027, and 47 vessels.

This year, there will be delivered by the shipyards another set of 19 vessels, of a deadweight tonnage of 132,500, making a total, on completion of the contracts, of 66 vessels and 387,537 tonnage.

Now, I must also point out that not only was the Government making a great blunder in building ships when the war was over, but the blunder looks even more disastrous and stupid when we realize that since the war a considerable portion of the vessels in the harbours of the world have been lying idle and the owners thereof finding there is less loss in keeping them in idleness than in operation. Just to give an instance: last May, the United States Shipping Board had half of

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their vessels laid up, over five hundred out of a thousand ships. (Evidence, Standing Committee, pages 350 and 378). Everyone knows that for many months and practically since the armistice, ships have been laid up all over the world, because they could not be run under the existing conditions, and ports are congested everywhere. In an Editorial in the British Shipping Journal "Fairplay", written by Mr. Gordon Robinson, a leading expert in maritime commercial matters, the statement is made that 30 per cent of the world's shipping, or about 17 million gross tons is now out of employment. It is estimated that 800,000 tons are tied up in Scandinavian ports, while 500,000 are tied up in the Far East. These figures are suggestive of the world-wide slump in shipping.

There is only one word for such a policy of shipbuilding under such conditions, and that word is political stupidity. As a matter of fact, there is no word to describe it.

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C 97561

CANADIAN GOVERNMENT MERCHANT MARINE

TENDERS NOT CALLED FOR

(Hansard 1920 page 662).

Moreover, all the contracts for these ships built with the people's money were awarded without any tenders being called according to the law of the land (Sec. 36 of Ch. 39, Revised Statutes of Canada). Hon. Mr. Ballantyne, last year, tried to justify this illegal proceeding on various considerations which do not stand one minute's scrutiny in view of what the law is to protect against the people's money being squandered by lavish ministers to favourite contractors. And the fact that there were practically $ 70,000,000. involved in the awarding of said shipbuilding contracts made it still more imperative to follow the law of the land.

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C 97562

CANADIAN GOVERNMENT MERCHANT MARINE

PUT UNDER MACKENZIE AND MANN BOARD
BY ORDER IN COUNCIL

Again, these vessels of the Canadian Government Merchant Marine are operated as provided for by Order-in-Council passed June 2, 1919. I would like very much to know where the Government derived their authority from to pass an Order-in-Council entrusting the operation of the Canadian Government Merchant Marine to the Canadian Northern Railway Board. There never was any such authority granted by Parliament.

Again, if you look at the annual report 1920, of Mr. Hanna, it is said that:-

"An Order-in-Council passed March 16, 1920, provides for all of the vessels in completion being turned over to the Canadian Governe ment Merchant Marine Limited for operation".

I say that there never was a law passed by Parliament incorporating the Canadian Government Marchant Marine Limited, and no authority given by Parliament to the Governor-in-Council to pass such Order-in-Council.

All that is policy pursued in ignorance and defiance of the authority of Parliament which has a right to have it come before it for criticism before it is entered upon.

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CANADIAN GOVERNMENT MERCHANT MARINE

COST OF OPERATION- A DEFICIT-

The last two annual reports of the Minister of Marine for 1919 and 1920 give a surplus.

According to those official statements, the operating profit for 1919 is given as $ 1,056,767.38, the total profit for that period as $ 1,406,767.38.

(Select Standing evidence page 410) But in that statement given in the House there was no allowance made for interest and depreciation; although such allowance was declared in the House by the Minister of Marine as having been made. And apart from the fact that the Minister of Marine was giving a wrong statement to the House and Country, what I wish to say is that the official surplus, if any, after making deduction for interest and depreciation, would certainly have been less by several hundred thousand dollars, and probably there would have been no surplus at all? but a deficit. The Government admit that $ 500,000. for interest and an amount based as 5 per cent for depreciation should have been deducted. As a matter of fact, if you take into consideration the fact that those vessels were built at

(Same reference as above)

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high war prices at the very peak of shipbuilding costs, at about $191.95 per ton., and that the depreciation to be allowed was really much larger, there is no doubt that the result of the financial operations of the Canadian Merchant Marine would give a deficit for 1919.

Now take the statement for the 1920 period. The profit for that year is given as $ 598,460.09 on closed voyages, and as $ 781,460.09 if you include net earnings on voyages closed since January of this year applicable to 1920. The Minister of Marine says there has been a deduction allowed of $ 667,665.46 for operation, but no provision for interest, and that the above net earnings of $ 781,460.09 are equal to 2.35 per cent interest on notes given to the Government for the full cost of the

(Select standing Committee, evidence page 56).

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C 97565

ships. There is, therefore, an indirect admission by the Minister himself that the year 1920 closes up with a deficit, because the net earnings do not cover the whole percentage of interest due by the Canadian Government Merchant Marine Co., on the cost of the ships. The Minister is very careful not to insert the interest charges, as otherwise he must show a deficit.

But to get at the real financial result for that year, it is essential to take into account what the real depreciation is in those ships. There is no doubt that those ships could be built today for $ 50. a ton at least, which would make a depreciation of 75 per cent. Let me quote from the evidence of Mr. Hensley, a man who has been in shipping business for many years, who was called before the Seledt Standing Committee, Page 349:-

Q. You know the present condition of world whipping?

A. Yes.

Q. What in your opinion, would be the possibilities or probabilities of disposing of them (Ships of Canadian Merchant Marine)?

A. I think a very poor show.

Q. Practically no show?

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A. A very poor show. You could sell them at a figure.

Q. What is your idea of "a figure? ?

A. I think probably seven or eight pounds a ton.

And Mr. Warren, another witness examined before the Committee, page 384:

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C 97565

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Q. Mr. Warren, what do you say of the value of the ships at the present time, ships which cost one hundred and nine two dollars per ton, with some extras running up approximately two hundred dollars a ton: what about the present value of them?

A. At the outside fifty dollars per ton.

So that if you take a serious and exact account of the depreciation, you have a deficit this year of many millions of dollars.

The whole story is a very sad one.

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C 97567

CANADIAN GOVERNMENT MERCHANT MARINE

SHIPPING PROGRAMME INTENDED AS SUPPLEMENT
TO RAILWAYS- GOVERNMENT OWNED AND OPERATED
TO INJURY OF EXISTING COMPANIES

The reasons given this year by the Minister of Marine for entering upon, and continuing, this shipbuilding programme were as follows:-

(a) First it was a war measure.

I will not deal any further with that, as I have shown that the emergency during the war was peoperly taken care of by the Imperial Munitions' Board employing our Canadian Shipyards to full capacity. That reason does not hold.

(Select Standing Committee page 50.)

(b) The Government owned a large system of railways which made it necessary to complete the chain of transportation by providing ships to carry the carg
carry the cargoes that would be transported over this immense railway to our seaports for exportation.

This sounds like a good reason. But we can see at once that if the Government have entered upon a railway policy which cost the country over $ 500,000,000 of dollars. for which the canadian people have to pay taxes, it was not necessary to add to this tremendous burden the taxes resulting from this shipbuilding programme. Moreover, it is not proved

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that the ships are a valuable or necessary adjunct to the Canadian National Railway System. I quote from the evidence before the Select Standing Committee, page 387:

"Hon. Mr. McLean: "I would like to ask you one or two questions. I have been suggesting that insofar as certain areas of mercantile trade are concerned, such as the West Indies and Newfoundland, the ships are not a valuable nor necessary adjunct to our Canadian National Railway System. What do you say to that? ?

Witness: "I shall say positively not".

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CANADIAN GOVERNMENT MERCHANT MARINE

SERVICE HAS ONLY INJURED PRIVATE INTERESTS
AND COST THE PUBLIC ENORMOUS SUMS

(c) The construction of these ships was to enable Canada to expand her export trade, and Canada has performed a great national work.

Well, if you read the evidence of Mr. Yeakle, operating manager of the Canadian Merchant Marine, given before the Select Standing Committee, you will see first that the export trade was properly taken care of by private companies; and moreover, that the Government has practically driven these companies out of the routes, thereby encroaching upon private trade to no particular advantage derived so far by Canada from this substitution.

Let me quote again from Mr. Warren's evidence, page 378:-

Q. What do you say as to the soundness of the policy of having Canadian Government ships entering into the West Indies and Newfoundland trade, particularly as against existing and privately owned lines?

A. Well, I would say it is very wrong that I should be forced to go into competition with myself. That is what it practically is. I am trying to run my ships, and at the same time my ship

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C 97570

and your ship , and every tax payer's ship is running against himself. These ships do not belong to the Canadian Merchant Marine any more than they belong to you and we and everybody else and why should we be forced to run in competition with ourselves? It may be some new kind of practical economy, but I don't understand it.

Q. You limit that statement to routes where private enterprise will take care of possible trade?

A. I think the principle is wrong all through, and when you are going to start breaking the principle, you don't know where it is going to finish.

Q. You might condone the operation of the Canadian Merchant Marine ships on routes where there was trade to be cared for?

A. If the Canadian Merchant Marine had carried out the programme they went to the country on of developping new trade with the ships, we would have nothing to say to them, but they have simply gone and trod on the heels of peoples who have developed these trades for the last century."

Moreover, reports have been current and frequent in newspapers that our canadian vessels had to go to foreign ports to get cargoes, otherwise many of them would have to remain idle. I quote again from the evidence of Mr. Yeakle, Manager of the Canadian Merchant Marine, page 325:

Q. With regard to your return cargo, is it not a fact that most of the returned cargoes came from the United States ports, sugar for instance?

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C 97571

A. We have carried a fair amount of cargo to the United States.

Q. A great deal more you have brought to Canada?

A. Yes.

Q. Is it not a fact that you cannot get freight in Canada and you are sending your steamers light from Canada to American ports for cargoes?

A. We have made some charters.

Q. You would not say you were encouraging the export trade from Canada when your ships leave Canada light and go to the United States ports for cargoes for a foreign country?

A. On the other hand, you would not want the ships tied up if you could get a cargo elsewhere to bring them out even?

I have before me a despatch sent from London, England, to the Montreal Gazette, dated March 17, 1921, where it appears that the Canadian Government Merchant vessels have had to seek cargoes at Foreign Ports.

GAZETTE, MARCH 17.

LONDON: "The Canadian Government Merchant Marine vessels, which were built to develop the canadian trades, have been forced to enter into the general carrying trade of the world as a result of the commercial depression. William Philipps, the European Manager, said today that the vessels were being sent from British to Scandinavian ports, and also to Holland and Germany, with a view to keeping them employed until the canadian export trade revives."

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(Standing Committee evidence page 51).

(d) Another reason given by the Minister of Marine for continuing the shipbuilding programme, was the serious labor conditions that existed throughout Canada at the time of the signing of the armistice, and which conditions prevailed through the year 1919.

This, it seems to me, is the most feeble reason than can be alleged for continuing this programme of the Government under such unfavorable circumstances as I have already described. That there were "thousands of skilled and unskilled workmen out of employment in the Dominion and hundreds of thousands of our brave men returning from the front" is quite true, and the desire of the Government to help them through all possible means was a legitimate and worthy purpose, but it is inconceivable that the Government should have, to attain this aim, resorted to the continuance of this shipbuilding policy which from the beginning was not justified by any valid business or political or administrative reason, and which, owing to the very difficult shipping conditions all over the world was bound to be an expensive venture and pursued with great loss of money.

The result of it all is that today the tax payers of Canada are burdened with this expenditure amounting so far to $ 50,000,000., which will, in the very near future, on the completion of the sixty-six vessels of the Canadian Merchant Marine, be increased to $ 70,000,000. That policy, from the beginning, was not justified by the circumstances that then existed and the continuance of it has been, up to this date, a very unbusinesslike proposition ending in heavy deficits in spite of appearances.

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C 97573

Canadian Government Merchant Marine

Statement concerning American Merchant Marine applicable to,

"The situation would not be so serious and discouraging were it not for the fact that the prevailing freights approximate substantially those which existed during the pre-war period, with no-where near the volume of business offering. With this, we have the tonnage requirements of the world largely overbuilt".

America Industrial,
June 1921, page 16.

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C 97574

CANADIAN GOVERNMENT MERCHANT MARINE

NAMES OF STEAMERS, ROUTES AND TONNAGE

ATLANTIC COAST SERVICES

CARDIFF and SWANSEA

Canadian Leader	)	8,100 tons deadweight
" Mariner	)	Fortnightly sailings
" Commander	)	Montreal in summer
" Victor	)	St. John in winter.

LONDON and ANTWERP.

Canadian Raider	)	5,100 tons deadweight
" Rancher	)	every 10 days
" Trapper	)	Montreal in summer
" Hunter	)	St. John in winter
" Aviator	)	

ST. KITTS, ANTIGUA, BARBADOS, TRINIDAD, DEMARARA.

Canadian Volunteer	)	4,300 tons deadweight
" Runner	)	fortnightly service
" Otter	)	Montreal in summer
" Carrier	)	Halifax in winter

BERMUDA, BAHAMAS, JAMAICA, BRITISH HONDURAS.

Canadian Fisher	)	5,100 tons deadweight
" Forester	)	every 3 weeks
	)	Montreal in summer
	)	Halifax in winter.

BRISBANE, SYDNEY, MELBOURNE, ADELAIDE, AUSTRALIA.

Canadian Cruiser	)	10,500 tons deadweight
" Constructor	)	" " "
" Britishor	)	8,100 " "
" Explorer	)	Monthly service
" Spinner	)	Montreal in summer
	)	Halifax in winter

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C 97575

ATLANTIC COAST SERVICES.

AUCKLAND, WELLINGTON, LYTTLETON, DUNEDIN - NEW ZEALAND.

Canadian	Traveler	) 8,100 tons deadweight
"	Skirmisher	) monthly service
"	Challenger	) Montreal in summer
"	Conqueror	) Halifax in winter.

INTERCOSTAL and ORIENTAL - (JAPAN and CHINA).

Canadian	Inventor	) 8,100 tons deadweight
"	Planter	) Monthly sailings
"	Importer	) Montreal in summer
"	Prospector	) Halifax in winter
"	Winner	)
"	Miller	)

PACIFIC COAST SERVICES.

SYDNEY, MELBOURNE - AUSTRALIA.

Canadian	Voyager	) 4,300 tons deadweight
"	Trooper	) every 2 months from
		) Vancouver.

WEST COAST PORTS - UNITED KINGDOM.

Canadian	Freighter	)
"	Scottish	) 8,100 tons deadweight
"	Highlander	) monthly sailings
"	Transporter	) from Vancouver.

LONDON and ANTWERP.

Canadian	Pioneer	) 8,100 tons deadweight
"	Seigneur	) Every 5 weeks
"	Ranger	) from Vancouver.

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C 97576

PACIFIC COAST SERVICES.

CALIFORNIAN PORTS from VANCOUVER and VANCOUVER ISLAND PORTS.

Canadian Rover " Farmer " Observer " Coaster	3,900 tons deadweight Weekly service.

STEAMERS ON CHARTER

Canadian Settler	5,100 tons deadweight

STEAMERS LAID UP.

(Used on Great Lakes Trade)

Canadian Adventurer " Engineer " Pathfinder " Sailor " Trader " Sower	3400/3500 approximate tons deadweight 4 at Midland 1 at Port McNichol 1 at Tiflis
" Warrior " Signaller	3900 tons deadweight at Midland
" Beaver " Harvester " Gunner	3,900 tons deadweight at Halifax
" Squatter	4,300 tons deadweight at Halifax.
" Sapper	2,300 tons deadweight This ship, while at present laid up at Halifax, runs on the Montreal, Charlottetown, Newfoundland route, and will be on that route again this Spring.

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C 37577

GENERAL INFORMATION

The fleet is comprised as follows:

2	Steamers of the	10500 ton type
24	" " "	8100 " "
8	" " "	5100 " "
7	" " "	4350 - 4375 ton type
9	" " "	3900 ton type
6	" " "	3400 - 3500 ton type
1	" " "	2800 ton type
57		

Thirteen of the steamers are fitted with refrigeration accommodation, the following steamers having 17,000 feet of refrigerated space:

"Canadian Constructor")
"Canadian Cruiser") 10,500 ton type

and the following steamers having 12,900 feet of refrigerated space:

"Canadian Britisher")
"Canadian Commander")
"Canadian Conqueror")
"Canadian Freighter")
"Canadian Highlander")
"Canadian Leader") 8,100 ton type
"Canadian Scottish")
"Canadian Skirmisher")
"Canadian Transporter")
"Canadian Traveller")
"Canadian Victor")

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C 97578

Seven of the vessels burn oil instead of coal fuel, viz.:

"Canadian Challenger"
"Canadian Constructor"
"Canadian Cruiser"
"Canadian Freighter"
"Canadian Highlander"
"Canadian Skirmisher"
"Canadian Transporter"

Passenger Accommodation:

Two steamers of the 10,500 ton type, viz. "Canadian Constructor" and "Canadian Cruiser" have accommodation for nine first class passengers.

Nineteen of the 8,100 ton type have two staterooms with accommodation for six first class passengers.

The "Canadian Fisher" and "Canadian Forester" trading to the West Indies, have accommodation for 28 first-class passengers and 54 third-class passengers.

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C 97579

GENERAL INFORMATION

The fleet is comprised as follows -

1	Steamer	of the	2800 ton	type
6	"	"	" 3400 - 3500 ton	type
9	"	"	" 3900 ton	type
10	"	"	" 4350 - 4375 ton	type
4	"	"	" 5100 ton	type
24	"	"	" 8100 "	"
2	"	"	" 10500 "	"
57				

Thirteen of the steamers are fitted with refrigeration accommodation, each steamer having approximately 12,000 feet of refrigerated space, except the "CanadianConstructor" and "Canadian Cruiser", which each have 17,000 feet.

Seven of the vessels burn oil instead of coal fuel, viz.-

"Canadian Challenger"
"CanadianConstructor"
"Canadian Cruiser"
"Canadian Freighter"
"Canadian Highlander"
"Canadian Skirmisher"
"Canadian Transporter"

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C C 1.0.500 ton type

12.000

feet

8100 ton

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CANADIAN GOVERNMENT MERCHANT MARINE

COST OF -AND CONSEQUENT TAXATION.

What shall we say now of the whole extravagance for which the people of Canada are taxed as the result of this policy of shipbuilding.

Let us go into the matter of expenditure.

We start first with the $ 25,000,000. authorized by Order-in-Council, and of which Parliament was apprised at the beginning of the 1918 session.

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For the fiscal year 1919-20, we have an estimate of $40,000,000. for the Government Shipbuilding programme; for the year 1920-21, an estimate of $ 20,000,000. and the estimates for 1922 give an amount of $ 8,330,000, making a total authorization of $ 93,330,000.

$ 25,000,000.
40,000,000.
20,000,000.
8,330,000.

$ 93,330,000.

Our Merchant fleet is described as a $ 70,000,000. and I suppose it is approximately that, if you leave aside the $ 25,000,000. authorized by Order-in-Council. I have not seen however, that that amount was included in the $ 40,000,000. voted in 1919, and we might perhaps ask what was done with the $ 25,000,000. But I will let it go at that, relying for that on the figures given the Minister of Marine. Therefore, when the fleet is completed, we will have spent over $ 70,000,000. in this venture.

As far as the present number of ships under commission is concerned, exclusive of those under construction, the cost of the vessels so far (up to Dec. 31, 1920) is put at $ 50,000,000. The people of Canada today are taxed to that extent, and however optimistic the Minister of Marine may try to appear, there is nothing to show that the taxpayers may feel rejoyced, when the real facts are known.

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WHEREAS the Canadian Government Merchant Marine Limited, a Corporation organized and existing under the laws of the Dominion of Canada, now holds the whole of the Capital stock of various Steamship Companies owning individually steamers bearing similar names which were built by the Dominion of Canada from the public funds for the purpose of insuring sufficient tonnage, under the control of the government, to meet the needs of Canada for overseas transportation; and

WHEREAS all of the stock of the Canadian Government Merchant Marine Limited is owned by His Majesty the King in the right of the Dominion of Canada; and

WHEREAS said steamers are now being operated at a loss; and

WHEREAS it is desirable that said steamers be sold to a private corporation organized under the laws of the Dominion which shall acquire the whole of the Capital stock of the Steamship Companies above mentioned, the corporate name of the new Company to be The Canadian National Steamship Lines Limited, or some similar name to be satisfactory to, the parties hereto, it being the intention that such new company shall undertake to retain the said steamers in the Canadian trade, under the conditions hereinafter stated, and that said New Company shall receive the liberal co-operation, however, of the Canadian National Railways in securing business for such steamers and assisting in other ways; and

WHEREAS the Canadian National Railways also desires to develop its own passenger and freight traffic and believes that such development can be assured through an increase of the export and import trade of the Dominion and

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through stimulating immigration to Canada, and desires that the corporation to be formed hereunder shall co-operate with the Canadian National Railways in the effort to increase its traffic and develop a Canadian Merchant Marine capable of handling the ocean and of all traffic developed by the Canadian National Railways.

NOW THEREFORE THIS AGREEMENT, entered into this _____ day of May, 1923, by and between

The Canadian Government Merchant Marine Limited, hereinafter referred to as the Seller, party of the first part, and

J. Herbert Anderson, acting on behalf of the corporation to be formed under the laws of the Dominion of Canada, hereinafter referred to as the Buyer, party of the second part, and

The Canadian National Railway Company, hereinafter called the Railway Company, party of the third part WITNESSETH:

That the Seller agrees to sell and the Buyer agrees to purchase, on the terms hereinafter stated, the whole of the Capital stock of the various companies owning the steamers which are named and more fully described in the Schedule annexed marked "A" and made a part of the Agreement.

1. PURCHASE PRICE. The purchase price shall be based on the deadweight tonnage of the vessels owned by the individual companues named, being Five Pounds British Sterling per deadweight ton. The Buyer shall, in the first instance, accept the deadweight capacity of each steamer as stated in Schedule "A", but, in the event that either Buyer or Seller has reason to believe that the deadweight capacity of any steamer has been inaccurately stated, then, at the request of said party, that steamer shall be remeasured at any time within twelve months

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after the date of this contract, in any Canadian or British port, upon giving ten days notice to the other party. In the event that it shall be found, on such remeasurement, that the deadweight capacity of said steamer has been incorrectly stated, the amount due the seller shall be re-adjusted on the basis of the corrected figures.

It is understood that the duty to correctly determine and state the deadweight capacity of each steamer rests upon the Seller, and it is therefore agreed that the cost of re-measurement shall be borne by the Seller, in every case, except where the Buyer demands the remeasurement and it is found that the deadweight has not been over stated. In every such latter case, the cost of remeasurement shall be paid by the Buyer.

2. PAYMENTS - The purchase price shall be paid by the Buyer as follows:

One Hundred Thousand Pounds British Sterling upon the signing of this contract.

_____ Pounds British Sterling, (such a sum as, with £100,000, will make 25% of the total purchase price) upon the taking of delivery of the steamers, it being agreed that deliveries shall be begun by the Seller and shall be accepted by the Buyer on any date to be named by the Buyer within ninety days after the date of this contract. Before any deliveries are made, and not later than ninety days from the date hereof, the Buyer shall deposit with the Royal Bank of Canada said sum of _____ Pounds, on the conditions that said money shall be paid over to the Seller pro rata, ship by ship, as each vessel is delivered and accepted.

The balance of the purchase price shall be paid in nineteen equal annual instalments, the first instalment on account of principal to be paid July 1st, 1925.

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All deferred payments shall bear interest at the rate of 5%, which interest shall be paid semi-annually, the first payment on account of interest to be made on January 1st, 1924.

If, in any year, 60% of the net earnings of the Buyer shall be in excess of the payments due the Seller for that year, in principal and interest, an additional payment shall be made to the extent of such excess. But, if in any subsequent year or years, the total net earnings of the Buyer shall amount to less than the total sum required to be paid during that year, then any excess payments previously made shall be allocated to the particular year or years in which the earnings are deficient. The Seller shall allow the Buyer interest on excess payments at the rate of 5%.

3. DELIVERIES Unless otherwise agreed, all deliveries on the Atlantic Coast shall be made at Halifax, Quebec, or Montreal, and on the Pacific Coast at Prince Rupert or Vancouver, at the Buyer's option. All voyages which have been begun before delivery has been demanded by the Buyer shall be completed at the risk and expense of the Seller. The Buyer, however, shall have the option of accepting delivery at any foreign port, upon the discharge of the outward cargo and upon assuming any contract made for the carriage of return cargo. As a part of the consideration for the making of this contract, the Seller shall transfer to the Buyer, at the same time as the ships are delivered, all stevedoring and repair equipment and facilities at the various points and places in Canada where such facilities and repair equipment are held.

4. GUARANTEE OF CONDITION ON DELIVERY The Seller guarantees that each vessel, on delivery to the Buyer, shall be

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tight, staunch and strong, and in every way fitted for ocean service and classed in the highest class in the Classification Society on which she may be entered, with all equipment and spare parts required by said Classification Society. The buyer shall have the right, at his own expense, to survey each vessel before accepting her, and any repair work which is found to be required to make the vessel in every way fit for ocean service and to maintain her class, shall be done by the Seller at its expense, or, at the option of the Seller, may be done by the Buyer, on competitive bids, after a joint survey made by representatives of both parties, the cost of the repairs in that event to be paid by the Buyer and to be deducted from the purchase price.

5. GUARANTEE AGAINST LIENS The Seller guarantees that all steamers delivered hereunder shall, upon delivery, be free from liens of any and all character. In the event that any claim is made against any ship *in rem*, or against the Buyer *in personam*, which claim is based upon facts which occurred before the delivery to the Buyer of the ship involved, the Seller agrees to take over, at its own expense, the defence of said claim and to pay the amount of any sum that may ultimately be found to be due the claimant.

6. STORES ON BOARD ON DELIVERY - All bunker coal, or other fuel, and all unbroken stores on board at the time of delivery, shall be measured and inventoried by the representatives of both parties and shall be taken over by the Buyer and paid for in cash at market prices within thirty days after delivery. Stores not inventoried may be removed by the Seller.

7. SECURITY FOR DEFERRED PAYMENTS. The buyer shall execute and deliver to the Owner, either before, or

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at the time of taking delivery of each steamer, a statutory mortgage on said steamer as security for the payment of the full balance of the purchase price due the Seller for said steamer, together with interest on deferred payments.

8. INSURANCE - The buyer also agrees to keep all vessels insured against fire and marine perils and with P. and I. underwriters on terms and with underwriters satisfactory to the Seller, and in an amount always in excess of the balance due the Seller on account of both principal and interest.

9. BUYER'S GUARANTEE TO KEEP SHIPS FREE FROM LIENS. The buyer agrees not to contract any lien upon the steamers acquired hereunder, which shall be superior to or equal to the lien of the Seller under the mortgage to be given as security for the payment of the balance of the purchase price. The Buyer also agrees that all liens which may arise, by operation of law, in connection with the ownership and use of said ships, shall be satisfied promptly, it being understood, however, that this provision does not apply to liens arising from claims which are fully insured against, such as claims for collision, salvage, cargo damage, personal injuries, and the like.

10. DEFAULT BY THE BUYER Should default be made by the Buyer with respect to any payments to be made or covenants or conditions hereinafter contained to be observed by the Buyer, and should such default continue for thirty days, the Seller may give sixty days notice to the Buyer, specifying such default, and require the Buyer to remedy the same; and should the Buyer, within such notice period, fail to remedy such default to the satisfaction of the Seller, the Seller may declare the entire unpaid balance of the purchase price, with interest, to be immediately due and payable, and shall have the further right to

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immediately foreclose all outstanding mortgages.

11. ANTICIPATED PAYMENTS The Buyer shall have the right to ancitipate the payment of the balance due the Owner on account of any ships, and upon paying said balance in full the mortgage on that ship shall be satisfied.

12. OBLIGATION OF THE BUYER TO OPERATE IN THE CANADIAN TRADE The Buyer agrees to operate the ships acquired hereunder in the Canadian trade, whenever cargoes can be secured in that trade in sufficient quantity and at freight rates which will enable the Buyer to operate at a profit sufficient to pay the Seller the sums due under this contract. It is understood, however, that in the event that there is insufficient trade from Canadian ports, the Buyer shall have the right to operate the vessels purchased in other trades, but not under long term contracts which would unduly prevent replacement on Canadian routes upon improvement in Canadian traffic.

The Buyer shall not be entitled to sell the said ships to any buyer, Canadian, British or foreign, without the consent of the Seller, except that the Buyer shall be entitled to sell and, or transfer to a foreign registry any vessel acquired of 5,100 tons deadweight or less, which proves unfit for commercial operation in the Canadian trade, and any such sales and/or transfers are hereby consented to. In the event that in the case of any sale made before July 1st 1925, the price received shall be such as to show the Buyer a profit, (after paying all expenses of lay-up, upkeep, losses in operation and the like) said profit shall be held by the Buyer in a suspense account and, if the profits shown on all sales made before said date shall exceed the losses, then the total net profit on such sales (after deducting losses) shall, on or before September 1st, 1925, be divided equally between the Seller, and Buyer.

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13. 13. DIRECTORS The Railway Company shall be permanently represented on the Board of Directors of the Buyer by two directors, said directors, unless otherwise designated by the Seller, to be the President and the Vice President of Traffic of the Railway Company.

14. THE SELLER NOT TO COMPETE WITH THE BUYER. The Seller agrees not to engage in ocean transportation, in competition with the Buyer, for a period of twenty years.

15. IMMIGRANTS The Buyer shall co-operate with the Canadian Government in all ways reasonable possible for the transportation of such immigrants as the Government may wish to have carried from foreign countries to Canadian ports.

16. RECIPROCAL TRAFFIC ARRANGEMENTS The freight agents, commercial agents and other representatives of the Railway Company shall co-operate with the Buyer to secure the routing of export traffic by the services maintained by the Buyer, and said agents and representatives shall act as the agents of the Buyer in booking cargo; and the Buyer in turn, shall co-operate in an effort to route all import cargoes brought to Canada on the ships of the Buyer, over the Canadian National Railways. Such services shall be rendered by both parties without compensation.

17. THROUGH BILLS OF LADING Wherever reasonably practicable in the interest of its traffic, the Railway Company, when receiving cargo intended for export, shall issue a through export bill of lading under which the ocean carriage shall be specified to be performed by the Buyer. Similarly, when the Buyer receives cargo at any foreign port which is to be delivered at an interior point within the Dominion of Canada, the Buyer, whenever similarly practicable, shall issue a through import bill of lading under which the rail carriage shall be specified, to be performed by the Railway Company.

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18. Whatever terminal facilities or privileges the Railway Company now possesses or may hereafter acquire or control at or in respect to any port may be used by the Buyer for the loading and discharging of steamers on the same terms as are available to other tonnage. Leasing privileges held by the Seller in respect to steamship berths at Montreal and Vancouver shall be assigned by the Seller to the Buyer, subject to such consents from harbor authorities as may be necessary. During the winter service, after the close of navigation at Montreal, at any port where the Railway Company owns or controls terminal facilities, the furnishing of wharfage space shall not come within the foregoing provisions of this clause, but shall be the subject of special negotiations between the Railway Company and the Buyer.

19. PRINCE RUPERT REPAIR YARD. The Railway Company shall use its best endeavors to arrange that the Buyer shall have the right to use the repair yard and drydock now situated at Prince Rupert for the repairing of its vessels, and shall also have the right to do other ship construction or ship repair work at said yard and on said dock, the Buyer to pay all expenses connected with such work, but not to be required to pay any charge in the nature of rental or taxes. It is understood and agreed, however, that on all repair and other work done by the Buyer on any ship not belonging to it or to one of its subsidiary companies, the Railway Company shall receive one-half of all net profits derived therefrom.

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20. BUNKER CONTRACTS The Buyer shall have the benefit of any contracts or other facilities possessed by the Railway Company in connection with the purchase of bunker coal, fuel oil, supplies, etc.

21. CONFERENCE AGREEMENTS The Seller agrees that the Buyer shall have the full benefit of any conference agreements to which the Seller is a party, insofar as said agreements can be transferred to the Buyer.

22. Wherever, throughout this contract, the Buyer is referred to, that term shall be construed to include the corporation to be formed for the purchase and operation of the steamers herein mentioned, and it is understood and agreed that this contract may be assigned by J. Herbert Anderson to said corporation, as soon as it is formed, and that, upon such assignment, duly accepted, the rights and obligations of the corporation shall be the same as if said corporation had originally been a party to this contract, and the obligations of said Anderson shall terminate.

23. This contract shall be binding upon and inure to the benefit of the legal representatives and the successors and assigns of the parties hereto.

24. This Agreement shall continue for twentyyears from date hereof, and thereafter until any party shall give to the other six months notice of termination.

IN WITNESS WHEREOF, etc.

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PRIME MINISTER'S OFFICE C 97592

MEMORANDUM

Tuesday,
April 6. (1925?)

Re: Merchant Marine and North Atlantic Conference.

MR. KING:

I am informed by Miss Sherritt, Secretary to Acting Minister of Trade and Commerce that acting on the instructions of the Government the C. G. M. M. withdrew from the North Atlantic Conference early in February 1925 and has not since participated.

ROC.

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Subsidized Steamship Services between Canada and the British West Indies.

Subsidies for steamship services between Canada and the British West Indies and Demerara have been paid by the Canadian Government since 1890.

Prior to the formation of the Department of Trade and Commerce in December 1893, the subsidies were paid by the Department of Finance. On the formation of the Department of Trade and Commerce, this Department took over the duty of administering these subsidies.

The first contractors were Pickford and Black and the Canadian-West Indian and South American Steamship Co. Ltd., and the subsidy paid during the year ended June 30, 1890, was $49,942.94. Unfortunately the details of the route followed by those steamers are no longer available.

Two years afterwards the Canadian-West Indian and South American Steamship Company disappeared, and Pickford and Black undertook the whole of the subsidized services, running their vessels on three different routes:-

(a) Halifax to Cuba,
(b) Halifax to Jamaica,
(c) Halifax and St.John to Demerara.

From the commencement of the subsidies in 1890, up to the termination of the last contract between the Canadian Government and the Royal Mail Steam Packet Company for the St.John, Halifax and Demerara service, the Canadian Government has paid a total of $6,690,987.63, in subsidies to various services on both the eastern and western routes. Between the years 1900 and 1912 the British Government contributed a total of $652,177.79 to the Demerara service, while the Mexican Government contributed $49,259.83 to the service between Canada, the Bahamas, Cuba and Mexico, which was operated by the Elder Dempster and Company Limited between the years 1905 and 1914.

In December, 1912, the Canadian Government called for tenders for an improved service, but none of the tenders was accepted.

Subsequently negotiations were entered into with the Royal Mail Steam Packet Company and, under Order-in-Council of October 8th, 1913, a contract between that Company and the Minister of Trade and Commerce was concluded for a period of five years, at an annual subsidy of £70,000 sterling ($340,666.66). The contract provided for a fortnightly service from St.John, calling at Halifax, to Demerara, returning direct to St.John, and the steamers CARAQUET, CHAUDIERE, CHALEUR and CHIGNECTO, which had formerly been in the service between England and South Africa, were placed on the route.

At the termination of this five-year contract, it was renewed from time to time at intervals of one or two years and in the meantime the question of an improved service was being taken up.

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The Canada-West Indies Trade Agreement of 1920 provided for improved services on both the western and eastern routes, and in an effort to carry out the provisions of this Agreement, the Government called for tenders for the eastern service in 1921. Only one tender was received, and as it was not acceptable to the Government, the old contract was temporarily continued.

Another call for tenders was issued on March 14, 1923, with a similar result, only one tender being received.

A lengthy discussion of the terms on which an improved service could be performed was carried on between the Government and the Royal Mail Steam Packet Company, without any practical results. The question of an improved service, therefore, remained at a standpoint until the Canada-West Indes Conference of 1925. Subsequent to this conference, tenders were again called for, but the result was again found to be unsatisfactory.

The Canadian National Steamships then came forward and offered to place the necessary ships, required to carry out the provisions of the 1925 Trade Agreement, on both eastern and western routes, and Parliament having granted the necessary authority, the new ships were ordered from British builders and are all expected to be in service not later than April 1929.

Five new vessels, each with a displacement tonnage of 12,100 tons and a length of 438', are being constructed by Messrs. Cammell Laird and Company of Birkenhead, England. Each of these ships contains a large amount of passenger accommodation of the highest class and ample capacity for the carriage of freight. The two new steamers for the Jamaica route also have capacity for 100,000 stems of bananas each.

Of these vessels, the LADY NELSON, LADY HAWKINS and LADY DRAKE will run on the eastern route, and the LADY RODNEY and the LADY SOMERS on the western route. In addition to these vessels, there will be a fortnightly service of freight ships, specially fitted to carry bananas between Jamaica and Canadian ports direct.

In order to carry out the terms of the 1925 Trade Agreement, a connecting steamer will be supplied by the Canadian National Steamships capable of carrying passengers, freight and cold storage cargo to run between Jamaica and British Honduras.

Between the date of the termination of the Royal Mail Steam Packet Company's services in March, 1926, and the commencement of the new service in December, 1928, a regular service had been carried on between Canada and Demerara by the Canadian National Steamers - CANADIAN PATHFINDER and CANADIAN SKIRMISHER, as well as a passenger service between Canada, Jamaica and British Honduras by the steamers CANADIAN FISHER and CANADIAN FORESTER.

On December 14th, 1928, the Canadian National Steamships' 8000-ton liner - LADY NELSON - will commence an entirely new and improved service between St.John, Halifax, Bermuda, the British West Indies and Demerara, on what is known as the Eastern Route.

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The LADY NELSON will be followed, at regular fortnightly intervals, by her sister ships - LADY HAWKINS and LADY DRAKE - and after December 14th, regular fortnightly sailings will be made from Halifax on this route throughout the year, alternating with a fortnightly freight service to the larger Islands only.

In placing these new steamers on the route, Canada is fulfilling her share of the stipulations of the Canada-West Indies Trade Agreement of 1925, as far as the steamship service to the Eastern group of islands is concerned. The new ships are in excess of the requirements of the Trade Agreement, being about 2,000 gross tons larger, and with a speed of 14 knots, as against the minimum speed of 12 knots, stipulated in the Trade Agreement. They will make the trip from Halifax to Demerara in 13 days, and after remaining in Demerara for three days, will arrive back in St.John 14 days after leaving Demerara. The extra time occupied on the northbound voyage is necessitated by the delay which always occurs in leading sugar at Barbados, the steamer having to stop there for 3 days on the north bound voyage, as against one day on the south bound voyage.

The new passenger liners are elaborately fitted up, their passenger accommodation being of the highest class, comprising suites with bathrooms, bedrooms, sittingrooms and verandahs, as well as single and double bedrooms with or without baths. The passenger rates to Demerara range from $210. to $750. one way, with a reduction in the case of round trip tickets. The second class fare to Demerara is only $90., and the third-class fare $80.

Two new passenger steamers of the same type - the LADY RODNEY and the LADY SOMERS - are now being constructed for the western route, between Canadian ports and Bermuda, the Bahamas and Jamaica, and are expected to be ready to be placed on this route some time next April. They will maintain a fortnightly service alternately, with a fortnightly freight service between Canadian ports and Jamaica direct. All the steamers on the Western route will be especially equipped for the carriage of bananas, and in connection with this trade the Canadian National Railways are now constructing a large number of refrigerator cars, specially designed for handling the bananas, after they have been brought up to Canada by the new steamers. As soon as these banana carrying steamers have commenced their service, a duty of 50¢ per stem, or bunch, will be charged on all bananas coming into Canada, except those which are imported from the place of growth, by ship, direct to a Canadian port. In the latter case the bananas are admitted free of charge.

The placing of the new steamers on the Western route, together with a small connecting vessel, which is now being made ready to maintain a service between Jamaica and British Honduras, will carry out the provisions of the Canada-West Indies Trade Agreement, as far as steamship services on the Western route are concerned.

As soon as the new services have commenced operations, the contributions of the various West Indian colonies towards the expenses of running such services will commence. These contributions, as specified by the Canada-West Indies Trade Agreement, are as follows:-

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On the Eastern route:

Barbados	£5,000	per annum
Bermuda	1,500	"
British Guiana	8,500	"
Leeward Islands	2,500	"
Trinidad	9,000	"
Windward Islands	2,500	"
TOTAL -	£29,000	

provided that if it be found impossible to call at Tobago, the contribution of Trinidad shall be decreased by £1,500. The Canadian National Steamships now have under consideration the question as to whether it will be possible to call at Tobago or not.

Western Route:

Bermuda	£2,000	per annum
Bahamas	2,000	"
British Honduras	2,000	"
Jamaica	12,000	"
	£18,000	

The Trade Agreement provides that freight rates on all services shall be subject to the control of the Canadian Government, and that the Government of any colonies shall be at liberty at any time to make representations to the Canadian Government in respect to such rates, to which representations the Canadian Government undertakes to give the fullest possible consideration.

It is expected that the establishment of these new services will do much to increase the already considerable trade between Canada and the West Indian Islands and Colonies, the new services being far in advance of any which have previously existed, either from Canada or from the United States. It is expected that the superior class of passenger accommodation, with which these steamers are equipped, will not only develop tourist traffic, in each direction, both north and south bound, but will also be the means of improving and increasing trade and commerce on these routes.

For the fiscal years ending March 31st, 1927 and 1928, Canadian trade with the West Indies was as follows:-

	Canadian Imports from -		Canadian Exports to -	
	1927	1928	1927	1928
Bermuda -	112,185	53,642	1,286,770	1,364,952
Barbados -	3,791,394	6,215,804	1,624,403	1,836,952
Trinidad & Tobago -	2,821,485	2,099,201	3,840,984	4,240,751
Jamaica -	4,759,563	5,481,308	4,307,751	4,983,775
Other B.W. Indies -	2,486,091	3,552,999	3,748,716	3,861,847
British Guiana-	4,592,106	6,072,172	2,408,677	2,284,620

Department of Trade and Commerce,
Ottawa, December 7th, 1928.

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C 97597 E-1300-8

PRIME MINISTER'S OFFICE

MEMORANDUM

Can. Foreign Policy ✓

Friday,
September 19,
1924

MR. KING:

Dr. Adam Shortt is leaving for Washington on the 27th instant to deliver a paper before the Army War College on "Canada's External Relations". Dr. Shortt does not wish to trouble you at such a busy time, but asked me to inquire of you whether you had any suggestions as to the line which he might appropriately take in his treatment of the subject.

LCM.

L. C. MOYER.

Don't 20-IX-24

Shew Prof Shortt my remarks with Markham Pierce - he will know himself what it is used to say. If a chance to see him I will
K

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SIAM. [October 4.]

CONFIDENTIAL. SECTION 1.

[F 3119/973/40] No. 1.

Mr. Greg to the Marquess Curzon of Kedleston.—(*Received October* 4.)

(No. 116. Confidential.)

My Lord, *Bangkok, August* 31, 1922.

I ARRIVED in Bangkok on the 25th instant from my demi-official tour in Java, viâ Senggora and Siamese Malaya. I am the first British Minister, I understand, who has ever visited this town, and I was glad to have an opportunity of inspecting a somewhat remote part of His Siamese Majesty's dominions, making the acquaintance of our consul, Mr. Johns, and incidentally of seeing in person a portion of the Siam-Kedah frontier, an impenetrable jungle district where frequent affrays occur between the police of both Siam and Kedah and the wild and lawless inhabitants of these inhospitable regions. A characteristic incident indeed actually occurred while I was at Senggora, as nine convicts who had escaped from the gaol of Alor Star in Kedah into Siamese territory, where they had been recaptured, endeavoured, on their return journey to Alor Star, to escape and attacked their Siamese escort. Seven of these men were shot dead and two escaped. The incident has no political importance, but is significant of what goes on in this section of the frontier, and often causes considerable embarrassment to His Majesty's Legation.

On my return to Bangkok I found that the situation, as depicted in my despatches No. 63, Confidential, of the 20th April and No. 85 of the 9th June last had, so far from improving, rather tended to deteriorate. On my departure for Java early in July, I had informed Mr. Lyle, who had just returned from leave of absence, that I had regretfully formed a far from favourable estimate of the situation in Siam, but that as I was a new-comer and inexperienced in the ways of the Far East I had possibly exaggerated the dangers ahead, and I begged him, after due investigation, to be so good as to report his views to the Foreign Office, even if they differed sensibly from my own. It was therefore with some interest that I read his despatch No. 112, Confidential, of the 9th August and found that he not only shared the opinions I had formed, but, if anything, took an even less rosy view of the situation than I had done. It also was clear to me that considerable uneasiness prevailed in the British mercantile community and at the banks in regard to the impending changes in the Ministry of Finance. I had already reported in June last that it was believed that as long as Prince Chantaburi remained as Minister of Finance he was strong enough, honest enough and patriotic enough to resist successfully any serious incursions by the King into the budget of the country. It appeared that, though still nominally in office, he had, however, not been near his Ministry for some months, and it was generally believed that he was on the verge of resignation. I had conversations with some of the leading members of the British community, and found them distinctly uneasy, as they feared any weakening in that powerful department would affect, sooner or later, Siamese credit in a detrimental manner. The King's extravagance and lack of all sense of public duty had long been the talk of the town, and it was feared that if he once gained a free hand with the finances of Siam anything might happen. At the same time Mr. Le May —formerly of the Siam consular service—and now a Siamese employee in the Department of Commerce of the Ministry of Finance, called to see me and said that, though he came without any express mandate, he understood that the better Siamese were so perturbed at the idea of Prince Chantaburi's departure and its consequences on the finances of Siam and on Siamese credit, that it had occurred to them that the British Legation might care to intervene, in view of the preponderating commercial interests of Great Britain in the country and the amount of money lent by her to Siam. I alone, in fact, was in a position to save Prince Chantaburi. I explained to Mr. Le May that I was not a Warwick and that His Majesty's Government never, if they could help it, interfered in the internal affairs of a foreign country, but that as the apprehensions of his Siamese friends were at least as fully shared by our compatriots, I would, if occasion arose, bring the matter privately and quite unofficially to the notice of Prince Devawongse. I was anxious to see His Royal Highness in any case, both to pay my respects on returning to Siam and also to enquire what was the exact significance of a most ambiguously worded

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communiqué about His Majesty's marriage to the Princess Lakshmi Lavan. In asking for an interview I stated that, though not acting under instructions from your Lordship and on my own responsibility and quite unofficially, I would be grateful for any information His Royal Highness could properly give me about the position of Prince Chantaburi. Prince Devawongse received me with his usual friendliness, and appeared to betray no annoyance at my possibly embarrassing *démarche*. He said Prince Chantaburi was a difficult and arbitrary person, and though the King was most anxious to retain his services the position had become impossible, and Prince Chantaburi was going on the 1st December next. I explained to His Royal Highness how important his retention at the Ministry of Finance appeared to my community, as rightly or wrongly they regarded the Prince as a guarantee for financial rectitude and stability, and that if the present *malaise* were not allayed it might well spread to London, and ultimately damage Siamese credit and injure the interests of the bondholders. His Royal Highness then proceeded of his own accord to allude to the rumours about the King's extravagance, and to my astonishment referred to Ismail Pasha of Egypt. The allusion was, however, opportune, and I was at once able to say that the Khedive was hardly an example to follow, and that even to-day the consequences of his extravagance were fully felt in Egypt, not to mention the British occupation. Prince Devawongse pooh-poohed the idea that the King was doing anything he should not, but the mere fact that His Royal Highness should have introduced so delicate a subject would appear to indicate that he, at any rate, was conscious that all was not well in the State of Denmark. This consciousness in a person so astute and at the same time so powerful with the King as Prince Devawongse may explain the recent formation of a committee, of which His Royal Highness is president, to examine all financial questions. The other members are Prince Chantaburi, who, as I have already stated, will cease to be Minister of Finance before the end of the year, Chao Phya Yomaraj, the new Minister of the Interior, a tool of the King, the Minister of Agriculture, youngish, and for this country, honest and courageous official, but a commoner and thus less influential than his merits deserve, and the notorious Prince Svasti, who, at the instigation of my predecessor, Sir H. Dering, was turned out of the Administration—he was President of the Dika Court, that is the highest court of the land—as grossly dishonest, and also on account of outrageous cruelty to his son, a boy of 12, whom he caused to be beaten almost to death. If, therefore, this committee is intended to allay public anxiety, the choice of Prince Svasti is singularly ill-timed, and will *ab initio* eliminate in the eyes of the British commercial community any confidence which the committee might otherwise have inspired. It is more probable that the King, feeling himself criticised, is anxious to shield himself behind a body of men the majority of whom will, in fact, not move a finger against his wishes, and thus his influence and control over the Ministry of Finance will be greater and far more pernicious than ever before.

I was able, at the same time, to speak to Prince Devawongse about the King's marriage, and he confirmed the surmise I had formed on reading the communiqué to the press that the marriage is a private and family affair, and will mean as much or as little as His Majesty may later on wish. It in no way shuts the door on his taking other wives, to say nothing of concubines, and Prince Devawongse made it quite clear that congratulations would be not only superfluous but positively embarrassing. I therefore addressed to your Lordship my telegram No. 17 of to-day's date.

The above is the gist of my conversation, but I should add that His Royal Highness is increasingly difficult to understand. He is forgetting his English, at any rate his conversational English, and at the same time is losing all his teeth, which he seems in no hurry to replace by false ones. I am therefore at times quite unable to follow his meaning.

I saw Prince Kambaeng Bejra to-day—Commissioner-General for the Royal Siamese State Railways—and endeavoured to elicit some further information about the financial situation. His Royal Highness is young and energetic, and nothing if not modern. He has not, however, the same importance as Prince Devawongse, and was naturally unwilling to commit himself to any criticism of the present régime. At the end of our conversation he admitted, however, that he was fully aware of the uneasiness prevalent, but regarded, or pretended to regard, Prince Chantaburi as a tired man who was anxious to resign after twenty years' strenuous service on general grounds of health.

I think I have gone as far as is prudent for the moment, and it will be interesting to see whether the warning note I have struck will have any effect. I venture to hope that your Lordship will agree that this incursion into the domestic affairs of Siam was justified and not injudicious. In any case, little harm will have been done, as I made

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it clear that my action was personal and on my own responsibility, and that I thought it better that the apprehensions of my community, which I confessed I shared, should be brought to the notice of the Siamese in however guarded and indirect a manner. Unfortunately the Siamese press counts for nothing, and grievances are thus difficult to ventilate.

I have, &c.
R. H. GREG.

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SIAM. [May 23.]

CONFIDENTIAL. SECTION 1.

[F 1562/29/40] No. 1

Mr. Greg to the Marquess Curzon of Kedleston.—(*Received May* 23.)

(No. 76. Confidential.)

My Lord, *Bangkok, April* 18, 1923.

I REPORTED in the final paragraph of my despatch No. 44 of the 2nd ultimo, on the subject of the draft Customs law, that it had been brought to my notice by a usually well-informed English official in the Siamese service that there was a small, but powerful, clique in office who were inspired by a violent hatred of England and would spare no pains to injure this Legation, in particular, and the British community and British interests in general. Subsequently, Mr. Giles, who was responsible for these views, called to see me, and reaffirmed them in a general way, though he was careful to omit the names of the persons who composed the alleged clique, though it was evident that Prince Svasti, a member of the Financial Commission and full brother to Prince Devawongse, was one of the persons he had in mind. Mr. Giles passes as one of the few Englishmen in Bangkok who knows what is going on in the Siamese world, and I thought it only proper to enquire carefully into the accuracy of his allegations. After careful and persistent research in various quarters, I have come to the conclusions that they are, if not altogether untrue, at any rate a good deal exaggerated. Siam, like other Asiatic countries, is going through a phase of acute nationalism and consciousness of her nationality. This nationalism necessarily carries with it something of an anti-foreign tendency, and Great Britain being the foreign Power most in view, inevitably has to bear the brunt of this racial consciousness and acute self-satisfaction. This adulation of the Siamese people and everything Siamese is probably fostered by the ignorant and pretentious gang of favourites round the King, and may even receive a measure of encouragement from the Sovereign himself. Foreigners are not beloved in Siam, and even the educated class, many of whom have been brought up and trained in England, take surprisingly little trouble to cultivate even those Englishmen who, like myself, have been at some pains to make their acquaintance. Since I came here, a year and three months ago, I have been entertained at dinner on only four occasions in Siamese houses, and of my hosts there is only one, to all intents and purposes out of political life, with whom I have succeeded in establishing terms of anything like intimacy. If the Siamese shunned Europeans and Americans on the ground that they disliked and despised their material outlook of life I could understand their point of view, but this is not the case. Spiritual forces appear to be stagnant throughout the country, and the official and so-called educated classes ape and copy everything foreign, though they appear to think that their ability to purchase, say, a Rolls-Royce car, at once raises them to the level of mechanical intelligence and technical skill possessed by the manufacturers of the machine. Education abroad has, I fear, done little to remove prejudices or open the minds of the young generation, who, in many respects, seem inferior and far less cultivated than the old generation who were taught English in Siam. The American Minister, whose good-will it would have been thought the Siamese would have regarded as worth while acquiring, if only out of recognition for the generous American treaty, has not been more successful than myself in getting in touch with the natives of the country. He is shortly taking a long leave of absence, and, in announcing this fact, not long ago, to the Minister for Foreign Affairs, he intimated that should the King wish to receive him he would, naturally, hold himself in readiness to wait on His Majesty. Mr. Brodie received a reply to the effect that the King was, unfortunately, too busy to see him before he left Siam, and this notwithstanding the fact that he had expressly avoided asking for an audience. My Japanese colleague, who tends to copy faithfully whatever this Legation does, seeing that I was in the habit of entertaining the leading Siamese Ministers at my house, followed suit, but he has since confided to me that he thought it rather waste of energy, as on the last occasion when he had asked one, the Minister of Communications, to dine with him, the Minister, after having accepted, had but a few minutes before the hour

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fixed for the function, sent word to say that he was unable to attend after all. I quote these instances, not as in themselves important, but as illustrating the difficulty of forming any personal relations with the people of the country. They are, moreover, very suspicious, and any excessive intimacy with a foreign Legation or any leading foreigner was deprecated even by the late King, and would certainly not be smiled on to-day. Except in connection with horse-racing and sport, there is practically no mixing between Siamese and Europeans. The Siamese official world devotes itself to a surprising degree to trivialities and to what we, in Europe, should regard as Byzantinism. When one opens the "Bangkok Times" to read the latest news from the Ruhr, one is confronted with a long extract from the "Official Gazette," announcing in grandiloquent language that His Majesty has been pleased to confer posthumous honours on his maternal grandmother. I do not think there is much change in the position at Court, beyond the fact that the people are becoming more familiarised with the Royal vagaries, and, consequently, less surprised at anything that may occur in the Palace. Personally, I am not disposed to believe in either the impending assassination or deposition of the King, of which I heard so much when I first came here. There are persistent rumours that the elder favourite, Chao Phya Ram Ragaba, will soon be given the Ministry of the Interior. If this really takes place, the experiment will be interesting to watch. The young man must undoubtedly have intelligence of a kind, though whether of an administrative kind remains to be seen. His latest achievement, if gossip may be believed, was to persuade the King to tear up a decree appointing a certain vice-admiral, Phya Maha Jodha, Minister of Marine, which was lying on the Royal writing table, and substituting one naming the King's half brother, Prince Jumborn, whose appointment I duly reported in my despatch No. 64 of the 5th April last. If the story is true, and I am inclined to think it is, it indicates a certain levity in the manner of making and unmaking a Minister of State.

A not uninteresting correspondence, which I have the honour to enclose, recently appeared in the "Bangkok Times," on the subject of Siam's fitness or unfitness to be released from all jurisdictional restrictions in regard to the trial of foreigners in the Siamese courts. This correspondence was started by the Chief Judge of the Senggora Court, a certain Phya Dusayan, who signs himself, "A Country Lawyer." The plea in favour of Siam's perfect fitness for full fiscal and jurisdictional autonomy is specious, though, as will be seen from "X's" (possibly Mr. W. A. Graham, adviser to the Ministry of Agriculture) reply, easily refuted; but its main interest lies in the fact that it represents more or less exactly the opinion of the majority of the Siamese Judiciary. There is no doubt that the presence of English legal advisers in the international courts is intensely resented, though it is a somewhat unexpected means of convincing Europeans of their futility that the most anti-European, and, on the whole, unsatisfactory class of judge should usually be appointed to these courts. One would have expected the Siamese to put their best and most conciliatory men forward, but no, they have, it appears, elected to do just the opposite, hoping, perhaps, to induce the hated foreigner to give up his privileged position from mere weariness and lack of heart. I enquired from Mr. Aston, one of the legal advisers at Bangkok, to what he attributed this apparently illogical way of doing things, and he seemed to think that the King might be directly responsible. I pointed out that it seemed improbable that a Sovereign, who found it very difficult to attend to even the most urgent affairs of State, should busy himself with intricate and technical legal cases solely for the purpose of making himself obnoxious to Europeans. Mr. Aston evidently thought better of his first opinions as he called to see me later on, and said that, after much reflection, he had come to the conclusion that the bad choice of judges in the international courts dated from the time when Prince Svasti was president of the Dika Court, as that notoriously corrupt and unscrupulous Prince had filled the courts with his puppets and protégés. The reference in "N's" letter to the "Bangkok Times" of the 27th March last is in connection with the furtive and rather hurried sale, at a low price, of a valuable property, without due notice being given to the general public, who might well have come forward with a more advantageous offer to the heirs, but less so to a ring of judges, acting in their private and unofficial capacity, whose interest it was to acquire the land cheaply.

I have, &c.

ROBERT GREG.

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Enclosure in No. 1.

Extracts from the "Bangkok Times" of March 22, 1923.

(1.)

EXTRA-TERRITORIALITY AND IMPORT DUTIES.

(To the Editor of the "Bangkok Times.")

Sir,

I SHOULD make myself clear at the outset that I do not write this with animosity or ill-will against any European method, which, on the contrary, I truly believe to be generally the best. I propose to discuss this question in the hope that it may do good to my country and, at the same time, do no harm to others. Another remark I desire to add here is that this is purely a private opinion.

It is a fundamental truth that the sovereign right of an independent nation includes the absolute power to act in her internal affairs as she thinks fit and proper without interference from outside. Therefore, the right of adjudication and of raising taxes and duties within the realm are integral parts of sovereignty. Great Powers view any meddling with their internal affairs from outside sources with wrath and great resentment. They then have the duty to respect such feelings on the part of the small nations, the same as they would insist in their own case. Otherwise, they could not, with real sincerity, condemn the policy advanced during the war that might is right. Have they now lost, even among their Allies, the memory of their own virtuous preaching when the craving for support is no longer necessary? I do not think so. But the true explanation of the thing is that the doctrine still remains an ideal rather than a real thing.

Siam, knowing her position, has shown greater consideration and friendship, and has given more favours and interests to foreign nations, especially France and England, than, I think, is due from her. She engages their subjects in various occupations, giving them comparatively much higher pay than her own equally qualified officials. They can trade and travel freely, and, in some cases, they are given more facilities than their treaty rights. Take the case of the residence of certain nationals outside the 5-miles limit. The safety of their persons and property is more sacred than that of the persons and property of the actual members of the nation. The late Lord Northcliffe stated the Siamese cause clearly at the British Club, in Bangkok, in his famous speech, which gave rise to resentment among his hosts. Is that resentment fair and just in an unselfish mind? Was not the noble speaker blamed because he was too frank and free in his speech?

The above two points mentioned, viz., the settled rule not to interfere in internal matters, and the many favours shown by Siam, should be well recognised as great points in her favour, and the same sentiment, coupled with some real advantage, should be returned to her. No one can deny the great gift of being just in personal dealing among the civilised races. May not this gift be fully applied in political dealing with a country like Siam, who has given so much hospitality to the nationals of the Powers?

In these matters Siam should always feel most grateful to the American nation, which, though with some reserve, has led the way by abolishing extra-territoriality and allowing Siam to raise her import duties. Are not the other nations going to be good enough to follow this humane and just example?

Here I will discuss the legal grounds in support of the claim that Siam is entitled in law to have the treaties relating to extra-territoriality and the fixed rate of import duties altered without having to give anything in return.

Under international law a treaty cannot remain unchanged for ever. The treaties dealing with these subjects between Siam and foreign nations (new treaties are excepted) are now more than sixty years old. There is a clause in every one of these treaties providing that after a lapse of ten or twelve years, as the case may be, either of the high contracting parties has the right to give notice and have the treaty revised. Both parties have then to appoint their representatives and, by mutual consent, a new treaty can be entered into. It seems to me very clear that Siam has long been entitled to give such notice and demand full power in dealing with judicial administration and import duties. It is, in my humble opinion, not feasible to argue that the treaties could not be altered without the consent of the other contracting parties, for such a contention would be against the rules of international law and common sense, and lead to the impossible position

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that Siam is, subject only to the generosity of the other contracting party, bound for ever.

From the point of view of the interests of the foreign nations, I do not see that their trade will suffer in any way by Siam raising her import duties. She is not a manufacturing country, and she is bound to import what she wants now. The burden will have to be borne by the consumers, mostly her own subjects. The foreigners in this country will, of course, as consumers, have to share the burden as well. Will the burden be unjust or too oppressive for them who enjoy in Siam a very low taxation, compared with a 10 to 25 per cent. income tax in their own land? The answer is obviously in the negative. The poor producers, namely, the farmers, in this country, pay much more in taxes than the traders and men who earn their livng by being employed. On the other hand, the Siamese Government will not be foolish enough to raise the import duties on necessaries without properly considering the disadvantages. But that is not the point. What Siam wants is her natural and undoubted right to collect duties on goods coming to her shores without hindrance.

On the subject of extra-territoriality, Siam owes a great debt of gratitude to the late Prince Rabi, her great lawyer and sound statesman, for he organised and improved her legal system on a modern basis with tremendous success. Siam has reaped the fruits of the labour of that noble prince, by whose untimely death she has lost one of her best statesmen and a true patriot.

Though Siam has more work to do in this matter, viz. (1) codification, and (2) improvement in the qualifications and prestige of the bench and bar, her present administration of justice compares favourably with that of certain civilised nations East or West. As far as the integrity of her Bench is concerned, she can be beaten by few, and, as regards knowledge, she has, for the great majority, fairly qualified men, and, if necessary, she can guarantee to have cases concerning Europeans and Americans tried and presided over by her experienced Siamese lawyers, who are barristers and know the law as well as our European legal advisers do. The fact that our legal administration is good enough for the European and American is, it seems to me, clearly proved by the meritorious act of the American Republic in having recently subjected her people completely to the Siamese jurisdiction pure and simple, without requiring any guarantee which would be tantamount in reality, or to a great degree, to the old consular jurisdiction. I do not, of course overlook the fact that the American Government reserves the right to withdraw cases in which American subjects are defendants, but I am certain the great republic will not exercise that right unless our courts abuse the newly acquired right granted through good-will, and I firmly believe that such incidents, if any, will be extremely rare.

It is well to observe here that, under the present treaties with England and Denmark, if an Indian or a Malay coolie (foreigner) who happens to be a British or Danish subject is a defendant in our courts, he is not content with the simple Siamese courts for his case, but is tried in the presence of a European legal adviser, whilst the Siamese of any position (native) is content with his simple court. Is not the contrast unjust and absurd?

There is no stipulation in the treaty as to when the adviser system will come to an end. It would have been much better if the treaty contained a fair provision that the said interfering requirement is no longer necessary when our modern codification is complete, as is provided in the treaty with Japan. However, that may be in the mind of the contracting parties, as it appears, from the communications attached to the treaty, that the English Government will consider this point according to its merits. If my conjecture is right, I am quite sure that England, with her great sense of justice, will keep her word as her bond, and will be fair to us. We cannot say, I think, that we are free from blame in not having completed our codes. Anyhow, let the past be the past. We should now, with a great effort, sacrifice everything for the sake of our country, to have all our codes finished in the shortest time humanly possible. We may then have a chance to request to be allowed to exercise our absolute right.

With all humility I beg to express another conviction of mine, that it is not in the interest of our country to enter into another treaty of semi-Siamese jurisdiction like those discussed above. If we cannot get all that is due to us, let the matter stand as it is now, but we should be very strict about our treaty rights, especially relating to the residence of foreigners outside the 5-miles limit. Surely there are scores of men in our Foreign Office who have much experience and knowledge on

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these subjects. With all respect I ask them to think hard and consult the proper quarters when the interest of the country is involved. I wonder whether there is any truth in a version that Prince Rabi was against and upset by the so-called ordinary Siamese Court treaty.

The Siamese cause is thus discussed with the one sole object of gaining a sympathetic hearing and fair judgment from those, foreigners and Siamese alike, who, being able in any capacity, may, by act or word, render some service to the good cause.

Needless to say I am liable to many possible errors, and I do not put myself forward as an expert in these matters. But whatever faults there may be in my exposition, they do not deter me from the expression of my opinion, for I am merely actuated by a sense of duty towards my country.

I will welcome any contradiction or support with grateful pleasure, but hope that the same will be written in the same spirit.

Yours faithfully,
A COUNTRY LAWYER.

March 14, 1923.

(2.)

(To the Editor of the " Bangkok Times.'')

Dear Sir,

Every one must sympathise with A Country Lawyer, his faith in what has been accomplished and his hopes for the future. I assume he is speaking from his own experience in the country. But here in Bangkok it is a little awkward that you should on the same day publish the official explanation of what happened at the sale of the late Prince Sarnbasatra's landed property. The explanation explains nothing, and it is a little awkward for the lawyer's argument that the bargain should be in the Ministry. Of course, nothing is alleged beyond smart business, but it is not in accord with A Country Lawyer's ideals.

Yours, &c.
N.

Bangkok, March 23, 1923.

(3.)

(To the Editor of the " Bangkok Times.'')

Dear Sir,

It is difficult to follow Country Lawyer's train of thought. In his recent letters on " Bench and Bar '' and " The Suppression of Crime,'' he seemed to call for reform in the training of our judges and in the administration of the law. Now, however, all is for the best in the best of all possible worlds, and the courts have nothing further to learn from Europe!

I am not going to ask you, Sir, to afford space for a discussion on international ethics, nor shall I venture into the very debatable ground of international law. These matters are best left to the jurists, who, as Lord Bowen once said, are people who know something of the laws of every country, except their own. In practical politics the fewer windy abstractions, and the fewer idealists, the better, as has been proved by the Peace Conference and the Treaty of Versailles. Country Lawyer would do well to read Mr. Lansing's " The Peace Conference,'' from which he will learn the mischief that can be caused by ill-informed idealism, as exemplified by President Wilson. I may, however, point out that America's *beau geste*, which fills Country Lawyer with such transports of gratitude and admiration, can be explained by the fact that the United States has not, and has never had, a foreign policy independent of the internal political situation, while there are no important American interests in Siam.

Now, Country Lawyer sets out by saying that France and England should be grateful to Siam for employing their nationals. I have heard of a patient owing a debt of gratitude to his doctor, but that the doctor should be grateful to the patient for employing him is a novel proposition. Foreign advisers are paid more than

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Siamese officials, but their pay is certainly not " comparatively much higher; " it is, if anything, comparatively lower, owing to the different standards of living, expenses of leave, and the maintenance of families in Europe. In any case, it is a question of supply and demand, for notwithstanding your correspondent's confident statement, Siamese officials, whatever their qualifications may be on paper, are not " equally qualified "—if they were, there would be no need to employ foreigners. As to gratitude for trading facilities, the nations have for years past refused to allow any one country to exclude foreign traders, so that Siam, in opening the country to trade, can claim no merit other than that of acting according to the usage of the rest of the world.

Your correspondent next quotes the late Lord Northcliffe, and refers to " resentment " caused by his speech. I do not know to what your correspondent refers, but the criticism of Lord Northcliffe's speech that was generally expressed was that he made, as was his custom, dogmatic statements on Siamese affairs (from dress to import duties), about which he knew nothing, and that he abused the hospitality of a non-political club by making a political and highly controversial speech.

With regard to import duties, a case can, of course, be made out for the abolition of the restriction; though why young Siam should be so eager to pay more for its clothes and all manufactured goods puzzles me. In this connection Country Lawyer evinces once more that touching faith in the wisdom of Governments which one noticed in his previous letters, and assures us that the import duties will not be raised without due consideration. In any case, he may rest assured that the person who will pay the duty will not be the importer, while on the rest of the foreign community the effect of an increase of duty would be so small as to be negligible.

As to extra-territoriality, does Country Lawyer think that the administration of justice has improved since the treaty of 1909? He tells us that the Siamese judges, or those of them that are barristers, " know the law as well as our European legal advisers do," and in doing so he unconsciously exhibits what, to an observer of modern Siam, is one of the worst symptoms. The idea, attributable to faulty education, that Siam has nothing more to learn from Europe, is far too common among the youth of the nation, and it should not be encouraged by a thoughtful person. He does not, incidentally, explain whether by " barristers " he means English barristers, or Siamese " Natibantit." If he means the former, there are not enough of them to do the work he suggests—although he apparently means to confine this superior type of justice to Americans and Europeans, as, in his opinion, the Indian or Malay should, like the " Siamese of any position," be content with what he can get. Quality of judge to correspond with social status!

If, on the other hand, he means, by " barristers," judges who have been appointed on passing through the Law School, I am at a loss to reconcile his present opinion with his letter on " Bench and Bar." But, in fact, he does not realise that, to a foreigner, a knowledge of law is of less importance in the judges of this country than a knowledge of life; that, to the casual observer, whose business or curiosity takes him into a Siamese court, there is food for thought in the spectacle of two youths, whose combined ages do not amount to fifty, who have no general knowledge of the world, and who only too often exhibit an extraordinary levity, sitting in judgment upon a fellow creature, with power to imprison him for ten years. There is much wisdom hidden in Lord Lyndhurst's well known jest: " In appointing a judge I look for a gentleman, and if he knows a little law so much the better." If by " gentleman " we mean, not merely an honest man, but one with knowledge of the world, dignity of demeanour, and fearless in exposing wrong-doing however highly placed, we arrive at a rough estimate of what, in England at any rate, is looked for in " His Majesty's judges."

Country Lawyer admits that the Bench lacks prestige, and the happenings of recent years have not tended to enhance the judicial dignity. As long as, not Europeans, but Siamese and Siamese newspapers comment, uncontradicted and unpunished, upon the administration of justice in the way they do, how can European Governments be asked to place the fate of their nationals unreservedly in the hands of the Siamese courts?

The treaties of 1907 and 1909 were a tribute to the progress of Siam. But what progress has been made since, save in one or two departments, where the driving force of a few individuals has provided the necessary momentum?

In conclusion I would make a comment on the opinion attributed to Prince Rabi by Country Lawyer. Even in that Prince's lifetime people were in the habit of foisting their own sentiments upon him. " As Prince Rabi said " has been for years

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a favourite method of supporting a weak argument, just as many a poor jest has gained a laugh through its attribution to some famous wit. All these quotations are open to grave suspicion, and I can imagine nothing less likely than His Royal Highness's objection to a treaty he so largely helped to make. I can, at any rate, give another alleged quotation : " I cannot conceive of a time when Siam will be able to do without foreign advisers."

Yours faithfully,
X.

Bangkok, March 31, 1923.

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SIAM. [June 18.]

CONFIDENTIAL. SECTION 1.

[F 1880/1394/40] No. 1.

Mr. Greg to the Marquess Curzon of Kedleston.—(*Received June* 18.)

(No. 100. Confidential.)

My Lord, *Bangkok, May* 16, 1923.

IN my despatches No. 144 of the 21st October, and No. 146 of the 1st November last, I drew your Lordship's attention to the alarming prevalence of crimes of violence in the provinces. I have now the honour to transmit to you herewith copy of a despatch which I have received from Mr. Wood, His Majesty's consul-general at Chiengmai, from which it appears that no perceptible improvement has followed upon the appointment of Chao Phya Yomaraj as Minister of the Interior last year, and the administrative alterations which Mr. Lyle reported in his despatch No. 112, Confidential, of the 9th August last. I see, however, absolutely no advantage in bringing the question of public security outside Bangkok to the notice of the Siamese Government and, in fact, I have no very good ground for doing so, as, with the exception of the looting of the strong-room of the Bombay Burma Trading Corporation at Chiengmai, and robbery of 27,000 ticals and 2,000 rupees, reported by Mr. Wood in his present despatch, there have not recently been any flagrant cases of attacks on the lives or property of British subjects in the provinces.

The mischief is that the Government are spending far too much money on the army, which, for purposes of police work, is worse than useless, and next to nothing on the gendarmerie. So far from increasing the European element in the force, they are either dismissing their foreign officers, mainly Danish, outright, or so restricting their activities as to take all the heart out of their work. I see not the faintest trace of any intention on the part of the Siamese Government to go back on the foolish line which they have adopted, and any attempt on the part of a foreign Legation to recommend saner counsels to them would be bitterly resented, and in any case would not be followed. Nothing short of a very disagreeable blow from within or a hard knock from without can bring these people to a sense of proportion, and for the time being I can see no likelihood of one or other means of awakenment. The Pattani troubles, reported in my despatch No 56 of the 29th March last, have produced perhaps a certain temporary effect upon the official mind, but they were too local and too uncharacteristic of the country at large to carry much weight. The Siamese may yet learn from experience that they cannot altogether do without foreign executive assistance, but it is more probable, I think, that they will prefer to keep their pride and swallow unpleasant consequences, and that the country will slowly but surely revert to the conditions from which the late King dragged it, perhaps too forcibly and beyond its capacity for assimilation. The older Siamese, I think, realise the danger, but the King, or at any rate the clique round His Majesty, and "Young Siam" generally, are puffed and inflated with self satisfaction, and for the time being no change for the better can be expected. I may add, in fairness to Chao Phya Yomaraj, that burglaries in the capital have tended to decrease in the last six months, at any rate as far as Europeans are concerned, though whether this is due to the efficacy of his measures or to the fact that housebreakers are still living on the proceeds of their last year's ill-gotten gains I cannot say. An unfortunate exception is my consul-general, Mr. Lyle, whose house was liberally ransacked a few weeks ago.

As a sign of the general insecurity in the provinces I quote, as characteristic, a remark made to me not long ago by Mr. Kennedy, the shrewd local manager of the Hong Kong and Shanghai Bank, that one of the main reasons why more rice was not produced in the country was the fact that it did not pay a peasant to produce too much, as it was dangerous to move it any distance for purposes of sale, and even more dangerous to be known to have in his house any considerable sum of money from the disposal of it, and there are no banks in which he can deposit such sums. Only last month the house of a Siamese farmer, who had disposed of his crop the day before, was attacked by a gang of robbers quite close to the British residential quarter, and some Englishmen, hearing the firing, hurried out to the rescue and drove off the aggressors.

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If such incidents happen a few hundred yards from the most reputable part of the suburbs of Bangkok, it can readily be imagined what occurs in jungle villages days from the railway.

I have, &c.
R. H. GREG.

Enclosure 1 in No. 1.

Consul-General Wood to Mr. Greg.

(No. 32. Confidential.)

Sir, *Chiengmai, May* 9, 1923.

I HAVE the honour to enclose herewith copy of a despatch from Mr. Fitzmaurice concerning the prevalence of crime in Northern Siam.

This matter has been made the subject of reports by Mr. Fitzmaurice and myself on numerous former occasions, and has been brought to the notice of the Siamese Minister for Foreign Affairs at least three times. If any improvement has taken place, it is not yet noticeable.

It is, perhaps, almost unreasonable to call the attention of the Siamese Government to the prevalence of crime in this consular district, because, as a matter of fact, monthons Payab and Maharat are undoubtedly among the least criminal parts of the kingdom. In Petchaburi, Petchabun, Chantaburi, and some parts of the Mekong Provinces, crime of every kind is rampant to an extent which is hardly realised. No statistics are published, and only a few of the most sensational and notorious cases are ever referred to in the Siamese press.

In Maharat, crime is a good deal more prevalent than in Payab, presumably because the people there are, as a rule, poorer, and the rice crop in some parts often inadequate. But even in Payab, crime, especially cattle theft, is far too prevalent, in spite of an astounding statement recently made to me by Major V. Sylow, of the provincial gendarmerie, to the effect that the inhabitants of this district are among the least criminal in the world.

It appears to me that crime must be due to one of two causes, namely, either poverty of the people or bad administration. Now the people of Northern Siam are not poor. Most of them never have any ready money, but they are able to feed and clothe themselves and their families comfortably, and that without doing any excessive amount of work. If, therefore, a large number of them prefer to spend their time stealing their neighbours' cattle or other property, the conclusion to be drawn is that this form of amusement is attended by far too little risk.

The explanation of the whole matter, here and in other parts of Siam, is, as I have often pointed out before, extremely simple. The detection and suppression of crime is a highly technical and complicated business, which cannot be efficiently carried out except by persons who have been specially trained for the purpose. In Siam a curious idea has always prevailed that anyone can do anything, and we find lawyers navigating ships or surveyors investigating cattle disease. As for the investigation of crime, it is thought that any ignorant deputy amphur or lieutenant of gendarmerie is good enough for that.

To give a single example—if any example be needed to illustrate so evident a fact—the strong-room of the Bombay Burma Trading Corporation (Limited), at Chiengmai, was recently looted of a sum of 27,000 ticals in notes and 2,000 rupees in silver. From what I have heard, the whole premises must have been full of what would have been, in the eyes of a trained detective, clues whereby the offenders could have been tracked down. For instance, a candle was found in the strong-room, and it is well known that a candle almost always shows finger prints. As there is, however, nobody in Chiengmai who has had any sort of training in detective work, naturally no advantage was taken of these clues. Several arrests have been made, but it is doubtful whether any convictions will result, and still more doubtful (which interests the corporation much more) whether any of the money will be recovered. Major Sylow has done, for an untrained man, wonderful work on this case; but this is a task for a detective, not for a Danish cavalry officer.

To sum up, I am convinced that crime in Siam will never diminish until competent officers are employed for its detection and suppression. As, however, the provision of a proper detective force would mean the engagement of several foreign officers for the purpose of training young Siamese in detective work, I presume that no real improvement is likely ever to be seen. Something might, it is true, be done in the way of

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setting aside a certain number of Siamese officers in each district solely for detective duties; but I doubt whether this would be sufficient without expert guidance.

I have, &c.
W. A. R. WOOD.

Enclosure 2 in No. 1.

Vice-Consul Fitzmaurice to Consul-General Wood.

(No. 13. Confidential.)

Sir, *Nakawn Lampang, May* 8, 1923.

AN interesting leader in the "Bangkok Times" of the 28th April last, on the subject of crime, will doubtless have attracted your attention. That leader quotes from the "Nangsue Bimb Dai" the statement that "since the appointment of the present Minister of the Interior the amount of crime in the provinces has been sensibly reduced."

I do not know on what facts or statistics this assertion is based, but though I have now not been back in Nakawn Lampang as much as a month, I have had indications from all sides that there has been little "sensible reduction" in crime in Monthon Maharat, and I am inclined to the view that crime is still on the increase here. I have, therefore, the honour to submit a few remarks on cases which have come to my knowledge during the last fortnight, which remarks may be of interest, even though, naturally enough, the cases in question are as yet only in the stage of investigation or awaiting hearing.

In the town of Lampang itself thefts are said to be as frequent as ever, and only a few days ago my Siamese clerk was the victim of a theft, all the property in the front room of his house being taken off by thieves at night. On reporting the theft at the amphur's office next morning, he could not get a search made for the thief for some hours, as the Nai Amphur was not expected at his office till 11 a.m.

At Muang Ngao, a charge made by Maung Gyi, the leading Burmese British subject of Ngao, against one Nai Chit, an ex-employee, for misappropriation of considerable sums, is pending investigation. A feature of this case, more significant than the original charge, is that Maung Gyi has now submitted to the Governor a number of categorical complaints against the Nai Amphur of Ngao of continuous partiality in favour of the accused, and of deliberately conducting the whole investigation in a way prejudicial to Maung Gyi. The case against Nai Chit, and attendant circumstances, are now being looked into by the Lampang Public Prosecutors.

From Phre comes a story of a mail carrier of the Bombay Burma Trading Corporation (Limited) being held up a week or two ago near Muang Song by armed men, who claimed to be opium inspectors, and took off a box which, however, only contained a typewriter. The Amphur of Bang Klang (Muang Song) is investigating the case, but as far as my informant had heard, this official had got no further than arresting the carrier who was robbed, on the ground that he may have been in complicity with the thieves, even though this carrier knew the box taken only contained a typewriter.

Nan contributes a sensational story of the removal of the roof of the Government Treasury by gendarmes, who then cleared the Treasury of all the funds deposited there.

These are, of course, only a few random instances which have come to my knowledge in the course of a few days. There are many comments on the general frequency of thefts, while it is also said that a lot of opium is being smuggled to Bangkok viâ Lampang and Phre.

There are, too, so many stories of frauds perpetrated by members of the "na Lampang" family, that one cannot be surprised if the mind of the Lampang Lao ceases to associate the idea of punishment with that of crime.

On the reverse side the assistant Public Prosecutor here, Nai Prayun, is devoting much care to a case in which a little girl of 15, daughter of a well-known Burmese British subject, is obliged in a few days time to appear in the Empowered Court to answer a charge of assaulting another little girl a few years younger, having smacked and scratched her. It happens in this case that the "injured" party is a close relation of Nai Prayun's wife.

Then again, there is the case of Maung Pe, mentioned in my Chiengmai despatch No. 76 of the 29th November, 1922. This man is still serving his illegal sentence.

These facts suggest that there is still some room for improvement in the measures taken to deal with crime, at least in this monthon.

I have, &c.
H. FITZMAURICE.

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SIAM

CONFIDENTIAL.

July 14,1925.
Section 3.

(F 3047/72/40) NO.1.

Anglo-Siamese General Treaty, London, July 14,1925.

HIS Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, and His Majesty the King of Siam, being desirous of maintaining and strengthening the relations of friendship which happily exist between them, have resolved to proceed to a revision of their mutual treaty arrangements, and have for that purpose named as their plenipotentiaries, that is to say:

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India:

The Right Honourable Joseph Austen Chamberlain, a Member of Parliament, His Majesty's Principal Secretary of State for Foreign Affairs; and

His Majesty the King of Siam:

Phya Prabha Karawongse, His Envoy Extraordinary and Minister Plenipotentiary at the Court of His Britannic Majesty;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon the following articles:-

ARTICLE 1.

His Britannic Majesty recognises that the principle of national autonomy shall apply to the Kingdom of Siam in all that pertains to the imposition of customs duties on the importation and exportation of merchandise, to drawbacks and to transit and all other taxes and impositions; and, subject to the condition of equality of treatment with other nations in these respects, His Britannic Majesty agrees to assent to the imposition in Siam of customs duties higher than those established by existing treaties, on the further condition, however, that all other nations entitled to claim the benefit of special rates of customs duties in Siam assent to such higher duties freely and without the requirement of any compensatory benefit or privilege.

ARTICLE 2.

The subjects of each of the high contracting parties shall have free access to the Courts of Justice of the other in pursuit and defence of their rights; they shall be at liberty, equally with native subjects and with the subjects or citizens of the most favoured nation, to choose and employ lawyers, advocates and representatives to pursue and defend their rights before such courts. There shall be no conditions or requirements imposed upon British subjects in connection with such access to the Courts of Justice in Siam, which do not apply to native subjects or to the subjects or citizens of the most favoured nation.

ARTICLE 3.

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ARTICLE 3.

The subjects of each of the high contracting parties shall be entitled in the territories of the other, provided that they comply with the laws and regulations in force, to engage in religious and charitable work, to open and conduct educational establishments, and to do anything incidental to or necessary for those purposes, upon the same terms as native subjects.

The subjects of each of the high contracting parties shall enjoy in the territories of the other entire liberty of conscience, and, subject to the laws and regulations in force, shall enjoy the right of private and public exercise of their religion.

ARTICLE 4.

The vessels of war of each of the high contracting parties may enter, remain and make repairs in those ports and places of the other to which the vessels of war of other nations are accorded access; they shall there submit to the same regulations and enjoy the same honours, advantages, privileges and exemptions as are now or may hereafter be conceded to the vessels of war of any other nation.

ARTICLE 5.

From the date of the exchange of ratifications of the present treaty and of the Treaty of Commerce and Navigation between the United Kingdom and Siam, concluded at London on the 14th July, 1925, the following treaties, conventions and agreements between the two high contracting parties shall cease to be binding :-

The treaty signed on the 20th June, 1826, together with the additional articles thereto ratified on the 17th January, 1827.

The treaty of Friendship and Commerce signed at Bangkok on the 18th April, 1855, together with the agreement supplementary thereto, signed at Bangkok on the 13th May, 1856.

The Agreement for Regulating the Traffic in Spirituous Liquors, signed at London on the 6th April, 1883.

The Treaty for the Prevention of Crime and the Promotion of Commerce, signed at Bangkok on the 3rd September, 1883, together with the Exchange of Notes in 1896 extending the operation of that treaty in Siam.

The treaty concerning certain boundaries and the jurisdiction of Siamese courts, signed at Bangkok on the 10th March, 1909, together with annexes thereto.

Provided, however, that articles 1, 2, 3 and 4, and Annexes I and III of the treaty signed at Bangkok on the 10th of March 1909, together with all provisions of any treaty in force at the time of the signature of the present treaty, which fix or delimit the boundary between Siam and British possessions or protectorates, shall remain in force.

ARTICLE 6.

The provisions of the agreement on the registration of British subjects in Siam, signed at Bangkok on the 29th November, 1899, as extended in accordance with the note dated the 3rd October, 1910, from His Royal Highness the Minister for Foreign Affairs of Siam to His Britannic Majesty's Minister at Bangkok, remain in force and shall be applicable for the purposes of the present treaty and of the Commercial Treaty signed this day, except in so far as articles 4 and 5 of the said agreement are inconsistent with the terms of the treaties signed this day or of the jurisdiction protocol attached to the present treaty.

The provisions

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ARTICLE 3.

The subjects of each of the high contracting parties shall be entitled in the territories of the other, provided that they comply with the laws and regulations in force, to engage in religious and charitable work, to open and conduct educational establishments, and to do anything incidental to or necessary for those purposes, upon the same terms as native subjects.

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The treaty signed on the 20th June,1826, together with the additional articles thereto ratified on the 17th January,1827.

The treaty of Friendship and Commerce signed at Bangkok on the 18th April,1855, together with the agreement supplementary thereto, signed at Bangkok on the 13th May,1856.

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ARTICLE 6.

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The provisions

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The provisions of the said agreement relating to persons of Asiatic descent born within His Majesty's dominions and to their children born in Siam shall respectively extend to persons to whom the said agreement does not apply and who enjoy the protection of His Britannic Majesty by virtue of being citizens of or born in British protectorates, British-protected states, or territories in respect of which a mandate on behalf of the League of Nations has been accepted by His Britannic Majesty, and to the children of such persons.

ARTICLE 7.

The provisions of the present treaty which apply to subjects of the high contracting parties shall also be applicable to limited liability and other companies, partnerships and associations duly constituted in accordance with the laws of such high contracting parties.

ARTICLE 8.

The provisions of the present treaty which apply to British subjects shall also be deemed to apply to all persons who both enjoy the protection of His Britannic Majesty and are entitled to registration in Siam in accordance with article 6 of the present treaty.

ARTICLE 9.

The stipulations of articles 2,3 and 4 of the present treaty shall not be applicable to India or to any of His Britannic Majesty's self-governing dominions, colonies, possessions or protectorates, unless notice is given by His Britannic Majesty's representative at Bangkok, of the desire of His Britannic Majesty that the said stipulations shall apply to any such territory.

ARTICLE 10.

The terms of the preceding article relating to India and to His Britannic Majesty's self-governing dominions, colonies, possessions, and protectorates shall apply also to any territory in respect of which a mandate on behalf of the League of Nations has been accepted by His Britannic Majesty.

ARTICLE 11.

The present treaty shall come into effect on the date of the exchange of ratifications, and shall remain in force for ten years from that date.

In case neither of the high contracting parties shall have given notice to the other twelve months before the expiration of the said period of ten years of its intention to terminate the present treaty, it shall remain in force until the expiration of one year from the date on which either of the high contracting parties shall have denounced it.

It is clearly understood, however, that such denunciation shall not have the effect of reviving any of the treaties, conventions, arrangements or agreements abrogated by former treaties or agreements or by article 5 hereof.

As regards India or any of His Britannic Majesty's self-governing dominions, colonies, possessions or protectorates, or any territory in respect of which a mandate on behalf of the League of Nations has been accepted by His Britannic Majesty, to which the stipulations of articles 2,3 and 4 of the present treaty shall have been made applicable under articles 9 or 10, either of the high contracting parties shall have the right to terminate it separately on giving twelve months' notice to that effect.

Such notice

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Such notice, however, cannot be given so as to take effect before the termination of the period of ten years mentioned in the first paragraph of this article, except in the case of His Britannic Majesty's self-governing dominions (including territories administered by them under mandate) and the colony of Southern Rhodesia, in respect of which notice of termination may be given by either high contracting party at any time.

ARTICLE 12.

This treaty shall be ratified and the ratifications thereof shall be exchanged at London as soon as possible.

In witness whereof the respective plenipotentiaries have signed the present treaty, and have thereunto affixed their seals.

Done in duplicate in the English language, at London, the 14th day of July, in the nineteen hundred and twenty-fifth year of the Christian era, corresponding to the 14th day of the 4th month in the 2468th year of the Buddhist era.

(L.S) AUSTEN CHAMBERLAIN.
(L.S.) PRABHA KARAWONGSE.

ANNEX.

PROTOCOL CONCERNING JURISDICTION APPLICABLE IN THE KINGDOM OF SIAM TO BRITISH SUBJECTS AND OTHERS ENTITLED TO BRITISH PROTECTION.

AT the moment of proceeding this day to the signature of the General Treaty between His Britannic Majesty and His Majesty the King of Siam, the plenipotentiaries of the two high contracting parties have agreed as follows:-

ARTICLE 1.

The system of jurisdiction heretofore established in Siam for British subjects and the privileges, exemptions and immunities now enjoyed by British subjects in Siam as a part of, or appurtenant to the said system, shall absolutely cease and determine on the date of the exchange of ratifications of the above-mentioned treaty, and thereafter all British subjects, corporations, companies and associations, and all British-protected persons in Siam shall be subject to the jurisdiction of the Siamese courts.

ARTICLE 11.

Until the promulgation and putting into force of all the Siamese codes, namely, the Penal Code, the Civil and Commercial Code, the Codes of Procedure and the Law for Organisation of Courts, and for a period of five years thereafter, but no longer, His Britannic Majesty, through his diplomatic and consular officials in Siam, whenever in his discretion he deems it proper so to do in the interest of justice, may, by means of a written requisition addressed to the judge or judges of the court in which such case is pending, evoke any case pending in any Siamese court, except the Supreme or Dika Court, in which a British subject, corporation, company or association, or a British-protected person is defendant or accused.

Such case

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Such case shall then be transferred to the said diplomatic or consular official for adjudication, and the jurisdiction of the Siamese courts over such case shall thereupon cease. Any case so evoked shall be disposed of by the said diplomatic or consular official in accordance with English law, except that as to all matters coming within the scope of codes or laws of the Kingdom of Siam regularly promulgated and in force, the texts of which have been communicated to the British Legation in Bangkok, the rights and liabilities of the parties shall be determined by Siamese law.

For the purpose of trying such cases and of executing any judgments which may be rendered therein, the jurisdiction of the said diplomatic and consular officials in Siam is continued.

Should His Britannic Majesty perceive, within a reasonable time after the promulgation thereof, any objection to the said codes, namely, the Penal Code, the Civil and Commercial Code, the Codes of Procedure and the Law for Organisation of Courts, the Siamese Government will endeavour to take such objections into account.

ARTICLE 3.

Appeals from judgments of Courts of First Instance in cases to which British subjects, corporations, companies or associations, or British-protected persons may be parties shall be adjudged by the Court of Appeal at Bangkok.

An appeal on a question of law shall lie from the Court of Appeal at Bangkok to the Supreme or Dika Court.

A British subject, corporation, company or association, or British-protected person, who is defendant or accused in any case arising in the provinces, may apply for a change of venue, and should the court consider such change desirable the trial shall take place either at Bangkok or before the judge in whose court the case would be tried at Bangkok.

The provisions of this article shall remain in force so long as the right of evocation continues to exist in accordance with Article 2.

ARTICLE 4.

In order to prevent difficulties which may arise from the transfer of jurisdiction contemplated by the present protocol, it is agreed as follows:-

(a) All cases instituted subsequently to the date of the exchange of ratifications of the above-mentioned treaty shall be entered and decided in the Siamese courts, whether the cause of action arose before or after the date of said exchange of ratifications.

(b) All cases pending before the diplomatic and consular officials of His Britannic Majesty in Siam on the said date shall take their usual course before such officials until such cases have been finally disposed of, and the jurisdiction of the said diplomatic and consular officials shall remain in full force for this purpose.

In connection with any case coming before the said diplomatic or consular officials under clause (b) of this article, or which may be evoked by the said officials under article 2, the Siamese authorities shall upon request by such diplomatic or consular officials lend their assistance in all matters pertaining to the case.

In witness whereof the undersigned plenipotentiaries have signed the present protocol and affixed thereto their seals.

AUSTEN CHAMBERLAIN
PRABHA KARAWONGSE.

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Such case shall then be transferred to the said diplomatic or consular official for adjudication, and the jurisdiction of the Siamese courts over such case shall thereupon cease. Any case so evoked shall be disposed of by the said diplomatic or consular official in accordance with English law, except that as to all matters coming within the scope of codes or laws of the Kingdom of Siam regularly promulgated and in force, the texts of which have been communicated to the British Legation in Bangkok, the rights and liabilities of the parties shall be determined by Siamese law.

For the purpose of trying such cases and of executing any judgments which may be rendered therein, the jurisdiction of the said diplomatic and consular officials in Siam is continued.

Should His Britannic Majesty perceive, within a reasonable time after the promulgation thereof, any objection to the said codes, namely, the Penal Code, the Civil and Commercial Code, the Codes of Procedure and the Law for Organisation of Courts, the Siamese Government will endeavour to take such objections into account.

ARTICLE 3.

Appeals from judgments of Courts of First Instance in cases to which British subjects, corporations, companies or associations, or British-protected persons may be parties shall be adjudged by the Court of Appeal at Bangkok.

An appeal on a question of law shall lie from the Court of Appeal at Bangkok to the Supreme or Dika Court.

A British subject, corporation, company or association, or British-protected person, who is defendant or accused in any case arising in the provinces, may apply for a change of venue, and should the court consider such change desirable the trial shall take place either at Bangkok or before the judge in whose court the case would be tried at Bangkok.

The provisions of this article shall remain in force so long as the right of evocation continues to exist in accordance with Article 2.

ARTICLE 4.

In order to prevent difficulties which may arise from the transfer of jurisdiction contemplated by the present protocol, it is agreed as follows:-

(a) All cases instituted subsequently to the date of the exchange of ratifications of the above-mentioned treaty shall be entered and decided in the Siamese courts, whether the cause of action arose before or after the date of said exchange of ratifications.

(b) All cases pending before the diplomatic and consular officials of His Britannic Majesty in Siam on the said date shall take their usual course before such officials until such cases have been finally disposed of, and the jurisdiction of the said diplomatic and consular officials shall remain in full force for this purpose.

In connection with any case coming before the said diplomatic or consular officials under clause (b) of this article, or which may be evoked by the said officials under article 2, the Siamese authorities shall upon request by such diplomatic or consular officials lend their assistance in all matters pertaining to the case.

In witness whereof the undersigned plenipotentiaries have signed the present protocol and affixed thereto their seals.

AUSTEN CHAMBERLAIN
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S I A M

July 14,1925.
Section 4.

CONFIDENTIAL.

(F 3047/72/40) No.1.

Anglo-Siamese Treaty of Commerce and Navigation, London, July 14,1925.

HIS Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, and His Majesty the King of Siam, being desirous of facilitating and extending the commercial relations already existing between their respective countries, have determined to conclude a Treaty of Commerce and Navigation with this object, and have appointed as their plenipotentiaries, that is to say:

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India:

The Right Honourable Joseph Austen Chamberlain, a Member of Parliament, His Majesty's Principal Secretary of State for Foreign Affairs; and

His Majesty the King of Siam:

Phya Prabha Karawongse, His Envoy Extraordinary and Minister Plenipotentiary at the Court of His Britannic Majesty:

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon the following articles:-

ARTICLE 1.

There shall be between the territories of the two contracting parties reciprocal freedom of commerce and navigation.

The subjects of each of the two contracting parties, upon conforming themselves to the laws and regulations applicable generally to native subjects, shall have liberty freely and securely to come, with their ships and cargoes, to all places and ports in the territories of the other to which subjects of that contracting party are, or may be, permitted to come, and shall enjoy the same rights, privileges, liberties, favours, immunities and exemptions in matters of commerce and navigation as are, or may be, enjoyed by subjects of that contracting party.

ARTICLE 2.

The subjects of either of the two contracting parties shall be entitled to enter, travel and reside in the territories of the other so long as they satisfy and observe the conditions and regulations applicable to the entry, travelling and residence of all foreigners.

ARTICLE 3.

The dwellings, warehouses, factories and shops and all other property of the subjects of each of the two contracting parties

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in the territories of the other, and all premises appertaining thereto, used for purposes of residence or commerce, shall be respected. Except under the conditions and with the forms prescribed by the laws, ordinances and regulations for native subjects or for the subjects or citizens of the most favoured foreign country, no domiciliary visit shall be instituted and no search of any such buildings or premises be carried out, nor shall books, papers or accounts be examined or inspected.

ARTICLE 4.

In so far as taxes, rates, customs duties, imposts, fees which are substantially taxes and any other similar charges are concerned, the subjects of each of the two contracting parties in the territories of the other shall enjoy, in respect of their persons, their property, rights and interests, and in respect of their commerce, industry, profession, occupation or any other matter, in every way the same treatment as the subjects of that party or the subjects or citizens of the most favoured foreign country.

ARTICLE 5.

With respect to all forestry undertakings, and to searches for minerals (including oil) and mining operations (including oil wells), in Siam, British subjects and companies, partnerships and associations established in His Britannic Majesty's territories shall be entitled to treatment not less favourable than that which is, or may hereafter be, accorded to Siamese subjects or the subjects or citizens of any other foreign country.

ARTICLE 6.

The two contracting parties agree that in all matters relating to commercial or industrial pursuits or the exercise of professions or occupations, any privilege, favour or immunity which either of thetwo contracting parties has actually granted, or may hereafter grant, to the subjects or citizens of any other foreign country shall be extended, simultaneously and unconditionally, without request and without compensation, to the subjects of the other, it being their intention that the pursuit of commerce and industry in the territories of each of the two contracting parties shall be placed in all respects on the footing of the most favoured nation.

ARTICLE 7.

The subjects of each of the two contracting parties in the territories of the other shall be at full liberty to acquire and possess every description of property,movable and immovable, which the laws of the other contracting party permit, or shall permit, the subjects or citizens of any other foreign country to acquire and possess. They may dispose of the same by sale, exchange, gift, marriage, testament or in any other manner, or acquire the same by inheritance, under the same conditions as are, or shall be, established with regard to subjects of the other contracting party, or the subjects or citizens of the most favoured foreign country.

They shall not be subjected in any of the cases mentioned in the foregoing paragraph to any taxes, imposts or charges of whatever denomination other or higher than those which are, or shall be, applicable to native subjects, or to the subjects or citizens of the most favoured foreign country.

They shall

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They shall also be permitted to export their property and their goods in general, and shall not be subjected in these matters to any other restrictions or to any other or higher duties than those to which native subjects or the subjects or citizens of any other foreign country would be liable in similar circumstances.

In all these matters British subjects shall continue to enjoy in Siam the same rights, and, subject to the provisions of articles 4 and 8 of the present treaty, be subject to the same obligations as those which were provided for by article 6 of the Anglo-Siamese Treaty signed at Bangkok on the 10th March, 1909.

ARTICLE 8.

In all that relates to compulsory military service and to the exercise of compulsory judicial, administrative and municipal functions, the subjects of one of the two contracting parties shall not be accorded in the territories of the other less favourable treatment than that which is, or may be, accorded to subjects or citizens of the most favoured foreign country.

British subjects in Siamese territory shall be exempted from all compulsory military service whatsoever, whether in the army, navy, air force, national guard or militia. They shall similarly be exempted from all forms of compulsory manual labour (except in cases of sudden and unexpected occurrences involving great public danger, or where Siamese law gives the option of performing such labour in lieu of the payment of taxes) and from the exercise of all compulsory judicial, administrative and municipal functions whatever, as well as from all contributions, whether in money or in kind, imposed as an equivalent for such personal service, and finally from all forced loans, whether in money or in kind, and from all military exactions or contributions.

It is, however, understood that British subjects shall continue as heretofore to be liable to capitation tax.

ARTICLE 9.

Articles produced or manufactured in the territories of one of the two contracting parties, imported into the territories of the other, from whatever place arriving, shall not be subjected to other or higher duties or charges than those paid on the like articles produced or manufactured in any other foreign country. Nor shall any prohibition or restriction be maintained or imposed on the importation of any article, produced or manufactured in the territories of either of the two contracting parties, into the territories of the other, from whatever place arriving, which shall not equally extend to the importation of the like articles produced or manufactured in any other foreign country.

The only exceptions to this general rule shall be in the case of the sanitary or other prohibitions occasioned by the necessity of securing the safety of persons, or the protection of animals or plants against diseases or pests, and of the measures applicable in the territories of either of the two contracting parties with respect to articles enjoying a direct or indirect bounty in the territories of the other contracting party.

ARTICLE 10.

The following articles manufactured in any of His Britannic Majesty's territories to which this treaty applies, viz., cotton yarns, threads, fabrics, and all other manufactures of cotton, iron and steel and manufactures thereof, and machinery and parts thereof, shall not, on importation into Siam, be subjected to any customs duty in excess of 5 per cent. ad valorem during the first ten years after this treaty has come into force.

It is understood

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It is understood that the articles to which this provision applied shall be those included in the groups III (1), III (C) and III (G), in volume I of the Annual Statement of the Trade of the United Kingdom for 1923 compiled in the Statistical Office of the British Customs and Excise Department.

It is further understood that in regard to particular classes of the above-mentioned articles customs duties may be imposed on a specific basis, provided that such specific duties do not in any case exceed in amount the equivalent of 5 per cent. ad valorem.

ARTICLE 11.

Drawback of the full amount of duty shall be allowed upon the exportation from Siam of all goods previously imported into Siam from His Britannic Majesty's territories which, though landed, have not gone into consumption in Siam, or been subjected there to any process.

Nevertheless, His Britannic Majesty will not claim the advantages of this article in so far as exports of filled gunny bags are concerned, so long as the duty leviable on the importation of gunny bags into Siam from the territories of His Britannic Majesty shall not exceed 1 per cent. ad valorem.

ARTICLE 12.

As soon as possible and in any case within six months of the coming into force of this treaty a supplementary convention shall be concluded between the two contracting parties which shall determine all matters incidental to the application of the duties specified in articles 10 and 11 of this treaty.

ARTICLE 13.

Any prohibitions or restrictions, whether by the creation or maintenance of a monopoly or otherwise, which are, or may hereafter be, imposed in Siam on the importation, purchase and sale of arms and ammunition shall not be so framed or administered as to prevent British subjects, firms and companies from obtaining adequate supplies of industrial explosives for use in their industries, it being understood that nothing in this article shall preclude the Siamese Government from enforcing such reasonable regulations as may be required in the interests of public safety.

ARTICLE 14.

Each of the two contracting parties undertakes to inform the other of its intention to establish any monopoly with a view to securing that the monopoly shall interfere as little as possible with the trade between the territories of the two contracting parties.

In the event of the establishment of any such monopoly, the question of the payment of compensation, and the amount, if any, of such compensation which shall be paid to the subjects or companies, partnerships or associations of one of the two contracting parties established in the territories of the other, shall be settled by mutual agreement between the two contracting parties or by arbitration.

Nothing in this article shall require the payment of compensation in the event of the establishment of a monopoly relating to opium or other drugs included now or hereafter within the scope of the International Opium Agreement and of the International Opium Convention signed at Geneva on the 11th February, 1925, and the 19th February, 1925, respectively.

ARTICLE 15.

Articles produced or manufactured in the territories of either of the two contracting parties, exported to the territories of the

other, shall

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other, shall not be subjected to other or higher duties or charges than those paid on the like articles exported to any other foreign country. Nor shall any prohibition or restriction be imposed on the exportation of any article from the territories of either of the two contracting parties to the territories of the other which shall not equally extend to the exportation of the like articles to any other foreign country.

Nothing in this article shall apply to any prohibition or restriction imposed on the exportation of opium or other dangerous drugs included within the scope of the International Opium Convention signed at Geneva on the 19th February, 1925.

ARTICLE 16.

Articles exported from Siam to His Britannic Majesty's territories shall not from the time of production to the date of shipment pay more than one impost, whether this be levied as an inland or transit duty or paid on exportation.

Where the Siamese Government has granted concessions which provide for payments to the Government in respect of the product to which the concession relates on the understanding that an inland duty formerly levied should be withdrawn the payments in question shall be held to include an impost for the purpose of this article.

ARTICLE 17.

Having regard to the provisions of article 7 of the International Convention relating to the Simplification of Customs Formalities signed at Geneva on the 3rd November, 1923, the two contracting parties agree to take the most appropriate measures by their national legislation and administration both to prevent the arbitary or unjust application of their laws and regulations with regard to customs and other similar matters, and to ensure redress by administrative, judicial or arbitral procedure for those who have been prejudiced by such abuses.

ARTICLE 18.

Internal duties levied within the territories of either of the two contracting parties for the benefit of the State or local authorities on goods, the produce or manufacture of the territories of the other party, shall not be other or greater than the duties levied in similar circumstances on the like goods of national origin, provided that in no case shall such duties be more burdensome than the duties levied in similar circumstances on the like goods of any other foreign country.

ARTICLE 19.

The two contracting parties agree, with respect to the treatment of commercial travellers and samples, to accord to each other all those facilities and privileges which are set out in the International Convention relating to the Simplification of Customs Formalities signed at Geneva on the 3rd November, 1923.

Any further facilities or privileges accorded by either party to any other foreign country in respect of commercial travellers or samples shall be extended unconditionally to the other party.

ARTICLE 20.

Limited liability and other companies, partnerships and associations formed for the purpose of commerce, insurance, finance, industry, transport or any other business, and established in the territories of either party, shall, provided that they have been duly constituted in accordance with the laws in force in such territories, be entitled, in the territories of the other, to exercise their rights and appear in the courts either as plaintiffs or defendants, subject

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other, shall not be subjected to other or higher duties or charges than those paid on the like articles exported to any other foreign country. Nor shall any prohibition or restriction be imposed on the exportation of any article from the territories of either of the two contracting parties to the territories of the other which shall not equally extend to the exportation of the like articles to any other foreign country.

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to the laws of such other party.

Each of the two contracting parties undertakes to place no obstacle in the way of such companies, partnerships and associations which may desire to carry on in its territories, whether through the establishment of branches or otherwise, any description of business which the companies, partnerships and associations of any other foreign country are, or may be, permitted to carry on.

Limited liability and other companies, partnerships and associations of either party shall enjoy in the territories of the other treatment in regard to taxation no less favourable than that accorded to the limited liability and other companies, partnerships and associations of that party.

In no case shall the treatment accorded by either of the two contracting parties to companies, partnerships and associations of the other be less favourable in respect of any matter whatever than that accorded to companies, partnerships and associations of the most favoured foreign country.

ARTICLE 21.

Each of the two contracting parties shall permit the importation or exportation of all merchandise which may be legally imported or exported, and also the carriage of passengers from or to their respective territories, upon the vessels of the other, and such vessels, their cargoes and passengers shall enjoy the same privileges as, and shall not be subject to any other or higher duties, charges or restrictions than national vessels and their cargoes and passengers, or the vessels of any other foreign country and their cargoes and passengers.

ARTICLE 22.

In all that regards the stationing, loading and unloading of vessels in the ports, docks, roadsteads and harbours of the territories of the two contracting parties, no privilege or facility shall be granted by eitherparty to vessels of any other foreign country or to national vessels which is not equally granted to vessels of the other party from whatsoever place they may arrive and whatever may be their place of destination.

ARTICLE 23.

In regard to duties of tonnage, harbour, pilotage, lighthouse, quarantine or other analogous duties or charges of whatever denomination levied in the name or for the profit of the Government, public functionaries, private individuals, corporations or establishments of any kind, the vessels of each of the two contracting parties shall enjoy in the ports of the territories of the other treatment at least favourable as that accorded to national vessels or the vessels of any other foreign country.

ARTICLE 24.

The provisions of this treaty relating to the mutual concession of national treatment in matters of navigation do not apply to the coasting trade. In respect of the coasting trade, however, as also in respect of all other matters of navigation, the subjects and vessels of each of the contracting parties shall enjoy most-favoured-nation treatment in the territories of the other, in addition to any other advantages that may be accorded by this treaty.

The vessels of either contracting party may, nevertheless, proceed from one port to another port in the territories of the other contracting party, either for the purpose of landing the whole or part of their cargoes or passengers brought from abroad, or of taking on board the whole or part of their cargoes or passengers for a foreign destination.

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It is also understood that in the event of the coasting trade of either party being exclusively reserved to national vessels, the vessels of the other party, if engaged in trade to or from places not within the limits of the coasting trade so reserved shall not be prohibited from the carriage between two ports of the territories of the former party of passengers holding through tickets or merchandise consigned on through bills of lading to or from places not within the above-mentioned limits, and while engaged in such carriage these vessels and their passengers and cargoes shall enjoy the full privileges of this treaty.

ARTICLE 25.

Any vessels of either of the two contracting parties which may be compelled by stress of weather or by accident to take shelter in a port of the territories of the other shall be at liberty to refit therein, to procure all necessary stores and to put to sea again, without paying any dues other than such as would be payable in a similar case by a national vessel. In case, however, the master of a merchant vessels should be under the necessity of disposing of a part of his merchandise in order to defray his expenses, he shall be bound to conform to the regulations and tariffs of the place to which he may have come.

If any vessel of one of the two contracting parties shall run aground or be wrecked upon the coasts of the territories of the other, such vessel and all parts thereof and all furniture and appurtenances belonging thereto, and all goods and merchandise saved therefrom, including any which may have been cast into the sea, or the proceeds thereof, if sold, as well as all papers found on board such stranded or wrecked vessel, shall be given up to the owners of such vessel, goods, merchandise, etc., or to their agents, when claimed by them. If there are no such owners or agents on the spot, then the vessel, goods, merchandise, etc., referred to shall, in so far as they are the property of a subject of the second contracting party, be delivered to the consular officer of that contracting party in whose district the wreck or stranding may have taken place, upon being claimed by him within the period fixed by the laws of that contracting party, and such consular officer, owners or agents shall pay only the expenses incurred in the preservation of the property, together with the salvage or other expenses which would have been payable in the like case of a wreck or stranding of a national vessel.

The two contracting parties agree, however, that merchandise saved shall not be subjected to the payment of any customs duty unless cleared for internal consumption.

In the case of a vessel being driven in by stress of weather, run aground or wrecked, the respective consular officer shall, if the owner or master or other agent of the owner is not present, or is present and requires it, be authorised to interpose in order to afford the necessary assistance to his fellow-countrymen.

ARTICLE 26.

All vessels which, according to British law, are deemed to be British vessels, and all vessels which, according to Siamese law, are deemed to be Siamese vessels, shall, for the purposes of this treaty, be deemed British or Siamese vessels respectively.

ARTICLE 27.

It shall be free to each of the two contracting parties to appoint consuls-general, consuls, vice-consuls and consular agents to reside in the towns and ports of the territories of the other to which such representatives of any other nation may be admitted by the respective Governments. Such consuls-general, consuls, vice-consuls, and consular agents, however, shall not enter upon their functions until after they shall have been approved and admitted in the usual form by the Government to which they are sent.

The consular officers of one of the two contracting parties shall enjoy in the territories of the other the same official rights,

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privileges and exemptions as are or may be accorded to similar officers of any other foreign country.

ARTICLE 28.

In the case of the death of a subject of one of the two contracting parties in the territories of the other, leaving kin but without leaving at the place of his decease any person entitled by the laws of his country to take charge of and administer the estate, the competent consular officer of the country to which the deceased belonged shall, upon fulfilment of the necessary formalities, be empowered to take custody of and administer the estate in the manner and under the limitations prescribed by the law of the country in which the property of the deceased is situated.

It is understood that in all that concerns the administration of the estates of deceased persons, any right, privilege, favour of immunity which either contracting party has actually granted, or may hereafter grant, to the consular officers of any other foreign country shall be extended immediately and unconditionally to the consular officers of the other contracting party.

ARTICLE 29.

The consular officers of one of the two contracting parties residing in the territories of the other shall receive from the local authorities such assistance as can by law be given to them for the recovery of deserters from the vessels of the former party. Provided that this stipulation shall not apply to subjects of the contracting party from whose local authorities assistance is requested

ARTICLE 30.

The subjects of each of the two contracting parties shall have in the territories of the other the same rights as subjects of that contracting party in regard to patents for inventions, trademarks, trade names, designs and copyright in literary and artistic works, upon fulfilment of the formalities prescribed by law.

ARTICLE 31.

As soon as possible after the preponderating proportion of the imports into Siam is obtained from countries whose subjects or citizens shall have become subject to Siamese law and jurisdiction (even though still enjoying privileges under the right of evocation) the Siamese Government will promulgate and bring into operation laws for the proper regulation of the matters dealt with in article 30 and will also take the necessary measures for the regulation of merchandise marks by which imported products shall be protected from competition through false marks, false indications of origin, the short reeling of yarns, and the false lapping of piece-goods.

ARTICLE 32.

It is hereby understood and agreed that none of the stipulations of the present treaty by which Siam grants most-favoured-nation treatment is to be interpreted as granting rights, powers, privileges or immunities arising solely by virtue of the existence of rights of exemption from Siamese jurisdiction, judicial, administrative or fiscal, possessed by other foreign countries.

ARTICLE 33.

The two contracting parties agree that any dispute that may arise between them as to the proper interpretation or application of any of the provisions of the present treaty shall, at the request of either party, be referred to arbitration, and both parties hereby undertake to accept as binding the arbitral award.

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The court of arbitration to which disputes shall be referred shall be the Permanent Court of International Justice at The Hague, unless in any particular case the two contracting parties agree otherwise.

ARTICLE 34.

The stipulations of the present treaty shall not be applicable to India or to any of His Britannic Majesty's self-governing dominions, colonies, possessions or protectorates unless notice is given by His Britannic Majesty's representative at Bangkok of the desire of His Britannic Majesty that the said stipulations shall apply to any such territory.

Nevertheless, goods produced or manufactured in India or in any of His Britannic Majesty's self-governing dominions, colonies, possessions or protectorates shall enjoy in Siam complete and unconditional most-favoured-nation treatment so long as goods produced or manufactured in Siam are accorded in India, or such self-governing dominion, colony, possession or protectorate, treatment as favourable as that accorded to goods produced or manufactured in any other foreign country.

ARTICLE 35.

The terms of the preceding article relating to India and/His Britannic Majesty's self-governing dominions, colonies, possessions and protectorates shall apply also to any territory in respect of which a mandate on behalf of the League of Nations has been accepted by His Britannic Majesty.

ARTICLE 36.

The provisions of the present treaty which apply to British subjects shall also be deemed to apply to all persons who both enjoy the protection of His Britannic Majesty and are entitled to registration in Siam in accordance with article 6 of the General Treaty signed this day.

ARTICLE 37.

The present treaty shall be ratified and the ratifications shall be exchanged at London as soon as possible. It shall come into force on the same day as the General Treaty between the two contracting parties signed this day, and shall be binding during ten years from the date of its coming into force. In case neither of the two contracting parties shall have given notice to the other twelve months before the expiration of the said period of ten years of its intention to terminate the present treaty, it shall remain in force until the expiration of one year from the date on which either of the two contracting parties shall have denounced it.

It is clearly understood that such denunciation shall not have the effect of reviving any of the treaties, conventions, arrangements or agreements abrogated by former treaties or agreements or by article 5 of the General Treaty signed this day.

As regards India or any of His Britannic Majesty's self-governing dominions, colonies, possessions or protectorates, or any territory in respect of which a mandate on behalf of the League of Nations has been accepted by His Britannic Majesty to which the stipulations of the present treaty shall have been made applicable under articles 34 and 35 either of the two contracting parties shall have the right to terminate it separately on giving twelve months' notice to that effect. Such notice, however, cannot be given so as to take effect before the termination of the period of ten years mentioned in the first paragraph of this article, except in the case of His Britannic Majesty's self-governing dominions (including territories administered by them under mandate) and the colony of Southern Rhodesia, in respect of which notice of termination may be given by either contracting party at any time.

In witness

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In witness whereof the respective plenipotentiaries have signed the present treaty and have affixed thereto their seals.

Done in duplicate in the English language, at London, the 14th day of July, in the nineteen hundred and twenty-fifth year of the Christian era, corresponding to the 14th day of the 4th month in the 2468th year of the Buddhist era.

(LS.) AUSTEN CHAMBERLAIN
(L.S.) PRABHA KARAWONGSE.

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CANADA

C 97626.

Copy.

(F.3156/72/40)

The Siamese Legation,
23, Ashburn Place,
London,S.W.7.

14th July 1925.

Sir:-

In signed this day the General and Commercial Treaties between Great Britain and Siam, I have the honour to assure you by order of my Government that it is not the present intention of the Royal Siamese Government to impose any new or increase any existing export duties on teak, tin or rice.

I have, etc.,

(Signed) PRABHA KARAWONGSE.

The Right Honourable
Austen Chamberlain,M.P.,
Minister for Foreign Affairs
Foreign Office,
Whitehall, S.W.1.

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CANADA

C 97627

Copy.

(F.3157/72/40)

The Siamese Legation,
23, Ashbøurn Place,
London, S.W.7.,
14th July 1925.

Sir,

I have the honoor to inform you that when the time comes for the termination of the existence of the International or Empowered courts cases then pending before the said courts to which British subjects are parties will take their usual course before the said courts until such cases have been finally disposed of, and the jurisdiction of the said courts will remain in full force for this purpose.

I have, etc.,
(Signed) PRABHA KARAWONGSE.

The Right Honourable
Austen Chamberlain, M.P.,
Minister for Foreign Affairs,
Foreign Office,
Whitehall, S.W.1.

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C 97628

Copy.
(F.3158/72/40)

The Siamese Legation,
23 Ashburn Place,
London, S.W.7.
14th July 1925.

Sir:-

In connection with the new Treaties recently signed between our two Governments, I have the honour to inform you by order of my Government that in order to protect British interests with respect to nnn-contentious probate matters under the regime effected by the new Treaties the Royal Siamese Government will be happy after the ratification of the new Treaties to continue as heretofore the present system of Consular probate jurisdiction with respect to non-contentious matters connected with estates of pre-registered British subjects and the present practice by which consular officers deal with non-contentious matters connected with estates of post registered British subjects in accordance with Article 3 of the Treaty of 1856 until such time as a new Siamese Law shall be promulgated dealing with the question of succession and probate.

I have the honour to inform you further that it is the intention of the Royal Siamese Government to proceed with the preparation and promulgation of the new law as soon as possible.

I have, etc.,

(Signed/) PRABHA KARAWONGSE.

The RIGHT HONOURABLE
Austen Chamberlain, M.P.,
Minister for Foreign Affairs,
Foreign Office,
Whitehall, S.W.1.

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C 37629

Copy.

No.F. 2691/72/40. FOREIGN OFFICE,S.W.1.,

14th July,1925.

Sir:-

His Majesty's Government are happy to think that in signing the general and commercial treaties under which Siam obtains full jurisdictional and fiscal autonomy, they have made some contribution towards the free and prosperous development of Siam. Under the jurisdictional head in particular they have agreed to the arrangements embodied in the annexe to the general treaty because they are convinced that in the near future nothing short of full autonomy in these matters will be consonant with the position of Siam among civilised nations. Moreover they feel sure that these arrangements will strengthen the ties that so happily unite the two countries.

2. The existing ties between Siam and Great Britain are mutually advantageous in a peculiarly high degree, by reason of two facts. More than fifty thousand Indian British subjects pursue their avocations in Siam and contribute to the prosperity of the country. Furthermore British trade with Siam is longer established and larger in volume than that of any other country. These facts give to Anglo-Siamese relations an especially close and cordial character which His Majesty's Government are sure that the Siamese Government fully appreciate and share the desire of His Majesty's Government to preserve. His Majesty's Government

Phya Prabha Karawongse,

etc.,etc.,etc.,

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therefore feel very confident that the Siamese Government are not likely to take any steps calculated to prejudice the British interests arising from these considerations.

3. His Majesty's Government, without wishing to make any suggestion which might constitute an interference in the internal affairs of Siam, or to make the grant of the rights acquired by Siam under the new treaties subject to any conditions or restrictions, feel, nevertheless, in view of the magnitude of the interests involved, that it may be useful to state frankly certain apprehensions which they entertain. They do so at this moment when a new epoch of Siamese progress is beginning, with the object of averting possible future contingencies in which Siamese as well as British interests might suffer. It is possible that by the time the new codes have been promulgated there will not be available, either because the law school established by the Siamese Government has not been fully developed or for some other reason, a sufficient supply of fully trained Siamese judges to take the places of the present European legal advisers. Moreover, in any case, the fact that the new codes are based on Roman Law must somewhat accentuate the difficulties of dealing with the large number of commercial case involving British interests that come before the courts. The Siamese Government doubtless appreciate this position, and it therefore occurs to His Majesty's Government that they may well wish, should it be necessary in order to avoid possible future injury to the interests common to both countries, for a reasonable time after the coming into

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force of the various codes, and even, if necessary, after the disappearance of the right of evocation, to continue to employ a reasonable number of European legal advisers, of whom a proportion commensurate with British interests will be of British nationality; to continue to employ them in general in the same posts and in the same judicial capacities as at present, and to arrange that they shall exercise their powers in the same general manner as they have hitherto done (except in so far as the termination of the 1909 treaty may result in their judgments no longer prevailing in the cases provided for under that treaty); to retain the post of judicial adviser, which it will probably be impracticable to fill with a lawyer of other than British nationality; and to employ as a teacher in the law school an English lawyer, preferably a barrister familiar with the Indian Codes.

I have, etc.,

(Signed) AUSTEN CHAMBERLAIN.

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C 97632

Copy.

(F.3484/72/40)

The Siamese Legation,
23, Ashburn Place,
London, S.W.7.,
28th July 1925.

Sir:-

The Royal Siamese Government desire to express their very sincere appreciation for the frank and friendly note of His Britannic Majesty's Government with reference to affairs in Siam under the new regime. The Royal Siamese Government have taken very careful note of the matters set forth in this communication, and they will endeavour, in respect of the several points set out in the letter from His Britannic Majesty's Government, to do everything possible to safeguard British interests in Siam, so far as this can be done without injury to the interests of the Royal Siamese Government.

In particular the Royal Siamese Government readily give an assurance that it is their intention not to dispense with the services of European Legal advisers upon the ratification of the new treaties but to continue to employ them until such time after the promulgation of the codes as they may be convinced that the administration of justice by Siamese judges shows the further services of such European advisers to be unnecessary.

The Right Honourable
Austen Chamberlain, M.P.,
Minister for Foreign Affairs,
Foreign Office,
Whitehall, S.W.1.

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The Royal Siamese Government take this opportunity of reaffirming the principle as to the use of British law in commercial cases where no Siamese law exists. Until the promulgation of the Civil and Commercial code they intend to continue to act upon this principle, which was expressed in the following form in the letter of May 19th, 1909, from Mr.Westongard to Mr.Beckett.

"Where there is no existing Siamese statute "or precedent the Siamese Courts administer "customary law. The custom in commercial matters "where there are foreign communities is generally "in accordance with English principles. There- "fore Siamese courts in such cases are guided by "English statutes and cases as far as circumstances "admit".

I have, etc.,

(Signed) PRABHA KARAWONGSE.

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C 97634

No.F.3136/72/40. FOREIGN OFFICE,S.W.1.,

5th August 1925.

Sir,

I have the honour to inform you that I have noted with gratification the contents of the three notes complementary to the General and Commercial Treaties signed on the 14th ultimo between Siam and Great Britain, which you handed to me on that date, and which contain the following assurances:- (1) that it is not the present intention of the Siamese Government to impose any new or increase any existing export duties on teak, tin or rice; (2) that, when the time comes for the termination of the existence of the International or Empowered Courts in Siam, cases then pending before those Courts to which British subjects are parties will take their usual course before the Courts until such cases have been finally disposed of, and that the jurisdiction of those Courts will remain in full force for this purpose; and (3)that the Siamese Government agree to continue, after the ratification of the treaties, the present system of consular probate jurisdiction with respect to non-contentious probate matters until such time as a new Siamese law shall be promulgated dealing with the question of succession and probate, and that it is their intention to proceed with the preparation and promulgation of the new law as soon as possible.

2. I have also the honour to acknowledge the receipt of your note of the 28th ultimo, in reply to the note which I handed to you at the time of signature of the treaties, in

Phya Prabha Karawongse,

etc.,etc.,etc.,

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C 97634

No.F.3136/72/40. FOREIGN OFFICE,S.W.1.,

5th August 1925.

Sir,

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Phya Prabha Karawongse,

etc.,etc.,etc.,

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which you inform me of the intentions of the Siamese Government in regard to the matters mentioned in my note, in particular the retention of the European judicial advisers, and give an assurance of the continued use of British law in commercial cases until the promulgation of the Civil and Commercial Code.

I have the honour to be,
with the highest consideration,
Sir,
Your obedient servant,

(Signed)AUSTEN CHAMBERLAIN.

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Anglo-Siamese Treaty of Commerce and Navigation

London, July 14th, 1925.

Art. 1 - Reciprocal freedom of commerce and navigation. Equality of rights for the subjects of each party.

Art. 2 - Liberty of entry, travelling and residence.

Art. 3 - Respect guaranteed to dwellings, warehouses, factories, etc.

Art. 4 - Equality of treatment for the subjects of each party in so far as taxes, rates, duties, etc., are concerned. The same principle applies to the property, rights, interests, etc., of the subjects of each party.

Art. 5 - The same treatment shall be accorded to Siamese subjects and to British with regard to forestry undertakings, to searches for minerals (oil included) and to mining operations.

Art. 6 - Any privilege, favour or immunity granted to the subjects of any foreign country by one party shall be extended to the subjects of the other party. Subjects of each party shall be placed, in all respects, on the footing of the most favoured nation.

Art. 7 - Liberty for the subjects of each party to acquire and possess every description of property, movable and immovable, to dispose by sale or otherwise, to acquire by inheritance, to export their property and their goods.

Art. 8 - Equality of treatment for all that relates to compulsory military service, to the exercise of compulsory judicial, administrative and municipal functions. British subjects in Siam shall be exempted from all compulsory military service, from all compulsory manual labour, from all forced loans, etc., but shall be liable to capitation tax.

Art. 9 - Articles produced or manufactured in the territories of one party and imported in the territories of the other party shall not be subjected to higher duties than those paid on like articles produced or manufactured in any other foreign country. No prohibition nor restriction shall be imposed which do not apply to like articles coming from any foreign country. Exceptions in case of sanitary prohibitions.

Art.10 - Cotton yarns, threads, fabrics, and all other manufactures of cotton, iron and steel, etc., produced in British territories shall not be subjected, on importation, to any customs duty in excess of 5% ad valorem during the first ten years after the Treaty has come into force. List of articles to which this provision applies is included. The specific duties on any of these articles shall not exceed in amount the equivalent of 5% ad valorem.

Art.11 - Drawback of the full amount of duty shall be allowed upon exportation from Siam of all goods imported from British territories which have not gone into consumption.

Art.12 - A supplementary convention shall be concluded to complete Articles 10 and 11.

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Art.13 - Prohibitions and restrictions imposed in Siam on importation, sale and purchase of arms and ammunition shall not prevent British subjects from obtaining adequate supplies of industrial explosives for use in their industries.

Art.14 - Each party will inform the other of its intention to establish any monopoly. If the establishment of any monopoly interferes with the trade of one party, the question of the payment and of the amount of compensation shall be settled by mutual agreement or by arbitration. No compensation in case of a monopoly relating to opium and other drugs.

Art.15 - Exception made to the principle of equality of taxes and to that of prohibition and restriction in the case of opium or other dangerous drugs.

Art.16 - Articles exported from Siam to a British Territory shall not - from the time of production to the date of shipment - pay more than one impost (in land, transit or exportation duty).

Art.17 - Measures shall be taken by each party to prevent the arbitrary of unjust application of their laws with regard to customs and to insure redress of abuses.

Art.18 - Internal duties levied by one party on the articles manufactured in the territories of the other party shall not be other nor greater than the duties levied on goods of national origin provided that such duties shall not be more burdensome than those levied on like goods of any other foreign country.

Art.19 - Both parties shall accord to travellers and samples facilities and privileges set out in the International Convention relating to the Simplification of Customs signed at Geneva on the 3rd November, 1923.

Art.20 - Companies and associations formed for the purpose of any business shall have the right to appear in the Courts in the territories of either party. The treatment of such companies in regard to taxation shall not be other nor less favourable than that accorded to the national or to those of the most favoured foreign country.

Art.21 - Importation and exportation of merchandise, carriage of passengers permitted upon the vessels of each party which shall enjoy the privileges granted to any other country.

Art.22 - In regard to the stationing, loading, unloading of vessels,
Art.23 - etc., duties of tonnage, harbour, pilotage, etc., the vessels of each party shall enjoy the same privileges and treatment as those granted to national vessels or to the vessels of any foreign country.

Art.24 - The provisions of mutual concession of national treatment in matters of navigation do not apply to the coasting trade. Nevertheless, the vessels of each party may proceed from one port to another etc.

Art.25 - Deals with special cases of storm, wreckage, etc.

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Art.26 - All vessels, which according to British law are deemed to be British vessels, and all vessels which, according to Siamese laws, are deemed to be Siamese, shall be, for the purpose of the Treaty, deemed British or Siamese.

Art.27 - Each party shall have the liberty of appointing consuls-general and other representatives.

Art.28 - In certain cases, the consul may administer the estate of a deceased national.

Art.29 - The consular officers of each party shall receive assistance from the local authorities for the recovery of deserters from the vessels of the former party.

Art.30 - Subjects of each party shall have the same rights as the nationals in regards to patents, inventions, trademarks, etc.

Art.31 - The Siamese Government will, in ~~a soon~~ the near future, make laws for the proper regulation of the matters referred to in Article 30.

Art.32 - None of the stipulations by which Siam grants most-favoured-nation treatment is to be interpreted as granting rights arising by virtue of the existence of rights of exemption from Siamese jurisdiction possessed by other foreign countries.

Art.33 - Any dispute regarding the present Treaty shall be referred by either party to the Permanent Court of International Justice at The Hague unless it is otherwise agreed.

Art.34 - This Treaty shall not be applicable to India nor to the self-governing dominions unless notice is given by His Majesty that it shall apply to any such territory.
Goods produced or manufactured in the above-named territories shall enjoy in Siam complete and unconditional most-favoured-nation treatment so long as goods produced or manufactured in Siam are accorded in these territories of India and of the self-governing dominions treatment as favourable as that accorded to goods produced or manufactured in any other foreign country.
The same principle applies to the mandated territories (Art.35).

Art.36 - This Treaty applies to all persons who enjoy the British protection.

Art.37 - Deals with the ratifications and denunciation.

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C 97639

Anglo-Siamese General Treaty

London, July 14th, 1925.

Art. 1 - The principle of national autonomy of Siam is recognized in all that pertains to customs duties.

Art. 2 - The subjects of each party shall have equal civil rights.

Art. 3 - Liberty of conscience and of education, free exercise of their religion are guaranteed to the subjects of each party.

Art. 4 - The vessels of war of each party may enter in the ports and places to which vessels of other nations are accorded access.

Art. 5 - From the date of coming into force of the present Treaty and of the Treaty of Commerce and Navigation, all other existing treaties shall cease to be binding and these former treaties shall not be revived after the denunciation of the present one (Art.11, par.3).

Art. 6 - Deals with the registration of British subjects in Siam according to the agreement of Nov. 29th, 1899, and extended in accordance with a note of the Minister of Foreign Affairs for Siam dated the 3rd Oct., 1910. This agreement shall remain in force in so far as it is not inconsistent with the protocol of the present Treaty and it shall extend to all the persons who enjoy the protection of His Majesty.

Arts.7 and 8 - The present Treaty shall be applicable to limited liability, companies, etc., and to all the persons who enjoy the protection of His Majesty.

Arts.9 and 10 - The present Treaty shall not be applicable to India nor the self-governing dominions, colonies, possessions, protectorates, nor to any mandated territory, unless notice is given by His Majesty.

Art. 11 - The present Treaty shall remain in force for ten years and shall be continued for one year in case neither of the parties has denounced it twelve months before the expiration of the period of ten years.
As regards India or any of the dominions, etc., to which the present Treaty shall be made applicable, the parties shall have the right to terminate it separately by giving twelve months' notice. This notice cannot be given before ten years except in the case of the dominions, of the mandated territories and of Southern Rhodesia, in respect of which notice can be given at any time.

Art. 12 - The ratifications shall be exchanged at London.

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C 97640

Annex

Protocol concerning jurisdiction applicable in Siam to British Subjects and others entitled to British Protection.

Art. 1 - The system heretofore established in Siam shall cease and all British subjects shall be subject to the jurisdiction of the Siamese Courts.

Art. 2 - Until the promulgation of the Siamese codes and, for a period of five years thereafter, His Majesty may evoke any case pending in any Siamese Court, except the Supreme Court, in which a British subject is defendant or accused. In such cases, the jurisdiction of diplomatic and consular officials is continued.

Art. 3 - Deals with the appeals from judgments.

Art. 4 - Deals with the transfer of jurisdiction and with the assistance that the Siamese authorities shall lend the British officials.

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C 97641

COPY

Ottawa, 11th December, 1925.

Sir,

With reference to the confidential despatch of the 28th August, 1925, Dominions No. 376, and the telegraphic despatch of the 21st November, 1925, from the Secretary of State for Dominion Affairs to the Governor-General, relative to the new General and Commercial Treaties with Siam, I have the honour to represent that the Canadian Government agrees that in accordance with the resolution of the Imperial Conference of 1923, ratification should be effected by His Majesty at the instance of the British Government. The question of adherence by Canada will be considered later.

I am to request that His Excellency may be humbly moved to inform the Secretary of State for Dominion Affairs, by telegraph, in the above sense.

I have the honour to be,

Sir,

Your obedient servant,

(Sgd) O.D.SKELTON

Under-Secretary of State

for External Affairs.

The Governor-General's Secretary,

O t t a w a.

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C 97642

Ottawa, January 30, 1924

MR. McGREGOR:

Mr. King dictated the following message in the form of a letter, but afterwards asked that you telephone the message to Sir Clifford Sifton.

Adelaide 6206

"I thank you cordially for your kind note.

"If it were convenient for you to see him, Mr. Low would go up to Toronto on Friday night to meet you at your office on Saturday at any time that might be convenient for you.

"Mr. Stewart will be in Toronto on Tuesday, and would appreciate an opportunity of having a word with you.

"It is just possible that seeing both these gentlemen might occasion too much in the way of time and effort on your part; in this event, please do not hesitate to indicate which of the two gentlemen you would prefer to see and also whether the time suggested would suit your convenience. If you wish to suggest any other time I shall arrange accordingly."

WHM

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MEMORANDUM C 37643

Prime Minister's Office

Ottawa, December 3, 1923

Liberal

MR. KING:

Mr. Sinclair was selected as Ontario Liberal Leader at the Party Caucus in Toronto on August 30 last.

McG.

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C 97644

[redacted]

PRIME MINISTER'S OFFICE

MEMORANDUM

Thursday,
November 29, 1923

MR. KING:

Honourable Charles Stewart has asked me to communicate to you the suggestion that it might be advisable for you to send a letter of congratulation to Mr. W. E. N. Sinclair, K.C., on his selection as Leader of the Liberals in the Ontario House. This selection was actually made in the month of September last, and Mr. Stewart has been informed that up to the present time Mr. Sinclair has received no word of congratulation from Ottawa.

I understand that a dinner is being arranged during the coming month in Mr. Sinclair's honour, at which Mr. Graham and possibly one other Cabinet Minister will be present.

LCM.

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Coll - Smuggling.
C 97645

(D)

PRIME MINISTER'S OFFICE
CANADA

Convention signed at Washington - Jany 23, 1924
Geddes
Hughes

Ratified by U.S. Senate 61 to 7 - March 13, 1924

Will be ratified by King as soon as
approval of Govts of Self Gov Dominions
& of United Kingdom, signified

Jany 12th Can Govt - caused approval
of treaty and signature

Condition (a) - selection of person
by Can Govt

(b) approval of pvt -
dominion before
concurring in ratification

Feb 29. - Gov. Secy cabled desire
to have treaty - promptly ratified

Aus. N.Z. S.A. N.F. [illegible]
concurred

Importance of treaty to Canada comparatively
slight

On moral grounds — Legend - further an good will. [illegible]
relations

Maintain good relations with U.S.
interests of the Commonwealth and U.S. in suppressing smuggling

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C 97646

PRIME MINISTER'S OFFICE
CANADA

Convention laid on table at opening of Pvt — (A.)

Reference to the negotiations - at Imperial Conference (B.)
p 12, Report

Provisions of the ~~Treaty~~ Convention (C.)

Action in reference to Convention (D)

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(DRAFT)
ANONYMOUS

C 97647 (1924?)

DRAFT TELEGRAM.

"My Ministers are most anxious to assist by every means in their power the effort of the Government of the United States to enforce its domestic laws, and have lately had a conference here with United States officials on the subject of the action Canada can take to prevent the smuggling of liquor southward across the Canadian border. The effect of the United States liquor legislation is, however, of direct detriment to Canada, in that it prevents the shipment into the Yukon even of liquor destined for sale there in Government shops, from which a substantial annual profit is derived in aid of the public revenue, and there are other handicaps under which Canada is now suffering by the operation of United States legislation. The relief to British ships proposed by the treaty in the matter of sea stores and liquor cargoes is, at the same time, of no substantial value to vessels of Canadian registry. My Ministers have no objection to the concession to the United States of the right to search beyond its territorial waters, but feel that in the circumstances this concession as to vessels of Canadian registry should form part of negotiations in which other Canadian interests were fully considered. They therefore suggest the inclusion in the treaty of a clause in some such terms as the following: (Begins) The provisions of the present treaty shall not apply to vessels registered in the Dominion of Canada unless so expressly stated contemporaneously with, or subsequent to, the exchange of ratifications, and the treaty may be determined as to such vessels by notice or notice of modification as above provided without affecting its continued application to all the other vessels to which it may apply. (Ends). On account of the contiguity at many points of the Canada and United States coasts, My Ministers also suggest the insertion at the end of the first sentence of clause three of Article two of the words : (Begins) Or within any less distance of the coast of the Dominion of Canada. (Ends)."

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(DRAFT - NOT APPROVED) JAN. 7, 1924.

FILE → ANONYMOUS C 97648

25

DEPARTMENT OF EXTERNAL AFFAIRS CANADA

H.

TO

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL:

The undersigned has had under his consideration telegrams to Your Excellency from the Secretary of State for the Colonies, dated respectively the 17th and the 24th December, 1923, communicating the text of the draft treaty with the United States on the subject of alcoholic beverages, and enquiring if the Canadian Government concurs in its terms. Having caused the draft to be studied in the several Departments more immediately concerned with its subject matter, he now submits certain criticisms and suggestions to which its provisions have given rise. He thinks it important in the first place to emphasize the necessity of making clear that before the treaty is ratified the Canadian Parliament should have the opportunity of discussing it. Passing to the consideration of the text of the draft treaty he would call attention to the fact that the limit, as fixed by Article 2, Section 3, within which the rights conferred by the Article are to be exercised viz. "the distance that can be traversed in one hour by the vessel suspected of endeavouring to commit the offence" is very indefinitely determined and that as a consequence misunderstandings would be very likely to arise in the application of the treaty, more especially in the case of vessels having no other motive power than sails, as the distance traversed in one hour would vary according to weather and wind conditions. It is desirable that a plan should be devised to obviate such misunderstandings.

He further observes that the compensatory privileges accorded for the permission to exercise unusual rights outside territorial.....

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territorial waters, as provided in Article 3, are of no substantial advantage, at the present time, to vessels of Canadian registry, while it seems reasonable that such vessels should receive from the United States Government concessions correspondingly advantageous to those derived by that Government from the surrender of their unquestioned rights, and he therefore recommends that the United States Government be asked to agree to the entry to United States ports of Canadian fishing vessels for the purpose of disposing of their catch and obtaining clearance to the fishing grounds; or if the United States Government should not be disposed to yield this point, that they should in the alternative agree to reopen the question of making an arrangement such as was in effect during the period from 1918 to 1921, according reciprocal privileges in United States and Canadian ports to fishing vessels of both countries.

As regards the plan proposed in Article 4 for the consideration of claims for compensation by a Commission of two persons, he recommends that the Article be amended so as to provide that where the vessel or vessels concerned are registered in any Dominion, one of such persons should be nominated by the Government of such Dominion, the other by the United States Government.

It has been further represented on behalf of the Government of Yukon Territory that the only channel practically available for the importation into the Territory of alcoholic liquor, which is there sold under Government control and provides a considerable revenue, is the overland route through Alaska from the port of Skagway to Yukon, and it is therefore urged that the United States Government be requested to grant the privilege of free transit for liquors consigned to the Government over that route, a clause to the following effect being embodied in the

treaty....

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treaty to carry out this purpose:

> "The United States agree to allow shipments of alcoholic beverages, the property of His Britannic Majesty, in the right of His Dominion of Canada, for use in the Yukon Territory, to be landed at Skagway in Alaskan Territory and trans-shipped from thence to British Columbia and the said Yukon Territory, under such regulations and safeguards as may be arranged between the Dominion of Canada and the United States."

As representations have also been received from the British Columbian Government showing that the route overland from Skagway also affords the only practical means for the transportation of liquor to the store operated by the liquor Control Board of the Government of British Columbia at Atlin in that Province, it is considered expedient to provide in the clause immediately above suggested words to allow similar shipments "the property of His Britannic Majesty, in the right of his Province of British Columbia."

The undersigned recommends that the views of Your Excellency's Government, as above expressed, should be communicated to the Secretary of State for the Colonies by telegraph.

All of which is respectfully submitted:

Secretary of State for
External Affairs.

FILE → ANONYMOUS

Ottawa, 7th January, 1924.

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Liquor Smuggling 27

C 97651

MEMORANDUM.

For The Honourable the Prime Minister. Ottawa, Jan. 9th, 1924.

Re Liquor Treaty between Great Britain and United States.
(Marginal references are to pages of the file.)

p. 2. p.26. p.69 p.66 pp.4,11,19 30, 61

1. The negotiations for this treaty commenced on June 11th last by the submission of a draft prepared by the United States Department of State. After some discussion, the Foreign Office on November 16th submitted an alternative to this draft, the difference between the two drafts being mainly verbal. Further discussion as to purely verbal amendments to this draft followed, and on December 16th the complete treaty, as finally settled by the Foreign Office and the State Department, was cabled to Canada with a request for an immediate reply by telegraph, a request repeated by cable on January 2nd. Canada had been kept in touch by mail with the earlier negotiations.

2. As thus settled, the proposed treaty contains:-

(1) A declaration of the three-mile limit to territorial waters.

(2) Permission to the United States to board British ships outside territorial waters, but within a "distance of the coast of the United States, its territories or possessions (that) can be traversed in one hour by the vessel suspected", to search them if suspected, and to seize and carry them into United States ports if believed to be breaking the American law against the importation of liquor.

(3) Provision for exempting liquor carried under seal as sea stores or lawful cargo by British ships in territorial waters.

(4) Provision for a joint board to hear claims for compensation by British ships improperly interfered with under preceding clauses.

(5) Provision for termination of the treaty by notice at the end of any year, and for its automatic termination if effect cannot be given to its provisions because of judicial decision or legislative action.

3. This treaty is obviously considered to be of high importance by the United States, the authority to search and seize having already been exercised in several cases in anticipation not only of ratification but of signature. The relief the treaty affords to British ships is doubtless also of high value to Great Britain. Comparatively speaking, the importance of the treaty to Canada is slight.

Pp.85,86

4. During the last days of December suggestions have been received on the subject of the treaty from the Department of the Interior and the Department of Marine and Fisheries. The latter criticises the definition of the distance from the United States coast to which search and seizure extend, but as the provision on this subject was substituted in November on legal grounds for the American suggestion of a definite distance, it is unlikely that the present form can be changed. The other suggestions are as follows:-

From the Department of the Interior.

P.85

(1) To permit the shipment of liquor through Skagway (Alaska) for Dominion Government Stores in the Yukon,

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(thus preventing an annual loss of $75,000 to the revenue).

From the Department of Marine and Fisheries.

Pp.87,86 (2) To permit Canadian fishing vessels to dispose of their catch in American ports, or alternatively to renew the reciprocal arrangement as to fishing vessels in force 1918 - 21 (this as consideration to Canada for the agreement to search of vessels of Canadian registry to which the provision for sealed sea stores and cargo liquor is said to be of no substantial advantage).

P. 86 (3) To provide for the representation of Canada on any international board constituted to determine compensation claims under the treaty.

P. 87 (4) To postpone the operation of the treaty until approved by the Canadian Parliament.

5. Having regard to the present status of the negotiations it would appear advisable that any suggestions from Canada should be put forward on the broadest possible grounds. To make at this stage either the first or second of those above set out might prejudice the whole negotiation between Great Britain and the United States. Moreover, since (a) the consideration Great Britain is receiving for her concession is "of no substantial value" to Canada, and (b) direct negotiations are now proceeding between Canada and the United States looking to arrangements to guard the United States northern frontier from dangers identical with those against which the treaty is designed to protect her seacoasts, it would seem reasonable that Canada should either stand aside from the treaty altogether, or make her assent to it part of independent negotiations.

6. If this view is taken, or if it is considered inadvisable to suggest at this stage the inclusion in the present treaty of the proposals as to the Yukon and fishing rights(which would doubtless be of value to Canada), or if either the constitution of compensation boards or express provision for Parliamentary approval is considered of importance, the communication by His Excellency to the Colonial Secretary might be in the terms of the attached draft, which includes a suggestion for the verbal amendment of the treaty so as to prevent vessels being boarded, searched or seized within an hour's sail of the Canadian coast.

O.M. BIGGAR

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C 97653

Monday,
February 18,
1924.

MR. KING:

Liquor Smuggling Conference.

Attached is a copy of a Secret cipher telegram dated the 16th instant and received in your office at noon to-day from the British Chargé d'Affairs at Washington.

I have taken up this matter with the following:

1. Commissioner Farrow of the Department of Customs and Excise who says he will be satisfied with such action as the Department of Justice may recommend;

2. Department of the Interior (correspondence attached)

3. Department of Justice (Mr. Newcombe's memorandum attached).

Mr. Corry is in Washington but, as you know, the Minister of the Interior, is confined to bed.

Mr. Bureau has read over the attached despatch.

The nature of the Government's reply to the Washington telegram will be affected, as mentioned by Mr. Newcombe, by a question of policy. Consequently the actual drafting of a reply has been deferred until the matter has been discussed in Council.

LCM.

L.C. MOYER.

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C 97654

THE DEPARTMENT OF EXTERNAL AFFAIRS CANADA FEB 18 1924

COPY

18th February, 4.

MEMORANDUM FOR

THE UNDER-SECRETARY OF STATE

FOR EXTERNAL AFFAIRS:

Referring to the despatch from H. M. Charge d'Affaires at Washington, dated the 16th instant, with regard to the proposed Convention with the United States authorizing the shipment of intoxicating liquor into the Yukon Territory via Alaska, I am of opinion that the wording suggested by the United States Government is satisfactory if, as I apprehend, the law applicable to liquor shipments through the Panama Canal is that contained in the Eighteenth Amendment and in section 20 of the National Prohibition Act of October 28th, 1919. Said section 20 is as follows:-

> "That it shall be unlawful to import orintroduce into the Canal Zone, or to manufacture, sell, give away, dispose of, transport, or have in one's possession or under one's control within the Canal Zone, any alcoholic, fermented, brewed, distilled, vinous, malt,or spirituous liquors, except for sacramental, scientific, pharmaceutical, industrial, or medicinal purposes, under regulations to be made by the President, and any such liquors within the Canal Zone in violation hereof shall be forfeited to the United States and seized: PROVIDED, That this section shall not apply to liquor in transit through the Panama Canal or on the Panama Railroad.
>
> That each and every violation of any of the provisions of this section shall be punished by a fine of not more than $1,000 or imprisonment not exceeding six months for a first offence, and by a fine not less than $200 nor more than $2,000 and imprisonment not less than one month nor more than five years for a second or subsequent offense.
>
> "That all offenses heretofore committed within the Canal Zone may be prosecuted and all penalties therefor enforced in the same manner and to the same extent as if this Act had not been passed."

If the above provision be that referred to in the draft wording suggested by the United States, the effect would be that while of course the constitutional amendment would continue to apply the legislative sanctions would not apply to liquor carried across Alaska under seal and guarded. This I imagine would provide practical immunity for the purposes of this Government.

In this

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In this connection the Honourable Mr. Stewart has asked for the observations of this Department upon an extract from a letter received from Mr. W. W. Cory, Deputy Minister of the Interior, dated at Washington the 14th instant, copy of which is attached hereto. The question referred to in the third paragraph of said extract, that is to say, whether all matters dealt with at the recent Ottawa conference and agreed to should go into the Convention, is a matter of policy. If, in order to secure a supply of liquor in the Yukon Territory or to assist in the raising of revenue therein, the Government considers it advisable to grant the concessions asked for by the United States Government, I do not see any legal difficulty in the way. Mr. Cory states that the Secretary of State thinks that we should agree to their suggestions about transporting prisoners through each other's territory. This again is a matter of policy in connection with which no legal difficulty arises.

E. L. NEWCOMBE

D. M. J.

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Liquor Smuggling E-9002

C 97656 Vol. 2 - B

Great Britain 31

OFFICE OF
THE UNDER-SECRETARY OF STATE
FOR EXTERNAL AFFAIRS
CANADA.

H.

Memorandum for the Prime Minister

With regard to the telegram from the Colonial Office, dated 17th March, on the subject of the papers to be laid before Parliament in connection with the Liquor Treaty with the United States, I would point out that the effect of omitting the earlier despatches as suggested by the Colonial Office, will be to leave out of sight the particulars of the initiation of the negotiations and of the draft treaty originally proposed by the United States and rejected by His Majesty's Government. The idea of the Colonial Office seems to be to start from the draft prepared by His Majesty's Government, and considered by the Imperial Conference before it was presented to the United States Government in December. If this course is approved, the Summary of Proceedings of the Imperial Conference would supply (page 12) a suitable introduction of the papers as suggested by the Colonial Office, though in that case the telegram of the 17th December, which refers specifically to the Colonial Office telegram of the 13th of that month and in its text obviously implies previous correspondence, does not seem a good starting point, and I would suggest . . .

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suggest that if the Colonial Office view is adopted, the inclusion at any rate of the telegram of the 13th of December should be asked for. The opening paper of the correspondence would then refer to the draft treaty, as it had been under consideration by the Canadian representatives at the Imperial Conference.

I append copy of the correspondence arranged in accordance with this plan.

J. Pope

SIR JOSEPH POPE

Ottawa, 18th March, 1924.

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NOTE - FILE THIS ! F.A. McGREGOR TO WLMK.
C 97658

PRIME MINISTER'S OFFICE

MEMORANDUM

Thursday
March 27,
1924

MR. KING:

A provision in the treaty extending the three-mile limit says that the treaty will become effective following the exchange of ratifications. Mr. Duff urges that notice should be given well in advance of the date on which the treaty will become effective. He points out that ships at sea will know nothing of the time of Government ratifications or exchanges of ratifications and that they are entitled to a couple of months' motice. I took this up with Sir Joseph who thought the point well taken. Sir Joseph has drafted the attached communication which he will send to the Governor General if you approve.

McG.

FILE → F. A. McGREGOR

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C 97659 E-902

Duff
Liquor Smuggling 37

LIQUOR TREATY
(Extension of three-mile limit)

William Duff, M.P. suggests Treaty should not come into effect until ample notice has been given to those affected.

Attached is a draft communication prepared by Sir Joseph Pope along the lines suggested by Mr. Duff.

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C 97660

35

DEPARTMENT OF EXTERNAL AFFAIRS CANADA

E.T.

Ottawa, 27th March, 1924.

Sir,

I have the honour to represent that by Article 5 of the Treaty between the United States and Great Britain to aid in the prevention of smuggling of intoxicating liquors into the United States, it is provided that the Treaty shall be subject to ratification, and shall remain in force for a period of one year from the date of the exchange of ratifications. It has been suggested to the Canadian Government that this date might be delayed until an opportunity had been afforded of notifying shipping of the intention so to bring it into force.

I am to request that His Excellency the Governor-General may be humbly moved to cause an intimation to this effect to be addressed, by telegraph, to the Secretary of State for the Colonies.

I have the honour to be,
Sir,
Your obedient servant,

The Governor-General's Secretary,
Ottawa.

Under-Secretary of State for
External Affairs.

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Coll - Smuggling

DEPARTMENT OF STATE C 97661

FOR THE PRESS April 22, 1924.

Canada

An arrangement between the United States and Canada has been concluded at Ottawa for the return of stolen property of all kinds belonging to bona fide residents of one country and seized by the customs authorities of the other, upon satisfactory proof of ownership and absence of collusion. The effect of the arrangement will be to release a number of automobiles belonging to citizens of the United States which have been stolen and smuggled across the border where they have been seized by the customs authorities of Canada. The arrangement also applies to furs and other property stolen in Canada and seized by customs authorities of the United States.

* * *

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Coll - Smuggling

DEPARTMENT OF STATE C 97661

FOR THE PRESS April 22, 1924.

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* * *

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C-1200
C 97663
Extra Copy

DEPARTMENT OF EXTERNAL AFFAIRS
OF CANADA

NO.

BRITISH EMBASSY,
WASHINGTON

24th April 1924.

Sir:—

I have the honour to transmit to you, herewith, copies of the paper mentioned below.

I have the honour to be,

Your most obedient servant,

M. M. MAHONEY

The Under-Secretary of State
for External Affairs,
Ottawa, Canada

NAME AND DATE	SUBJECT
8 copies - Press Statement by Department of State.	United States - Canadian Smuggling Agreement.

Referred to: Premier, April 26/24
Customs, Interior,
Justice, Railways and Canals,
Trade and Commerce,
Marine and Fisheries.

APR 28 Recd

No. C97662
Missing.

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C 97664

DEPARTMENT OF STATE

FOR THE PRESS April 22, 1924.

Canada

An arrangement between the United States and Canada has been concluded at Ottawa for the return of stolen property of all kinds belonging to bona fide residents of one country and seized by the customs authorities of the other, upon satisfactory proof of ownership and absence of collusion. The effect of the arrangement will be to release a number of automobiles belonging to citizens of the United States which have been stolen and smuggled across the border where they have been seized by the customs authorities of Canada. The arrangement also applies to furs and other property stolen in Canada and seized by customs authorities of the United States.

* * *

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Liquor Smuggling E-9002
Vol. 2 - (B)

C 97665

PRIME MINISTER'S OFFICE

MEMORANDUM

MR. KING:

Mr. Bureau has asked that the following message be sent to you from himself:

Tell Mr. King I am getting ready to go home; I'm sick. I have talked the matter of the treaty over with Farrow and Blair and the other officers that were at the convention. I am going to have another talk with Farrow to make sure that he is fully conversant with my views.

Ask Mr. King to send for Farrow and have a talk with him.

W.W.Cory must have said something in Washington; he must have changed something.

I am not satisfied with the treaty.

(Mr. Bureau said he was speaking from his room)

I told Mr.Bureau I thought an Order-in-Council had been passed and was being telegraphed to Washington this afternoon.

4.05pm
May 23 (1924)

WHM

W.H. MEASURES.

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E. J. LEMAIRE

5. P. C. 871 C 97666

Certified copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 23rd May, 1924.

PRIVY COUNCIL CANADA

The Committee of the Privy Council, having reference to a Minute approved by the Governor General on the 4th February, 1924, submitting a report upon the proceedings of a Conference between representatives of Canada and of the United States for the purpose of discussing ways and means of preventing the smuggling of liquor between Canada and the United States, herewith submit, for His Excellency's approval, draft of a proposed Treaty with the United States of America for the purpose of suppressing smuggling operations along the international boundary, and of assisting in the arrest and prosecution of persons violating the narcotic laws of either Government, which draft of proposed treaty is based upon said report and subsequent communications between the two Governments with respect thereto.

Draft of Proposed Treaty.

HIS MAJESTY THE KING OF GREAT BRITAIN AND IRELAND AND OF THE BRITISH DOMINIONS BEYOND THE SEAS, EMPEROR OF INDIA, in behalf of the Dominion of Canada, AND THE UNITED STATES OF AMERICA being desirous of suppressing smuggling operations along the boundary between the Dominion of Canada and the United States of America, and of assisting in the arrest and prosecution of persons violating the narcotic laws of either Government, have agreed to conclude a Convention to give effect to these purposes and have named as their plenipotentiaries:

His Britannic Majesty, in behalf of the Dominion of Canada:

The President of the United States,

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CANADA

who having communicated to each other their respective full powers, which were found to be in due and proper form, having agreed upon the following articles:

1. The High Contracting Parties agree that the appropriate officers of the Governments of Canada and of the United States of America respectively shall be required to furnish upon request to duly authorized officers of the other Government, information concerning clearance of vessels or the Transportation of cargoes, shipments or loads of articles across the international boundary when the importation of the cargo carried or of articles transported by land is subject to the payment of duties; also to furnish information respecting clearances of vessels to foreign ports when there is ground to suspect that the owners or persons in possession of the cargo intend to smuggle it into the territory of Canada or of the United States.

2. The High Contracting Parties agree that clearance from the United States or from Canada shall be denied to any vessel carrying cargo consisting of articles the importation of which into the territory of Canada or of the United States, as the case may be, is prohibited, when it is evident from the tonnage, size and general character of the vessel, or the length of the voyage and the perils or conditions of navigation attendant upon it, that the vessel will be unable to carry its cargo to the destination proposed in the application for clearance.

3. Each of the High Contracting Parties agrees with the other that property of all kinds in its possession which, having been stolen and brought into the territory of the United States or of Canada, is seized by its customs authorities shall, when the owners are nationals of the other country, be returned to such owners, subject to satisfactory proof of such ownership and the absence of any collusion, and subject moreover to payment of the expenses of the seizure and detention and to the abandonment of any claims by the owners against the customs, or the customs officers, warehousemen or agents, for compensation or damages for the seizure, detention, warehousing or keeping of the property.

4. The High Contracting Parties reciprocally agree to exchange information concerning the names and activities of all persons known or suspected to be engaged in violations of the narcotic laws of the United States or of Canada respectively.

5. It is agreed that the customs and other administrative officials of the respective Governments of the United States and of Canada shall upon request be directed to attend as witnesses and to produce such available records

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and files or certified copies thereof as may be considered essential to the trial of civil or criminal cases, and as may be produced compatibly with the public interest.

The cost of transcripts of records, depositions, certificates and letters rogatory in civil or criminal cases, and the cost of first-class transportation both ways, maintenance and other proper expenses involved in the attendance of such witnesses shall, so far as may be necessary or required be advanced by the requisitioning authority at the time of the requisition, and shall, except in so far as they shall have been so advanced, be paid by that authority at the time of discharge of the witnesses by the court from further attendance at the trial. Letters rogatory and commissions shall be executed with all possible despatch and copies of official records or documents shall be certified promptly by the appropriate officials in accordance with the provisions of the laws of the respective countries.

6. The following offences are added to the list of offences numbered 1 to 3 in the 1st Article of the Treaty concluded between the United States and Great Britain on May 18th, 1908, with reference to Reciprocal Rights for the United States and Canada in the matters of Conveyance of Prisoners and Wrecking and Salvage, that is to say:

4. Offences against the narcotic laws of the respective governments.

7. No penalty or forfeiture under the laws of the United States shall be applicable or attached to alcoholic liquors or to vessels, vehicles or persons by reason of the carriage of such liquors when they are transported under guard by Canadian authorities through the territorial waters of the United States to Skagway, Alaska, and thence by the shortest route, via the White Pass and Yukon Railway, upwards of twenty miles to Canadian Territory, and such transit shall be as now provided by law with respect to the transit of alcoholic liquors through the Panama Canal or on the Panama Railroad, provided that such liquors shall be kept under seal continuously while the vessel or vehicle on which they are carried remains within said territory, and that no part of such liquors shall at any time or place be unladen within the United States, its territories or possessions.

8. This Convention shall be ratified, and the ratifications shall be exchanged as soon as possible. The Convention shall come into effect at the expiration of ten days from the date of the exchange of ratifications, and it shall remain in force for one year, and thereafter until one or the other of the High Contracting Parties shall signify its wish to terminate it, and no longer.

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The Committee advise that the text of the draft Treaty be telegraphed to the Secretary of State for the Colonies, for the information of His Majesty's Government, in accordance with the principles governing the relations of the various parts of the Empire and the procedure to be observed in the negotiation, signature and ratification of international agreements as recommended at the Imperial Conference, 1923, and further advise that the Governor General may be pleased to telegraph the text of the above draft Treaty to His Majesty's Ambassador at Washington, for immediate communication to the United States Government.

E. J. Lemaire

Clerk of the Privy Council.

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IH/5

E. J. LEMAIRE
P.C. 873

C 97670

PRIVY COUNCIL
CANADA

Certified copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 23rd May, 1924.

The Committee of the Privy Council have had before them a Report, dated 23rd May, 1924, from the Secretary of State for External Affairs, with reference to the Minute of Council, dated the 23rd May, 1924, (P.C. 871), submitting the draft of a proposed Treaty between Canada and the United States for the purpose of suppressing smuggling operations along the international boundary and of assisting in the arrest and prosecution of persons violating the narcotic laws of either Government.

The Minister represents that it is expedient, in connection therewith, to invest fit person with full power to treat on the part of His Majesty the King in respect of the Dominion of Canada with a person or persons similarly empowered on the part of the United States of America, and he therefore recommends that His Majesty the King be humbly moved to issue letters patent to the Honourable Ernest Lapointe, K.C., B.A., LL.B., a member of His Majesty's Privy Council for Canada and Minister of Justice of the Dominion, naming and appointing him as Commissioner and Plenipotentiary in respect of the Dominion of Canada with full power and authority to conclude such Treaty with such plenipotentiary or plenipotentiaries as may be vested with similar power and authority on the part of the

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United States of America, and to sign for and in the name of His Majesty the King in respect of the Dominion of Canada everything so agreed upon and concluded and to transact all such other matters as may appertain thereto.

The Minister further recommends that this Order in Council be transmitted by telegraph to the Right Honourable the Secretary of State for the Colonies with the request that, as set forth herein, His Majesty the King be humbly moved to issue to the said Honourable Ernest Lapointe the necessary full powers authorizing him to conclude and sign such a Treaty in respect of Canada.

All of which is respectfully submitted for Your Excellency's approval.

E. J. Lemaire

Clerk of the Privy Council.

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C 97672

PRIME MINISTER'S OFFICE

MEMORANDUM

See copy on her return 16-VI-24.

Monday,
June 16,
1924

(1)

MR. KING: Liquor shipment to Yukon.

Further to the attached memorandum from Sir Joseph Pope, I have learned from the Acting Deputy Minister of the Interior that Mr. Cory left Ottawa on Friday and hoped to be in touch with the necessary Washington officials to-day. Mr. Cory has undertaken to wire his Minister the moment he has ascertained what would be the most effective action to be taken by the Canadian Government.

ICM.
L.C. MOYER.

POOR
COPY

W.L. Mackenzie King Papers
Memoranda & Notes

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C 97673 Smuggling

OFFICE OF
THE UNDER-SECRETARY OF STATE
FOR EXTERNAL AFFAIRS
CANADA.

Memorandum for Mr. Moyer.

I went over this morning to see Mr. Cory on the subject of getting liquor through to the Yukon. I find that Mr. Cory is at present in Washington on this very question, his object being to interview the Americans unofficially for the purpose of ascertaining how they would view this request of Canada to admit liquor to the Yukon in advance of the Senate's ratification of the smuggling treaty before putting it forward officially. Mr. Gibson, the Acting Deputy Minister of the Interior, informed me that Mr. Cory entertained good hopes of a favourable result of his mission. Papers returned.

J. Pope
SIR JOSEPH POPE

Ottawa, 16th June, 1924.

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Amending

C 97674

PRIME MINISTER'S OFFICE

MEMORANDUM

Monday,
June 23rd,
1924

MR. KING: Shipment of Liquor to Yukon.

I have conveyed to Sir Joseph Pope your wish that the Government should take diplomatic steps to arrange with the American Government for authority to ship liquor to the Yukon under the Treaty of Washington of 1871.

Sir Joseph Pope is taking the matter up with the Department of Justice and will have a draft despatch prepared, for your approval, as soon as Mr. Cory returns to Ottawa - which will be tomorrow or Wednesday.

LCM.
L.C MOYER.

Amending

C 97675

PRIME MINISTER'S OFFICE

MEMORANDUM

Thursday,
June 26., 1924.

Mr. King:

SHIPMENT OF LIQUOR TO THE YUKON

Referring the Mr. Black's questions on the Orders of the Day this afternoon:

As intimated in my attached memorandum to you a couple of days ago, Mr. Cory took up the above matter with the authorities during his visit to Washington. He has just returned, and Sir Joseph Pope has arranged to go thoroughly into the matter with him tomorrow morning. Sir Joseph will then submit a memorandum suggesting what, in his opinion, will be the most effective means of proceeding with the negotiations instituted by Mr. Cory in Washington.

LCM.
L.C MOYER.

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C 97676 Vol 1 - B
Canada

PRIME MINISTER'S OFFICE

MEMORANDUM

Friday,
June 27., 1924.

Mr. King:

LIQUOR SHIPMENTS TO THE YUKON

Sir Joseph Pope had a conference this morning with Mr. Cory, who returned yesterday from Washington. Mr. Cory says that he made some progress there by unofficial negotiations, but the best that can be hoped for is that something may be possible "a little later". Mr. Cory says that if Canada takes any official action now, -by diplomatic means -, to try to establish a legal right under the Treaty of Washington, there is every likelihood of the U.S. Senate refusing to ratify the new Liquor Treaty. Would you care to discuss the situation with Mr. Cory? LCM.

L.C. MOYER.

Interview with Mr Cory - July 2 [illegible]

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LIQUOR and NARCOTICS TREATY WITH THE UNITED STATES.

I N D E X

Session 1924:

March 21st

June 6th

June 9th

June 12th

June 26th

July 3rd

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C 97678 [redacted]

March 21, 1924.

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CANADA

House of Commons Debates

OFFICIAL REPORT—UNREVISED EDITION.

Vol. LIX Friday, March 21, 1924 No. 15

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HOUSE OF COMMONS

Speaker:
The Honourable RODOLPHE LEMIEUX

Friday, March 21, 1924.

The House met at three o'clock.

PRIVATE BILLS

FIRST READINGS

Bill No. 14, to incorporate The Roman Catholic Episcopal Corporation of Prince Rupert.—Mr. Stork.

Bill No. 15, respecting The Canada Southern Railway Company.—Sir Henry Drayton.

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Bill No. 19, respecting the Canadian Pacific Railway Company.—Mr. Jelliff.

CONVENTION WITH UNITED STATES IN CONNECTION WITH LAWS DEALING WITH ALCOHOLIC BEVERAGES

Right Hon. W. L. MACKENZIE KING (Prime Minister) moved:

That it be resolved by the House of Commons, that it is expedient that parliament do approve of the convention between His Majesty and the president of the United States of America, signed at Washington on the twenty-third day of January, one thousand nine hundred and twenty-four, for the purpose of avoiding any difficulties which might arise between them in connection with the laws in force in the United States, on the subject of alcoholic beverages, a copy of which has been laid before parliament.

That a message be sent to the Senate informing their honours that this House has adopted the above resolution and requesting that their honours will unite with this House in the approval of the above-mention convention.

And that the clerk do carry the said message to the Senate.

He said: Mr. Speaker, very shortly after the opening of parliament, I laid on the Table a copy of a convention between the United

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Kingdom and the United States of America, respecting the regulation of the liquor traffic. This subject was one of consideration and of discussion at the Imperial Conference last fall. It is referred to in the summary of proceedings of the conference which has also been tabled. I might quote from the reference, to be found on page 12 of the summary, the paragraph that is pertinent. It reads as follows:

> During the session of the conference, the question of the regulation of the liquor traffic off the American coasts and of the measures to be taken to avoid a serious conflict either of public opinion or of official action was seriously debated. The conference arrived at the conclusion that, while affirming and safeguarding as a cardinal feature of British policy the principle of the three mile limit, it was yet both desirable and practicable to meet the American request for an extension of the right of search beyond this limit for the above purpose, and negotiations were at once opened with the United States government for the conclusion of an experimental agreement with this object in view.

I should like to give to the House the essential provisions of the convention, or treaty as it may be called, and will do so, in as brief a form as possible:

The principle that three marine miles from low water mark constitute the proper limits of territorial water is upheld.

Appropriate provision is made for the searching of British vessels under stated conditions; and when there is reasonable cause for belief that the vessel has committed or is committing or is attempting to commit an offence against the laws of the United States prohibiting the importation of alcoholic beverages the vessel may be seized and brought into the United States for adjudication.

It is provided that this right of seizure may be exercised within the distance from the coast that may be traversed in one hour by the vessel suspected of endeavouring to commit the offence. Where a transfer from one vessel to another is contemplated, it is the speed of the latter vessel which is to determine the distance from the coast within which seizure may be made.

The treaty also provides that no penalty or forfeiture under the laws of the United States shall attach to the carriage of alcoholic liquors by British vessels when listed as sea stores or as cargo destined for a port foreign to the United States, provided that such liquors are kept under seal continuously while the vessel is within the territorial waters and that they shall not at any time or place be unladen within United States territory. Such carriage is to have the same status as now provided by law with respect to the transit of alcoholic liquors through the Panama Canal. Provision is made for reference to a joint commission of claims for

compensation where a British vessel has suffered loss or injury through any unreasonable or improper exercise of the rights conferred by the treaty. The treaty is subject to ratification in the usual manner, and is to remain in force for one year from the date of the exchange of ratifications. Three months before the expiration of the year modifications may be suggested by either party, and if no agreement is made with respect to them the treaty is to lapse; otherwise it is to continue from year to year subject to a similar right of proposed modifications. The treaty is also to lapse if either of the parties is prevented by judicial decision or legislative action from giving full effect to its provisions, and in case from any cause the treaty comes to an end, such party is to enjoy all the rights he would have possessed had it not been concluded.

The convention was signed at Washington on January 23 of this year by the British ambassador, Sir Auckland Geddes, representing His Majesty the King, and by the Hon. Mr. Hughes, Secretary of State of the United States, representing the President. It has since been ratified by the Senate of the United States on March 13, by a vote of 61 to 7. It will be ratified by the King as soon as approval of the treaty has been given by the parliament of the United Kingdom and the parliaments of the several self-governing dominions. On January 12 of this year the Canadian government was asked if its ministers approved of the terms of the treaty, and also if they were agreeable to having the British ambassador sign the treaty. On the day following a reply was sent to the British government intimating that the terms of the treaty were agreeable to our ministers; also that the government was agreeable to having the British ambassador sign. The reply drew attention to the particular clause in the treaty which refers to vessels which may be illegally seized and brought into port. We felt that if the vessel seized should happen to be under Canadian registry it was but right that the British representative on the board appointed to adjudicate upon the matter should be a person nominated by the Canadian government; we also felt that the government should only give its approval subject to the subsequent approval of this parliament. These two intimations were given in our dispatch, and in the reply which was received from the British government it was intimated that the wish of Canada in both those particulars would be fully respected.

I will, for purposes of greater accuracy, indicate to the House more or less in the

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language of the dispatch itself, the form in which our approval as a government was given to the terms of the treaty. The dispatch, sent on January 12 intimated—that: The government of Canada, subject to acquiescence by the British government in the conditions therein mentioned, approved of the proposed treaty with the United States, and approved of the signature of the treaty by His Majesty's representative at Washington. It had been decided that parliamentary approval should be obtained before concurrence in ratification should be intimated. It was stated that the Canadian parliament would probably meet before the end of February. That the Canadian government's present approval of the proposed treaty was given on condition that it was understood that if a joint board to report upon the claims of compensation by a vessel of Canadian registry is required to be constituted under Article 4, the selection of the person whose name is to be submitted to his Majesty for appointment to the board will be made by it. In conclusion the despatch said it was assumed that an undertaking by the British government on this point would be sufficient and that provision with reference thereto need not therefore be included in the treaty.

The reply sent stated—that it was quite understood that the Canadian government would wish to obtain the approval of the Canadian parliament before ratification, and that a similar course was contemplated in the United Kingdom; that his Majesty's government would readily leave to the Canadian government the nomination of the person to be the member of the joint board referred to in Article 4 in respect of vessels of Canadian registry and agreed that it was not necessary to make provision in the treaty, further that the same procedure was contemplated in case of other dominions.

As I have intimated, the treaty was signed on January 23rd by the British ambassador. In this connection may I point out to the House that the practice followed with respect to the signature of this treaty is the one decided upon at the recent Imperial Conference and set out in the report of the Summary of Proceedings of the Imperial Conference to be found on pages 13, 14 and 15 in the part of the report relating to negotiation, signature and ratification of treaties. With reference to the signature of treaties there are the following provisions:

(a) Bilateral treaties imposing obligations on one part of the Empire only should be signed by the representative of the government of that part.

The Halibut treaty which has been the subject of discussion in this House is of that character. It is a bilateral treaty which imposed obligations only on Canada, not on other parts of the British Empire, and as such according to the procedure which the Imperial Conference has thought proper in this matter, it should be signed by a representative of the government of Canada. Now I continue to quote from the report of the proceedings:

The full power issued to such representatives should indicate the part of the Empire in respect of which the obligations are to be undertaken, and the preamble and text of the treaty should be so worded as to make its scope clear.

(b) Where the bilateral treaty imposes obligations on more than one part of the Empire the treaty should be signed by one or more plenipotentiaries on behalf of all the governments concerned.

This treaty between His Majesty and the President of the United States is a bilateral treaty which imposes obligations on more than one part of the Empire. It imposes obligations on all parts, and therfore it is, in the language of the procedure set forth by the conference, to be signed by one or more plenipotentiaries on behalf of the governments concerned. It would seem quite sufficient that the British Ambassador should be sole plenipotentiary for this purpose. I might say I am informed that the governments of Australia, New Zealand, South Africa, Newfoundland, and the Irish Free State have all approved of the terms of the treaty, and have all expressed their acquiescence in having the British Ambassador sign the treaty insofar as their interests in the matter is concerned. The act of ratification is an act of the sovereign. The treaty while it has been ratified by the United States has not yet been ratified by His Majesty the King. That ratification awaits, as I have already intimated the concurrence of the governments of the several parts of the Empire before that step is taken.

In regard to the ratification of a treaty, the Imperial Conference has the following to say with respect to procedure:

Ratification of treaties imposing obligations on more than one part of the Empire is effected after consultation between the governments of those parts of the Empire concerned. It is for each government to decide whether parliamentary approval or legislation is required before a desire for or a concurrence in ratification is intimated by the government.

It will be seen by the statement I have just read that it is not essential to ratication that parliament should approve treaties. Ratification being an executive act may be taken by the executive independent of parliament altogether, should the executive of the country, in other words the government concerned, so desire. We have felt that in these important matters of treaty the parliament should

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be asked to approve before the government would concur in the ratification. It is with a view of obtaining the approval of the parliament of Canada that to-day we are asking this House to pass the resolution which I have just presented. In recommending the adoption of the resolution, I do so on the grounds which have been urged in the United Kingdom and elsewhere, namely: First of all, there is the ground of morality, that it is obviously desirable for countries to unite in endeavouring to give effect to the laws of other friendly countries, particularly where those laws have in view serving a great moral purpose. There is next, and closely allied, the ground of international good-will There is reason to believe that the United States is most anxious that this course should be taken; that this treaty should be passed, and we in Canada, as a near neighbour, will I think, feel gratified at an opportunity of being able to facilitate in any manner possible the furtherance of friendly relations between Great Britain and other parts of the British Empire and the United States. By giving our approval in a whole-hearted manner to this treaty, I think we shall be helping to serve that end. Finally, it has been represented by British shipping interests that it will be very much to their advantage that this treaty should be enacted. While, on the one hand, it gives to the United States government the privilege of the right of search beyond the three-mile limit to a point which, roundly speaking, it has been estimated might be set at somewhere within the vicinity of twelve miles, with a view to assisting the United States government to enforce its legislation restricting the importation of alcoholic beverages, on the other hand, it gives to British shipping interests the right to carry alcoholic beverages under seal into United States ports, provided that those alcoholic beverages are kept under seal when within the three-mile limit. On these grounds, therefore, of commercial interest, moral obligation and international good-will, I recommend the adoption of the resolution by the House.

Right Hon. ARTHUR MEIGHEN (Leader of the Opposition): Before the Prime Minister closes, I would like to ask first this question: Does the treaty entirely fail of effect if it should be that the parliament of any single one of the dominions fails to ratify it?

Mr. MACKENZIE KING: I assume that the British government would reconsider the present wording of the treaty if any of the parliaments of the British Empire should refuse to approve it, possibly exempting the particular country concerned from the provisions of the treaty; but I should expect that in this case a question of that kind would not be apt to arise.

Mr. MEIGHEN: There are two other questions on another point which the Prime Minister referred to, namely, the point of the formality of the execution. First, how is it determined whether a treaty is bilateral, affecting one part or dominion alone? What precautions are taken to make sure of that? Second, in the event of its being found to be a bilateral treaty affecting one part alone, upon whose recommendation does His Majesty act in authorising the execution by the appropriate dominion representative?

Mr. MACKENZIE KING: With regard to the first question which my right hon. friend has asked: How is it ascertained that a bilateral treaty applies to one particular part of the Empire or more than one, I would answer that that fact would be ascertained by the terms of the treaty itself, its subject matter and conference between the different parts of the Empire. The paragraph in the report of the Imperial Conference which deals with the subject of negotiation of treaties, contains, I think, what will answer my right hon. friend's question. The paragraph reads:

(a) It is desirable that no treaty should be negotiated by any of the governments of the Empire without due consideration of its possible effect on other parts of the Empire, or, if circumstances so demand, on the Empire as a whole.

(b) Before negotiations are opened with the intention of concluding a treaty, steps should be taken to ensure that any of the other governments of the Empire likely to be interested are informed, so that, if any such government considers that its interests would be affected, it may have an opportunity of expressing its views, or, when its interests are immediately involved, of participating in the negotiations.

If that course is pursued, I think it will soon become apparent to any particular self-governing dominion or the government of the United Kingdom, whether the treaty which it proposes to negotiate is one that concerns only one part of the Empire or more than one part. In these, as in all matters, commonsense has to govern in the last degree; hard and fast lines cannot be laid down; but the broad intelligence that is usually applied to matters of this sort would soon, I think, make it quite apparent and clear whether a self-governing dominion or the government of the United Kingdom would be justified in regarding a treaty as imposing obligations only upon itself.

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As to the second question which my right hon. friend has asked: On whose advice does His Majesty act in ratifying a treaty, was it?

Mr. MEIGHEN: No, in a case, for example, of a treaty which, after the conference, the other Dominions and the United Kingdom should agree affected Canada alone. In that event, some Canadian is authorized by His Majesty to sign. Upon whose advice does His Majesty act in authorizing the execution, thus approving the terms of the treaty?

Mr. MACKENZIE KING: In this report of the Imperial Conference is mention of the legal adviser of the Foreign Office, who was present when the particular matter to which my right hon. friend refers was discussed at a subsidiary conference. His name is Sir C. J. B. Hurst. Perhaps I can best illustrate the point of view which was expressed at that time, by recalling, as best I can at the moment, an answer made by Sir Cecil Hurst to a question that was asked by one of the dominion prime ministers. It was in the nature of a rhetorical reply. In the event of advice being given to His Majesty which might prove to be not proper advice, and the necessity should arise for impeaching the minister or prime minister who had given it, would it, asked Sir Cecil, be the British Prime Minister or the Secretary of State for Foreign Affairs of Great Britain, or the minister or prime minister of the dominion concerned against whom impeachment proceedings should be properly started? That question was put in that way to elucidate where the responsibility began and where it ended. I gathered, I think rightly, that the interpretation which the Foreign Office placed upon the matter to which my right hon. friend just referred is this, that the government of the Dominion which was tendering the advice in such a case was the government that was responsible; that it was advising His Majesty directly in regard to matters which were of sole concern to the dominion; that in the transmission of that advice the British government was acting as the channel through which that advice was transmitted, but was not the government which was formally tendering the advice.

Mr. MEIGHEN: I understand, then, that the Prime Minister intimates that for the sake of approving of a certain treaty a Canadian should be appointed to execute it and that the British government itself would entail no responsibility; in other words, that His Majesty would act solely on the advice of his Canadian Privy Council.

Mr. MACKENZIE KING: I take it that the view of the British govenment is that it is prepared to trust the governments of the self-governing dominions "all in all or not at all" in this as in other matters; and that on a matter in regard to which a dominion government has a right to advise His Majesty direct, such as the question of who should be appointed to sign a particular treaty which comes within the group of bilateral treaties, to which I have referred, which impose obligations on only one part of the Empire, the responsibility shall rest with that particular government and not with the British government.

Mr. MEIGHEN: If such is the case, and ii the approval of the British government is not at all essential, is not indeed obtained, why does the transmission take place through the British government and not through His Majesty direct?

Mr. MACKENZIE KING: I think my hon. friend will see that these are all matters of constitutional development. Up to the present time all communications have gone to His Majesty through the British government. It will also be seen that it is obviously desirable to have some central agency or channel through which all communications may pass and where they may be noted. I think it would be palpably unwise to have different parts of the British Empire communicating direct with His Majesty, without any knowledge on the part of other parts of the Empire that such advice was being given in that way. I consider it advisable that in the working out of a great constitutional evolution—for that is really what is involved in these matters—steps should be taken slowly and with great caution.

Mr. MEIGHEN: I take the responsibility of stating the situation as I understand it. and which I think is a more correct statement of the actual constitutional result. The function of the British government will consist in making a recommendation; the wording of the transmission to His Majesty will be a recommendation. I do not think the Prime Minister would venture to deny that. The British government having been first apprised of the terms of the treaty and having agreed that the matter is purely one that concerns Canada, the recommendation will in every case be cheerfully given; but it will signify to His Majesty the approval by the British government of the treaty.

Mr. MACKENZIE KING: My right hon. friend is always prone to assert his own views

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as against the views of everyone else. I have given him my understanding of the situation, arrived at after a conference with the British authorities, and the Prime Ministers of the other dominions in the presence of Lord Curzon who as Secretary of State for Foreign Affairs presided; at a subsidiary conference of the Imperial Conference held expressly for the purpose of considering these very matters. As I have intimated, when the matter was discussed, the conference had the benefit of advice from the legal adviser to the Foreign Office, Sir C. J. B. Hurst, who is perhaps the greatest authority on international law in the world. I believe I have accurately stated the position; it is certainly the basis upon which this government is proceeding.

Mr. MEIGHEN: As regards the merits of the treaty itself, I do not propose to take general exception to its terms as generally outlined by the Prime Minister. As respects the last point, whether I am right, or whether the Prime Minister is, will I think wholly depend upon whether a recommendation actually goes from the British government; whether the document that passes from them to His Majesty contains a recommendation or merely transmits one of ours. I shall be interested to know just how the matter develops and whether such a recommendation passes or not. This arrangement having been arrived at as between the dominions and the United Kingdom on the one hand and the United States on the other, for the settlement of a somewhat vexed matter of controversy between them, I feel that on the part of this parliament there will not be a disposition to refuse ratification. With regard to the necessity for ratification by parliament, I only emphasize that this is no new development; this is no accretion in the evolution of our constitutional relations; it is something that has been meticulously observed, in respect of matters both of great and of little consequence, in at least the last decade of our history.

Mr. MACKENZIE KING: In order that there may appear correctly in Hansard the references to the persons concerned in the subsidiary conference to which I have referred, I would direct the attention of hon. members to the opening paragraph in the summary of proceedings of the Imperial Conference. I have reference to the section relating to negotiations, signature and ratification of treaties.

> The principles governing the relations of the various parts of the Empire in connection with the negotiations, signature and ratification of treaties seemed to the conference to be of the greatest importance.
>
> [Mr. Mackenzie King.]

> Accordingly it was arranged that the subject should be fully examined by a committee, of which the Secretary of State for Foreign Affairs was chairman. Th Secretary of State for the Colonies, the Prime Ministers of Canada, the Commonwealth of Australia, New Zealand, the Union of South Africa and Newfoundland, the Minister of External Affairs of the Irish Free State, and the Secretary of State for India as head of the Indian Delegation, served on this committee. With the assistance of the legal adviser to the Foreign Office, Sir C. J. B. Hurst, K.C.B., K.C., the following resolution was drawn up and agreed to:—

Then follow several paragraphs relating to negotiations, the signing of treaties, and their ratification. It was as a member of that conference that I heard stated the position as I have given it to this House; and it was, I think, quite beyond question in the mind of anyone present that the position was exactly as I have indicated. Indeed, I might say to my right hon. friend, so important did I consider the matter, that at the conference I asked the particular question to which he himself has referred, and received the reply which I have given to the House.

Hon. John B. M. BAXTER (St. John City and Counties of St. John and Albert): Is this treaty reciprocal? I mean, is there an extension of the old three-mile limit on behalf of the British Empire, or any of its component parts, commensurate with the right which is given to the United States? Or does the treaty provide only for the protection of the United States against the infraction of its prohibitory law, while leaving certain provinces of Canada, which have equally rigorous laws, subject to the old three-mile limit?

Mr. MACKENZIE KING: I think it was considered by the British government that the treaty had distinct reciprocal advantages. I know, as I intimated in the course of my remarks, that the British shipping interests considered it of the greatest importance that they should have the right to go into American ports with liquor aboard their vessels under seal, whether taken to and fro across the Atlantic or in transit to some other port. From the point of view of commercial interests I believe there was felt to be a distinct advantage to the shipping interests, whether they were in part Canadian or largely, as I believe, confined to the United Kingdom.

Mr. BAXTER: I do not think I have made myself quite clear to my right hon. friend. I appreciate what the Prime Minister says about the shipping interests, but let me put a concrete case to him. Take the shores of New Brunswick, for instance. There we have a prohibitory law as rigorously drafted and as unrigorously observed as any law on

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the continent. Now, assume what is highly improbable, an attempt to invade the province of New Brunswick with liquor. Have we a twelve-mile protection within which the government of Canada can seize an American vessel which is seeking to infringe our prohibitory law?

Mr. MACKENZIE KING: That particular phase of the matter was not considered in the discussion, but I have not the least doubt whatever that if my hon. friend feels the need of such legislation there will be no difficulty in securing it

Mr. BAXTER: If—

Mr. SPEAKER: Order.

M. BAXTER: If I may be permitted to proceed a little further?

Mr. SPEAKER: By unanimous consent.

Mr. BAXTER: If there is no objection? I understand the British shipping interests have gained a substantial advantage as under this convention they are able to take liquor within the confines of the United States, something which they could not have done before. I would ask my right hon. friend whether there has been any attempt on the part of the Dominion government to demand from the United States the letting down of the same barriers against Canadian interests as a consideration for this concession, which must be of very great value to them morally and on other grounds? In other words, what do we get out of it, from the Canadian standpoint?

Mr. SPEAKER: Of course, no objection has been raised to this cross-examination and as the question is a very important one, affecting vitally the interests of both countries, by unanimous consent I have allowed these questions and answers, but such procedure is not in accordance with the rules of the House under which each member may speak only once. Of course, I am in the hands of the House.

Mr. GEORGE BLACK (Yukon): Mr. Speaker, although undoubtedly under this treaty the right of Great Britain to send British vessels into American ports with liquor has been finally admitted by the United States, it should never have been necessary to have such admission, as Great Britain undoubtedly always had that right. In addition to the apparent omission which the hon. member for St. John (Mr. Baxter) has called to the attention of the government, I would mention another Canadian problem which I think might very well have been discussed and settled in connection with this treaty. It concerns the province of British Columbia and the Yukon territory. Because of the geographical situation it is impossible to send anything into the northern part of that province and the Yukon territory except through Alaska. Now, the United States in the interpretation of its prohibition law holds that it is illegal to send liquor across any portion of the United States. In British Columbia and in the Yukon territory liquor is handled solely by the government. Up till 1922 no objection was raised by the United States authorities to the importation of liquor across Alaska for the use of northern British Columbia and the Yukon, but early in that year they announced that no further importation would be permitted. I understand negotiations have taken place between the government of Canada, on behalf of the government of the Yukon territory, and the government of the United States, but that as yet our neighbours are unwilling to concede us—shall I say this privilege? I prefer to call it our right—they are indisposed to revert to the former practice, although the liquor is sent up the coast in Canadian vessels in bond, unloaded into railway cars at the dock and within a period of two hours transported across United States territory in bond into Canadian territory. Consequently we are prevented from receiving any further importations there. The attitude of the United States, to my mind, is nothing more nor less than that of the dog in the manger; they will not themselves have liquor in Alaska, and they will not let us have it in the Yukon.

There has been no illicit traffic in liquor from Yukon to Alaska. As a matter of fact the government of the Yukon territory imports only such a moderate quantity as, after careful calculation, they are assured is sufficient to meet the reasonable needs of their population. I submit the same question as that put by the hon. member for St. John in the language of the United States: What do we get out of this? That is the question the United States asks on every occasion, international or otherwise. I submit there is not enough in this treaty for us, and if by holding up its ratification the government can bring about a restitution of the right of importation by the government of British Columbia across Alaska into the Yukon territory, most certainly this course should be taken. It is a very important matter for the people of that part of Canada. The governments of British Columbia and the Yukon derive quite a large revenue from their

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control of liquor. There is no intemperance because the government importations are, as I have already stated, strictly limited to local needs, so that naturally there is an absolutely temperate use of liquor. In the old days saloons were just as numerous there as in other parts of the Dominion, but under the present system the use of liquor is not abused.

The action of the United States in this matter is decidedly unfriendly and absolutely unnecessary, and could be reversed quite easily if they wish to convenience us. Although, I understand, correspondence is now proceeding between the government of Canada and the government of the United States in relation to renewal of our right to import liquor across Alaska for government purposes yet the earlier correspondence extending over the past two years has been entirely without avail, and I submit that once this treaty is ratified and the United States get what they want, Canada will never secure what she is entitled to. I would therefore urge that the government should take into consideration this very serious problem of the Yukon territory and northern British Columbia and withhold consent to the treaty until the United States changes its attitude in the matter.

Mr. SPEAKER: Before the right hon. gentleman (Mr. Mackenzie King) closes the debate, if any other hon. member desires to speak he should do so, now.

Hon. CHARLES MARCIL (Bonaventure): Mr. Speaker, those who are interested in the province of Quebec were made aware some months ago that there is quite an industry there in the smuggling of liquor into the United States. It may occur also from the United States into that part of Canada, but not to the same extent. I notice the treaty refers to water-borne traffic more especially. I should like to know if any negotiations have taken place with the United States with a view to putting a stop to this illicit traffic from Quebec, and, if so, with what result

Mr. MACKENZIE KING Beginning last fall, negotiations took place, first by correspondence and subsequently by personal conference, between representatives of our government and of the government of the United States with respect to enforcement of laws to prevent the smuggling of liquor from Canada into the United States, These negotiations have been continued, and I hope

[Mr. George Black.]

very shortly to be able to report to parliament the result. This, I think, answers what is in the mind of my hon. friend from Bonaventure (Mr. Marcil). The question to which the hon. member for the Yukon has referred has been carefully considered. The view of our Canadian government was that it was not advisable to confuse the two discussions, the one relating to the right of search on the high seas, and the other a matter of negotiations between Canada and the United States respecting amongst other matters the importation of liquor into the Yukon. The subject of which I am speaking this afternoon has relation only to questions affecting the high seas.

I may say to the hon. member for Yukon (Mr. Black) that the remarks he has made on this occasion bear out the very strong representations made by the government to the American authorities in this matter. I would not like to suggest and the House has apparently not thought so—that this treaty should be held up, for the reason that I have in my hand a message from the Right Hon. Ramsay MacDonald asking that if possible the matter be proceeded with with as little delay as possible, as the British government are anxious to have this treaty ratified just as soon as it can be arranged.

Mr. BLACK (Yukon): Once this treaty is out of the way, has Canada any leverage on the United States by which it can obtain from them the rights she now seeks?

Mr. MACKENZIE KING: The United States have made a large number of requests of our government in the matter of assisting them in the enforcement of their laws, and we have the leverage that is afforded there in helping to solve the problem.

Motion agreed to.

CANADIAN NATIONAL RAILWAYS—BRANCH LINES

On the Orders of the Day:

Mr. E. J. GARLAND (Bow River): I would like to ask the government two questions; first, is it the intention of the government this year to introduce the Canadian National Railways branch lines bill in the Senate before it comes to this House? If not, how soon may this House expect the branch lines bill to be brought down?

Hon. G. P. GRAHAM (Minister of Railways and Canals): The reply to the first question is, no; the reply to the second, next week.

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QUESTIONS AS ORDERS FOR RETURNS

OBJECTION BY MR. HANSON

On the Orders of the Day:

Mr. R. B. HANSON (York-Sunbury): Before the Orders of the Day are called I have a question to ask of the Minister of Public Works (Mr. King), and a request to make. Yesterday at question time the Minister of Public Works asked that question No. 28, standing in my name, should stand as an order for return. The motion carried while I was temporarily out of the chamber, and I wish now to ask him why a short, concise answer should not be given to this question forthwith. If it is desired to supplement the information, that could be done at a later date. I want to protest against the motion which was passed—

Some hon. MEMBERS: Order.

Mr. SPEAKER: I think I have already explained to the House that the Speaker, by Rule 37, subsection 3, and the minister, by section 4 of the same rule, may ask that a question be answered in the form of a return. Here is the rule:

> If a question is of such a nature that in the opinion of the minister who is to furnish the reply, such reply should be in the form of a return, and the minister states that he has no objection to laying such return upon the Table of the House, his statement shall, unless otherwise ordered by the House, be deemed an order of the House to that effect and the same shall be entered in the Votes and Proceedings as such.

BUSINESS OF THE HOUSE

ERROR IN ORDERS—PROCEDURE AS TO DISCUSSION OF MOTION CONCERNING TREATY WITH UNITED STATES.

On the Orders of the Day:

Right Hon. ARTHUR MEIGHEN (Leader of the Opposition): Mr. Speaker, I do not understand the order paper to-day; it is most misleading. On page 3—

Mr. SPEAKER: Perhaps out of courtesy to the right hon. gentleman and the House I may say that a mistake has been made by the printer in inserting the first item under "Government Notices of Motions;" it should have gone to another page. The French edition is correct.

Mr. MEIGHEN: It has misled hon. members on this side; it was the impression that with that kind of heading under Government Notices of Motions, the Prime Minister's motion regarding the treaty on alcoholic beverages would go into committee upon carrying. While I remember quite well that in the case of previous motions there was no committee, it would seem to me most appropriate that there should be. When a motion comes before the House of the signficance of this motion, with no facility for general discussion, no privilege of question or of ascertaining the full effect of the proposal—for example, for the pressing of such questions as the hon. member for St. John (Mr Baxter) was prevented from putting—it does 4 p.m. not do justice to the hon. members of the House or to the subject itself. I do not know that there is any method now of getting the resolution into committee. I would suggest that under the circumstances the government agree either that we go into committee upon the resolution or that the debate be adjourned until Monday, when we can take it up and conclude it. I am sure there are questions which hon. members desire to put and which in justice to the subject should be put and answered.

Mr. MACKENZIE KING: I think that the procedure has been entirely regular, and that it is also in accordance with precedents followed by governments with which my right hon. friend has been connected. I have no desire to shut off any discussion. No doubt the questions which have been asked to-day may be asked on some other occasion in reference to some other matter. In fact, I think I have fully answered all questions that have been put. If there are other questions that hon. members desire to ask on the Orders of the Day, I shall be prepared to answer them.

Mr. MEIGHEN: I am not disputing the regularity of the proceedings at all, but I was disputing the regularity of the order paper, which misled us. From the present form of the order paper one might readily conclude that we would go into committee.

Mr. MACKENZIE KING: No.

Mr. MEIGHEN: Well, here is the way it reads—I know it is a mix-up, but it could quite readily lead to a wrong conclusion:

> February 28—The Minister of Marine and Fisheries —In Committee of the Whole—the following proposed resolution:—
>
> March 6—The Prime Minister—That it be resolved..

Mr. MACKENZIE KING: I submit that I am not the Minister of Marine and Fisheries.

Mr. MEIGHEN: I know that, but the Prime Minister sees very readily that the resolution immediately following was his own. It is a mix-up; it is a misprint; it is entirely wrong, and I am not attributing the fault to the government, but it is quite clear that the House could very readily be misled.

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Mr. GAUVREAU: The French version is all right; why do you not go by it? You speak French.

Mr. MEIGHEN: I could read it, I think, but I cannot read both at once. My suggestion is that the debate be considered postponed until Monday. I do not see why that cannot be done, but if not, then let it be resumed this evening so that we may proceed with the discussion.

Mr. MACKENZIE KING: I have no desire to do other than meet the wishes of hon. members. My right hon. friend usually reads with a great deal of care whatever is put before him. If the House is agreeable to it, I have no objection to resuming the debate now, and concluding it, but I do object to going on either to-night or on Monday. If it can be made regular to reopen the discussion at the moment, I am quite willing that that be done; otherwise I think the record should stand as it is.

Mr. SPEAKER: As stated a moment ago by the right hon. leader of the opposition, the resolution is regularly where it should be though there is a misprint immediately before it. I felt myself during the debate a moment ago that the question was of such importance that I should relax the rule and let hon. members speak once, twice and even thrice as if it were in committee of the whole. The resolution was carried by the House and so declared, but of course the House can always reverse its decision and order the Speaker not to consider the resolution as carried. I might perhaps remind hon. gentlemen that this resolution will come back to the House from the Senate, so there will be another opportunity to discuss it. It must be concurred in by the Senate. That is why the resolution is couched in the form in which it is: "That it be resolved by the .....and the House of Commons."

Mr. MEIGHEN: I am quite agreeable to that if on its return from the Senate the matter can again be debated by this House.

Mr. SPEAKER: If it is amended, in concurrence.

Mr. MEIGHEN: If the Prime Minister will agree that we may debate this matter again when it comes from the Senate I am satisfied.

Mr. MACKENZIE KING: I think it can be so arranged that we may continue the discussion now. So far as the government is concerned I am quite prepared to do that.

[Mr. Meighen.]

Mr. BELAND: The next speaker.

Mr. BAXTER: There seems to have been some misunderstanding—

Mr. McMASTER: I rise to a point of order. It would appear to me that this resolution has been carried and cannot be returned to without the unanimous consent of the House. It seems to me that a good deal of time is being, I would not like to say wasted, but inadequately distributed.

Mr. SPEAKER: Is it the pleasure of the House that the said resolution be reinstated and be considered as not carried?

Some hon. MEMBERS: No.

Some hon. MEMBERS: Carried.

Mr. SPEAKER: I declare the resolution carried.

BANFF PARK WATER-POWER

On the Orders of the Day:

Mr. JOS. T. SHAW (Calgary West): I should like to ask the Minister of the Interior if an application has been received from the provincial government of Alberta seeking water-power privileges in the Spirit lakes area of the Banff National park, and if so what is the attitude of the government toward that application?

Hon. Mr. STEWART (Minister of the Interior): The Alberta government have made application, but they asked that they be given an opportunity to make examination before finally deciding whether they wished to proceed on that application, and that has been granted.

CANADIAN NATIONAL RAILWAYS —ST. JOHN, N.B.

On the Orders of the Day:

Hon. John B. M. BAXTER (St. John City): I do not wish to complain too bitterly with regard to an answer given to a question of mine on Wednesday last; the answers generally, I think, are as fair as may be expected. The incompleteness of the answer to a number of questions is rather due to what I might call the official view which, perhaps, is not sufficiently impressed with the importance, as it may seem to other people, of the subjects dealt with in the question which I put some days ago. I asked this question—No. 31.

Is the Department of Railways and Canals aware that the Canadian National Railways recently issued a map, showing the rails of that road from Halifax,

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would answer further in a few days. Has this further legal report been received? And when will the government announce its policy on the whole question? Could the minister, either to-day or on Monday, say what action is being taken, and what will be done in the matter?

Hon. G. P. GRAHAM (Minister of Railways and Canals): I can reply immediately. Certain documents have come from the legal department of the Canadian National Railways which, in connection with the whole matter are now being considered by the government.

GREAT LAKES FREIGHT RATES

On the Orders of the Day:

Mr. H. E. SPENCER (Battle River): Can the government give me any further information with regard to the charges made in connection with the high freight rates on the Great Lakes between Canadian ports? I referred to this matter the other day and read the charge which was made in the Grain Growers Guide of May last, and the minister said he would kindly look into the matter.

Right Hon. W. L. MACKENZIE KING (Prime Minister): When the hon. member brought this matter up on a previous occasion I intimated that I would see the Minister of Trade and Commerce (Mr. Low) about it. Unfortunately he has been confined to his house this week, and has not been in the city, but as soon as he returns I will endeavour to see that my hon. friend's question is answered.

LIQUOR AND NARCOTICS

TREATY WITH THE UNITED STATES FOR SUPPRESSING OF ILLICIT TRAFFIC

On the Orders of the Day:

Mr. S. W. JACOBS (George Etienne Cartier): I observe that the Minister of Justice (Mr. Lapointe) is going to Washington to sign a treaty. Will the Prime Minister tell us what the treaty is?

Right Hon. W. L. MACKENZIE KING (Prime Minister): As hon. members are aware, the officials of the governments of the United States and Canada conferred a little earlier in the year with respect to the suppression of the rum-running and narcotics traffic, and an agreement was reached which has since been embodied in the form of a treaty between the two countries. I understand the treaty has reached the point where in all probability it will be signed this afternoon. On the advice of our government His Majesty the King has given full powers to the Minister of Justice to sign in respect of Canada, and the advice I received from the minister to-day was that the contemplated treaty would be signed this afternoon. As soon as it is signed it will be presented to parliament for approval.

Mr. JACOBS: Why is it that our representatives have to go to Washington in the case of every treaty? Does the Prime Minister not think there should be a little reciprocity?

Mr. MACKENZIE KING: I think my hon. friend's suggestion is a good one. This government is strongly in favour of reciprocity and we will try to carry out that principle as far as we can. When the matter under review was being negotiated the American officials came to Ottawa to do the major part of the negotiating. We are simply returning the compliment.

Mr. MARCIL (Bonaventure): When this matter came up on a previous occasion I inquired what progress had been made under this treaty to cover the sale of liquor in the province of Quebec on the border between Quebec and the state of Maine. We know that there are armed men stationed on the border. There is a sort of warfare being carried on between revenue officers of both countries and bootleggers at the border between the province of Quebec and the United States.

Mr. MACKENZIE KING: I prefer to wait until the treaty is laid on the Table before speaking of details. I might mention, however, that it relates to smuggling along the international boundary.

DESTRUCTION OF THE VILLAGE OF STE. EMELIE DE L'ENERGIE

On the Orders of the Day.

Mr. JEAN J. DENIS (Joliette): I wish to invite the attention of the government to a matter of great importance and urgency to the people residing in the county which I represent. Up to a few days ago, the village of Ste. Emelie de l'Energie stood proudly like a sentinel at the foot of the Laurentian mountains. A week ago to-day, at exactly this hour, this thriving village, in my constituency which I have the honour to represent was destroyed by fire. It is estimated that about 85 per cent of the village has been so destroyed. The parish church, the convent and some 75 dwellings have been reduced to ashes. A number of the inhabitants are now homeless, and the financial ruin of many is complete As the representative of the. vic-

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tims of this conflagration, I have been asked to present the facts to parliament, and to inquire what consideration the government can extend to these unfortunate people. Indeed, I am urgently requesting the government that they go to the fullest extent possible in rendering aid to these people.

Right Hon. W. L. MACKENZIE KING (Prime Minister): I can only say that the government will consider very carefully, and I am sure as sympathetically as may in the circumstances be possible, the statement my hon. friend has made. In cases where conflagrations have destroyed towns or villages I think the federal government has given as a general rule such assistance as it could on application in the first instance by the government of the province in which the municipality affected was situated. Occasions have arisen where the government was in a position to render something in the way of special aid, as for example, co-operation with the Red Cross in the loan of blankets, tents and the like. I think the government has always responded quickly where a request for such has been made. Beyond that, where the request resolves itself into a matter of financial assistance, it would be impossible to say what action the government may find it possible to take until after the province concerned has acted in the matter, and we know what it is doing.

MILITIA ACT AMENDMENT

TROOPS IN AID OF CIVIL POWERS

Hon. E. M. MACDONALD (Pictou) (Minister of National Defence) moved that the House go into committee to consider the following proposed resolution:

Resolved, That it is expedient to amend the provisions of the Militia Act, chapter forty-one of the Revised Statutes, 1906, relating to calling out the active militia in aid of the civil power, and to provide,—

1. That the attorney general of a province upon receiving notification from a judge of a superior or county or district court, having jurisdiction in the place concerned, that the services of the active militia are required in aid of the civil power, may, upon being satisfied that the services of the active militia are so required, make a requisition whereby the district officer commanding is required to call out the active militia, or such portion thereof as he considers necessary, for the purpose of suppressing or preventing any actual or anticipated riot or disturbance.

2. That such requisition shall contain an unconditional undertaking that the province shall pay to His Majesty all expenses and costs incurred by His Majesty in calling out the militia as aforesaid.

3. That in every case the attorney general who made the requisition shall within seven days thereafter cause an enquiry to be made into all the circumstances and send a report thereof to the Secretary of State.

4. That all expenses incurred by His Majesty in so calling out the militia in aid of the civil power shall

be paid to His Majesty by the province of which the attorney general made the requisition, and His Majesty may retain from any annual grant payable by Canada to such province and under the control of the parliament of Canada, any unpaid balance of moneys due to His Majesty by such province under this provision.

5. That the expenses and costs occasioned by the calling out of the militia shall, pending payment by the province, be advanced in the first instance out of the consolidated revenue fund by the authority of the Governor in Council, but shall be payable by and recoverable from the province to and by His Majesty as moneys paid by the latter to and for the use of the province at the request of the latter.

Right Hon. ARTHUR MEIGHEN (Leader of the Opposition): If we pass the resolution, we have in a sense adopted the principle. We should at least have an explanation before going into committee.

Mr. MACDONALD (Pictou): Mr. Speaker, the purpose of this measure is to bring up to date and to put into proper shape a branch of the law which has stood on the statute books and has had many changes since the confederation period. The first statute in Canada providing for the diversion of military forces in aid of the civil power was passed in 1868. That act was amended in certain details in 1873, again in 1877, and again in 1883.

Mr. MEIGHEN: A new act was brought down in one of those years. I can give the date to the hon. member immediately. One of those was not a revision; it was a redrafted act.

Mr. MACDONALD (Pictou): It was a redrafted act amending in certain details the provisions in regard to the method by which military aid could be obtained.

Mr. MEIGHEN: In what year was the new act passed?

Mr. MACDONALD (Pictou): In 1883.

Mr. McMASTER: In the discussion of this matter of more or less warlike import, is it necessary that members should moderate their voices to such an extent that it is difficult for people to hear what they are saying?

Mr. SPEAKER: Silence should be observed in the House. Personally, I do not hear what the minister says, and in that regard I am in the same position as the hon. member for Brome (Mr. McMaster). The Speaker must at least hear what is being said.

Mr. MACDONALD (Pictou): I shall endeavour to make myself heard if the House will only listen. The trouble was that the House was not listening. The year 1883 marked the last act which provided for bringing

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Sir HENRY DRAYTON: Is there no government wharf there at all?

Mr. KING (Kootenay): I think not.

Item agreed to.

Jeannette's Creek—wharf repairs, $1,000.

Mr. ANDERSON: Where is Jeannette's Creek?

Mr. KING (Kootenay): In Kent county. This expenditure is for anchor piles and tie rods for the front wall of the wharf.

Item agreed to.

Kincardine—wharf repairs and reconstruction, $20,000.

Mr. ANDERSON: Will the minister give us particulars of this?

Mr. KING (Kootenay): This is to continue reconstruction of the piling and wharfage along the western and south sides of the turning basin commenced in 1922. It is proposed to reconstruct the second section of 975 lineal feet with a concrete superstructure, leaving one more section to be completed.

Item agreed to.

Leamington—repairs to pier, $1,000.

Sir HENRY DRAYTON: With what portion of these public works does the minister desire to conclude?

Mr. KING (Kootenay): I should like to run through Ontario, if that would suit my hon. friend.

Sir HENRY DRAYTON: I suppose he thinks he will have done a pretty good day's work if he gets that through?

Mr. KING (Kootenay): Yes.

Sir HENRY DRAYTON: I have read through this list pretty carefully, I think it is all right.

Item agreed to.

Progress reported.

LIQUOR AND NARCOTICS

TREATY WITH THE UNITED STATES FOR SUPPRESSION OF ILLICIT TRAFFIC

Right Hon. W. L. MACKENZIE KING (Prime Minister): Before the House adjourns, Mr. Speaker, I should like to mention that at noon to-day the Secretary of State, for the government of the United States, and the Hon. Ernest Lapointe K.C., Minister of Justice of the Dominion of Canada, for the Canadian government signed a convention for the suppression of smuggling

operations across the International boundary, the prosecution of persons violating the narcotic laws of either government, and for kindred purposes. Each government is to furnish information on request to the appropriate officers of the other concerning clearances of vessels or the transportation of cargoes, shipments or loads of articles across the International boundary, when the importation of the articles transported by land is subject to the payment of duties, also information respecting clearances of vessels to any ports when there is ground to suspect that the owners or persons in possession of the cargo intend to smuggle it into American or Canadian territory. Clearances are to be denied to vessels carrying cargo consisting of articles the importation of which is forbidden by either country when it is evident from the tonnage, size or general character of the vessel, or the length of the voyage, or certain other conditions that the vessel will be unable to carry the cargo to the destination proposed in the application for clearance. Arrangement is made for the return under reasonable conditions of stolen property brought into either country from the territory of the other when the owners are nationals of such other country. There is agreement that both countries shall exchange information concerning the names and activities of persons known to be engaged in the violation of the narcotic laws of the two countries. The convention also provides for the attendance of government officials of one country as witnesses in the other and the production of records and files or certified copies thereof in the trial of civil and criminal cases. Arrangement is made for the payment of cost of transcript of records depositions, certificates, letters rogotary, and the attendance of witnesses. Offenses against the narcotic laws of the respective governments are added to the list of offences in the treaty now existing between the United States and Great Britain of May 18, 1908, with reference to reciprocal rights for the United States and Canada in the matters of conveyance of prisoners and wreckage and salvage, no penalty of forfeiture under the laws of the United States to be applicable or attach to alcoholic liquors or vessels, vehicles of persons by reason of the carriage in transit under Canadian guard through the territorial waters of the United States to Skagway, Alaska, and thence by the shortest route upwards of twenty miles to Canadian territory. Such transit is to be as now provided by law with respect to alcoholic liquors through the Panama canal or on the Panama

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Mr. KING (Kootenay): No dredging was done in the harbour last year.

Mr. ANDERSON: What was the $20,500 voted for last year?

Mr. KING (Kootenay): That was for reconstruction purposes .

Item agreed to.

Goderich harbour—repairs and improvements, $50,000.

Mr. ANDERSON: What is this for?

Mr. KING (Kootenay): This is for improvements to existing harbour works at Goderich, for general repairs, timber, decking and stringers amounting to $1,000; for reconstruction of a 600 foot superstructure, $15,000; this relates to the south pier. For general repairs in connection with the north pier there in $250, and for work in connection with the breakwater $350, together with reconstruction work on the 80 foot concrete length of the breakwater, $1,100. That amounts to $17,700. Then there is, for reconstruction in concrete on the inner 400 feet, $16,800. There is also an amount to provide for mooring accomodations, in addition to dredging, and so forth.

Mr. ANDERSON: Is the work being let by tender?

Mr. KING (Kootenay): It will be done by contract and tenders will be called for.

Mr. ANDERSON: There was something like $26,000 spent last year.

Mr. KING (Kootenay): That was for repairs and improvements. On the south pier there was a rebuilding in concrete of 147 feet of superstructure. The departmental dredge dredged some 110,000 cubic yards, rock and silt being removed.

Mr. ANDERSON: Is that contract already let?

Mr. KING (Kootenay): No.

Item agreed to.

Harbours and rivers generally—repairs and improvements, $50,000.

Mr. ANDERSON: What repairs will be required, and what harbours and rivers are included under this vote?

Mr. KING (Kootenay): This is required for general repairs and improvements to harbour and river works in Ontario which are under the control of the department. The department has prepared a list of unforeseen expenditures ranging from $30 to $750 or thereabouts. Under this vote repairs which are unforeseen and which are brought to the attention of the department during the year are taken care of, where the expenditures are not large. Usually these expenditures do not exceed $1,000; they are small amounts. Last year repairs were made, covered in a very long list, involving amounts varying from $92 and even lower—as low as $17—up to $1,000 or $1,200.

Mr. ANDERSON: Is it the practice of the department to combine all these small amounts in a general vote?

Mr. KING (Kootenay): Yes.

Mr. ANDERSON: What is the maximum amount which is included in these unforeseen expenditures? In other words, how large must an item be in order that it shall be regarded as a special vote?

Mr. KING (Kootenay): Where an expenditure is foreseen, amounting say from $1,000 to $1,500, we put it as a special item. But in the general conduct of the department various small expenditures which are entirely unforeseen are inevitable. During the course of the season the engineer makes his inspection and finds probably that $92, or whatever it may be, will provide the necessary work to keep a wharf in a state of repair. That is classed as an unforeseen expenditure, and that principle is observed throughout the service. But only small items are treated in that way.

Item agreed to.

Jackson's Point—to purchase and reconstruct wharf, $6,500.

Sir HENRY DRAYTON: What is the object of purchasing a wharf at Jackson's Point, and from whom is it being purchased?

Mr. KING (Kootenay): The proposed amount of $6,500 is required to provide for expropriation and for the construction of timber crib work of wharf 159 feet long by 36 feet wide, including warehouse and right of way, notice of expropriation having been filed in January 1924. The cost of construction is $2,100. There was an expenditure under the vote of last year of $1,600. The estimated cost is $2,047.

Sir HENRY DRAYTON: But why is the property being bought?

Mr. KING (Kootenay): It is quite a long story. There are letters from the Jackson's Point Board of Trade and resolutions from the council of the Chippewa band, Georgian island, from the council of the township of King and others.

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railroad provided such liquors shall be kept under seal continuously while they are carried within American territory and that no part of such liquors shall be at any time unladen therein. The convention is to take effect ten days from the date of the exchange of ratifications and to remain in force for one year and thereafter is terminable on thirty days' notice.

At the opening of the next sitting I will place on the Table a copy of the treaty which has been signed to-day.

ADJOURNMENT—BUSINESS OF THE HOUSE

Mr. MACKENZIE KING: On Monday we propose to take up the estimates of the Department of External Affairs and matters relating to external affairs, such for example as the appropriation for the League of Nations, and also any matters incidental to the department, the Privy Council and the Governor General's office, and if time permits, we will return to estimates of the Public Works department.

Sir HENRY DRAYTON: Does that go as fas as taking up the general question, having regard, for example, to the treaty with Turkey —or rather the lack of it?

Mr. MACKENZIE KING: The Lausanne treaty, I presume, will be one of the main subjects of discussion.

On motion of Mr. Mackenzie King the House adjourned at 11.50 p.m.

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CANADA

House of Commons Debates

OFFICIAL REPORT—UNREVISED EDITION.

Vol. LIX Monday, June 9, 1924 No. 65

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HOUSE OF COMMONS

Speaker:
The Honourable RODOLPHE LEMIEUX

Monday, June 9, 1924.

The House met at three o'clock.

HUDSON BAY RAILWAY

Hon. GEORGE P. GRAHAM (Minister of Railways and Canals): The other day I promised to lay on the Table of the House certain reports concerning the Hudson Bay Railway, and I now do so.

LIQUOR AND NARCOTICS

TREATY WITH THE UNITED STATES FOR THE SUPPRESSING OF ILLICIT TRAFFIC

Right Hon. W. L. MACKENZIE KING (Prime Minister): I beg to lay on the Table of the House copy of the treaty for the suppression of smuggling operations along the international boundary, between the Dominion of Canada and the United States, and assisting in the arrest and prosecution of persons violating the narcotic laws of either government, and for kindred purposes.

PRIVATE BILLS

FIRST READINGS

Bill No. 167 (from the Senate), to amend the Act to incorporate the Board of the Presbyterian College, Halifax.—Mr. Duff.

Bill No. 168 (from the Senate), for the relief of James Koniaris.—Mr. Wallace.

CIVIL SERVICE SALARY READJUSTMENT

On the Orders of the Day.

Mr. J. H. HARRIS (East York): I desire to draw the attention of the government to a new item appearing in the Toronto Evening Telegram of June 7, which reads:

Still in the Dark

Civil Service Salaries to be House Announcement

Word reached the city last night that the report of the commission on the civil service salary readjustment had been referred back to the commission and in turn handed back to the cabinet. The officials of the Postal

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Federation having been advised that an announcement will be made on the floor of the House by the Honourable Mr. King in connection with this matter and the intimation is also given that certain concessions that were objected to by the commission were insisted on by the cabinet as more advantageous to the civil servants.

I desire to ask, is the government going to make this announcement? This is a matter of national importance, to-day, inasmuch as it affects some 12,000 of our civil servants. Secondly, will the government's announcement contain an upward or downward revision of the earnings—not the salaries—of the lower paid civil servants in the postal service?

Right Hon. W. L. MACKENZIE KING (Prime Minister): The Civil Service Commission's final report to the government has been concurred in and approved by the government, and to-day an order in council was passed, which, however, has not yet been signed by His Excellency. As soon as it is signed by His Excellency I will see that a copy of it is laid on the Table of the House. The order, I think, will give full particulars in answer to the question of my hon. friend.

Mr. HARRIS: When does the Prime Minister think that will be done.

Mr. MACKENZIE KING: I think the order in council will be signed this afternoon, so that it can be placed on the Table of the House before the House rises this evening.

PULPWOOD COMMISSION

On the Orders of the Day.

Mr. R. B. HANSON (York-Sunbury): Will the Acting Minister of Finance tell me when the House and the country may expect to receive the report of the Pulpwood commission? That commission commenced its hearings in September last and continued for three or four months. The commission has been in session in Ottawa for at least three months preparing its report, which seems to be an inordinate length of time, and I think, considering the importance of the subject, it is about time the report was presented to the House.

Hon. J. A. ROBB (Acting Minister of Finance): I shall direct the attention of the Pulpwood commission to the remarks of my hon. friend.

CROWSNEST PASS AGREEMENT

On the Orders of the Day.

Sir HENRY DRAYTON: (West York): Can the minister inform me whether the press item to the effect that representations have been made by the railways in connection with the Crowsnest pass agreement have been received is correct and if so will these representations be tabled?

HON. GEORGE P. GRAHAM (Minister of Railways and Canals): I made the statement a few days ago in the House that such representations had been received. I did not consider the question of tabling them, they had not really been fully considered by the government. I think I also added the information that it was the desire of the government, and their intention, to name a day when the railways and those who took an opposite view might be heard before the cabinet, or a sub-committee of the cabinet. I think there is no objection to tabling these memoranda, if there is a sufficient number of copies. I think we only have a half a dozen copies. I will make inquiries.

Sir HENRY DRAYTON: I quite agree that it is for the Cabinet to deal with this, but I had not much hope that they would do so, having regard to past history. If they do not, I hope the representations will be tabled.

SUPPLEMENTARY ESTIMATES

On the Orders of the Day:

Sir HENRY DRAYTON (West York): In reference to the Supplementary estimates, I will not ask the Acting Minister of Finance (Mr. Robb) why he is holding up these estimates, but I ask him when we may expect the Supplementary estimates to be tabled.

Hon. J. A. ROBB (Acting Minister of Finance): May I request my hon. friend and others not to press too loudly the intimation that there may be Supplementary estimates.

Sir HENRY DRAYTON: I am glad to accept that as an answer. I know that there will be such estimates, and it would certainly facilitate the business of the House and the passing of the other estimates if the House knew at the earliest possible moment how much it is expected to vote altogether.

WATER—POWERS OF ONTARIO

On the Orders of the Day.

Mr. W. M. GERMAN (Welland): I draw the attention of the Minister of Railways and Canals (Mr. Graham) and the Minister of the Interior (Mr. Stewart) to a report in the Toronto Globe of last Friday of a speech made by Sir Adam Beck at Prescott, Ontario, as follows:

Sir Adam announced to-night amid loud applause that at an interview in Ottawa to-day with Hon. George P. Graham, Minister of Railways and Canals

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and Hon. Charles Stewart, Minister of the Interior, these two ministers conceded to him on behalf of the federal government the full rights of Ontario as to the use of its water-power without litigation.

Will the hon. minister tell me if they made a statement of that kind or to that effect, or if they stated anything that would lead Sir Adam Beck to infer that the government would hand over the waters of the St. Lawrence river to the Hydro-Electric Power Commission of Ontario?

Hon. GEORGE P. GRAHAM (Minister of Railways and Canals): Sir Adam Beck, as we all know, is an optimist on the question of the supply of power for the province of Ontario. He certainly is mistaken as to my making any suggestion along the lines indicated in his speech. I would have no authority to make such a statement, and as it is altogether a legal matter, I would not have the knowledge requisite to warrant me in making such a statement.

Sir HENRY DRAYTON (West York): The hon. minister will recollect stating in the House either early this session or late last session that, so far as water for power purposes was concerned, it was a provincial right.

Mr. GRAHAM: I think, speaking from memory, that my statement was that there were different parties interested, and I mentioned those parties, naming the provinces, the States, and the federal authorities. I have expressed the hope in this House that all interests might be harmonized in the undertaking of the great national work, but I would certainly have no authority to make the statement attributed to me by Sir Adam Beck.

Mr. GERMAN: Has the Minister of the Interior any answer to make?

Hon. CHARLES A. STEWART (Argenteuil) (Minister of the Interior): I have the same statement to make. This is a legal matter. I have said, and I have no hesitation in saying again, that I think the people of Ontario have undoubtedly the first claim upon whatever power may be developed from these waters, but I cannot venture an opinion as to who owns the power.

GRAIN COMMISSION

On the Orders of the Day:

Mr. O. R. GOULD (Assiniboia): Have the government any information to give the House as to when the interim report of the Royal Grain Commission will be laid on the Table?

Right Hon. W. L. MACKENZIE KING (Prime Minister): I am afraid I shall have to consult with the Minister of Trade and Commerce (Mr. Low) who, unfortunately, is not in his seat at the moment. I will endeavour to get the information for my hon. friend.

LIQUOR AND NARCOTICS

TREATY WITH THE UNITED STATES FOR THE SUPPRESSION OF ILLICIT TRAFFIC

On the Orders of the Day:

Right Hon. ARTHUR MEIGHEN (Leader of the Opposition): Has the Senate of the United States ratified the treaty to which the Prime Minister referred on Motions as having been laid on the Table now?

Right Hon. W. L. MACKENZIE KING (Prime Minister): I understand the Senate has not ratified the treaty.

CONSULAR PRIVILEGES

On the Orders of the Day:

Mr. J. S. WOODSWORTH (Centre Winnipeg): I should like to call the attention of the government to a news item appearing in the Montreal Gazette of June 7 under the heading:

Arrest of Spanish representative officially protested by Norwegian consul.

The article states in part:

There are two points at issue. The first is whether a consul, duly accredited, and representing the country in a foreign land, can be arrested by the police. The consuls at Montreal, such as those of France, the United States, Spain, and others, are not only consuls, but consuls-general, and therefore as high in the deplomatic service in Canada as is possible in a colony.

The second point is:

Whether or not the consular service is to remain in doubt in the matter of consular papers being searched by officers of any police force.

In the first place, does the government concede that Canada occupies the status simply of a colony? In the second place, is there precedent for the arrest of a consul, and are consular officers exempted from search?

Right Hon. W. L. MACKENZIE KING (Prime Minister): Replying to my hon. friend's first question, whether the government regards the status of the Dominion as that of a colony, I would say: Most certainly not; the status is that of a self-governing Dominion. As to the second question, whether consuls are to be exempt from arrest, the particular case to which the hon. member refers is one of a consul having been arrested on a very serious charge, that of violation of

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the smuggling laws, also the Opium and Narcotic Drugs Act of this country. I do not think there is in our laws any provision which would exempt consuls from arrest under such charges. As to whether there is a right of examination of documents in consular offices, I am not aware that consuls enjoy any immunity equivalent to that which is granted to ambassadors.

Mr. WOODSWORTH: Would there, then, be a protest against the Norwegian consul making such statement public as to the standing of Canada politically?

Mr. MACKENZIE KING: I have no doubt my hon. friend's remarks will serve as such.

THE LAUSANNE TREATY

On the Orders of the Day:

Right Hon. ARTHUR MEIGHEN (Leader of the Opposition): Will the Prime Minister say whether there has taken place in relation to the Lausanne Treaty any correspondence which is not now on the Table and which he may purpose to use in the discussion?

Right Hon. W. L. MACKENZIE KING (Prime Minister): As I intimated at the time the correspondence was brought down, that correspondence was not complete. Such of it was brought down as was agreed upon between the British government and this government. I do not propose this afternoon to refer to more than one communication which was not brought down. It is a communication which I have already shown to my right hon. friend. I do not intend to disclose the contents of it, but I purpose making some reference to it. Apart from that, I shall not refer to any other of the correspondence not tabled.

GOVERNMENT LEGISLATION

On the Orders of the Day:

Right Hon. W. L. MACKENZIE KING (Prime Minister): My right hon. friend (Mr. Meighen) asked me on Thursday last if I would intimate to the House at an early date what further legislation might be brought before parliament this session. I should not like to bind the government absolutely by saying that we shall confine ourselves wholly and strictly to the list of bills that I may now refer to. Naturally, the government would wish some little latitude; questions may come up between now and the close of the session that will suggest the necessity for further legislation. But, broadly speaking, I think the statement which I am about to make will cover the important legislation that is likely still to be brought down. I shall make no reference to what already appears on the order paper; it is assumed that whatever is already there will be proceeded with. There is, also, of course, legislation that will arise out of the reports of the several committees that are sitting at the present time and that have not yet reported to the House. Most important in that connection will be the committee on Redistribution, the committee on Banking and Commerce, the committee to which has been referred the Superannuation Bill, the committee dealing with Soldiers' Pensions and Re-establishment, and the committee on Old Age Pensions. Then, there are contemplated amendments to the Dominion Elections Act; an amendment to the Yukon Act; a bill providing for the consolidation of the revenue collecting services of the government under one administrative head, as was announced in the Speech from the Throne, amendments to the Criminal Code; amendments to the Immigration Act, Feeding Stuffs Act, Dominion Lands Act, Land Titles Act, Inland Lakes and Freight Rates Act, Gold and Silver Marking Act, and Annuities. Possibly also legislation with respect to loans to one or more of the harbour commissions, and legislation to ratify commercial treaties, may be brought down.

PRIVATE BILL

SECOND READING

Bill No. 166, for the relief of Raymond Anderson Mashinter.—Mr. McQuarrie.

QUESTIONS

(Questions answered orally are indicated by an asterisk).

STEEL IMPORTS

Mr. DOUCET:

1. Has the government received from the Board of Trade, Sydney, Nova Scotia, a resolution protesting against the proposed tariff changes as embodied in the budget resolution dealing with the entry into Canada, duty free, of certain steel products?

2. Does the government propose amending said resolution, so as to safeguard Canadian steel Industries?

Hon. Mr. ROBB:

1. Yes.

2. It is not the practice of the Government to announce any change in customs duties except by resolution in the House of Commons.

STURGEON FALLS POST OFFICE

Mr. LAPIERRE:

1. How many years have the premises now occupied as post office in Sturgeon Falls been under lease to the government?

2. How many times has the lease been renewed?

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CANADA

House of Commons Debates

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HOUSE OF COMMONS

Speaker:
The Honourable RODOLPHE LEMIEUX

Thursday, June 12, 1924.

The House met at three o'clock.

REPORT AND PAPERS

Ninth report of the select standing committee on Banking and Commerce.—Mr. Vien.

Minutes of proceedings and evidence of the select standing committee on Banking and Commerce up to May 21, 1924, being part of the sixth report of the said committee as ordered by the House on June 5, 1924.—Mr. Vien.

SALARIES OF POSTAL EMPLOYEES

Right Hon. W. L. MACKENZIE KING (Prime Minister): Mr. Speaker, yesterday the right hon. leader of the opposition (Mr. Meighen) asked if there was additional correspondence between the Civil Service Commission and the Board of Audit in respect to the revision of the civil service salaries. I now beg to lay on the Table a file of correspondence.

Mr. MEIGHEN: Does it include correspondence with the deputy ministers?

Mr. MACKENZIE KING: Yes.

LIQUOR AND NARCOTICS

TREATY WITH THE UNITED STATES FOR SUPPRESSION OF ILLICIT TRAFFIC

Right Hon. W. L. MACKENZIE KING (Prime Minister): Mr. Speaker, I beg to move, seconded by Mr. Graham:

That 700 copies in the English language and 500 copies in the French language of the Treaty for the Suppression of Smuggling Operations along the international boundary between the Dominion of Canada and the United States of America, and for kindred purposes, signed at Washington on June 6, 1924, be printed forthwith; and that rule 74 in relation thereto be suspended.

Motion agreed to.

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QUESTIONS

(Questions answered orally are indicated by an asterisk).

FEDERAL OFFICES, SASKATOON

Mr. EVANS:

1. How many offices are rented by the Dominion government in Saskatoon?
2. What is the amount of rent paid for these offices?
3. Has the government considered the possibility of leasing or constructing a building capable of housing all departmental branches established in Saskatoon?
4. What was, or will be, the saving accomplished by leasing the Southam Building in Calgary?

Hon. Mr. KING (for Hon. Mr. Copp):

1. Eleven.
2. $20,839.85.
3. Yes; the matter has been under consideration.
4. The annual saving accomplished by leasing the Southam building at Calgary is $3,720.74. In addition there is the convenience and increased efficiency gained by grouping the federal government offices in one building. It was also necessary, in any event, to secure more space for the post office, which the ground floor of the Southam building provides.

GRANTS TO SALVATION ARMY

Mr. WOODSWORTH:

1. What is the total amount of moneys paid to the Salvation Army by the government for the years 1910 to 1923, inclusive?
2. For what purposes was the money granted and by what departments?

Hon. Mr. KING (for Hon. Mr. Copp):

Department of External Affairs:

1. The only money paid through the Department of External Affairs to the Salvation Army for the years 1910 to 1923 was $30.88.
2. The purpose for which this money was paid was a gratuity to charity, paid by the Paris Agency office in France.

Department of Naval Service: Nil.

Department of National Defence:

1915	Work at old General Hospital, Toronto, Ont.	$ 66 80
	Wood supplied to C.E.F. units at Victoria, B.C.	379 50
1916	Alterations and repairs to Booth Memorial Institute at Toronto, Ont., occupied as Orthopædic Hospital	7,844 77
1917	Accommodation for C.E.F. personnel at Montreal, P.Q.	195 00
1918	Rental of portable hut, Toronto, Ont.	10 72
	Rental of Orthopædic Hospital, Toronto, Ont.	875 00
	Rental of 2 cottages, Toronto, Ont.	67 50
		$ 9,439 29

Department of Air Service: Nil.

Department of Immigration and Colonization:

Fiscal Year	Grants	Grants *re* Juvenile Immigration	Commission on Farm Help	Bonus on account of Children	Totals
	$ cts.	$ cts.	$ cts.	$ cts.	$ cts.
1909–10	10,516 67	.....	1,046 00	.....	11,562 67
1910–11	15,516 64	.....	1,904 00	.....	17,420 64
1911–12	15,516 64	.....	2,072 00	2 00	17,590 64
1912–13	15,516 67	.....	1,486 00	10 00	17,012 67
1913–14	22,516 68	.....	2,432 00	8 00	24,956 68
1914–15	21,516 67	.....	490 00	6 00	22,012 67
1915–16	10,000 00	.....	228 00	64 00	10,292 00
1916–17	7,500 00	.....	52 00	4 00	7,556 00
1917–18	7,500 00	.....	4 00	.....	7,504 00
1918–19	7,500 00	.....	.....	.....	7,500 00
1919–20	5,000 00	.....	.....	.....	5,000 00
1920–21	15,000 00	.....	.....	.....	15,000 00
1921–22	25,000 00	1,500 00	.....	.....	26,500 00
1922–23	25,000 00	1,500 00	.....	.....	26,500 00
1923–24	35,000 00	13,997 00	.....	.....	48,997 00
Grand totals	238,599 97	16,997 00	9,714 00	94 00	265,404 97

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Jones, Sheard,
Ladner, Spence,
Maclean (York), Spencer,
McKillop, Stevens,
McQuarrie, Stewart (Leeds),
Manion, Sutherland,
Maybee, Thompson,
Meighen, Tolmie,
Preston, White,
Ross (Kingston), Woodsworth.—45.
Senn,

The House thereupon proceeded to the Orders of the Day.

YUKON—LIQUOR IMPORTS

On the Orders of the Day:

Mr. GEORGE BLACK (Yukon): Is the treaty between Great Britain and the United States, signed at Washington on the 6th day of this month, which provides among other matters that liquors may be transported to Yukon Territory by way of Skagway across Alaska, now in force? And if not, what is the earliest date upon which it can be put into force?

Right Hon. W. L. MACKENZIE KING (Prime Minister): The treaty is not in force and cannot come into force until it is ratified by both countries, and this will necessarily be after another session of the United States Senate.

Mr. MEIGHEN: What was the idea of Canada's minister hurrying down to Washington, either the day of the adjournment of the United States Senate or the day before, when the treaty could not have been ratified anyway?

Mr. MACKENZIE KING: He did not go the day of the adjournment.

Mr. MEIGHEN: The day before.

Mr. MACKENZIE KING: He was there a day or two before. It was hoped that the American government would find it possible to ratify the treaty and it was their desire that it should be ratified; but there was so much business apparently at the last moment of the session that the Senate did not reach it.

Mr. BLACK: I want to ask a further question of the government in elaboration of the one I have already put.

Mr. SPEAKER: The hon. member may not do so except by unanimous leave of the House. This is the practice according to Bourinot; he should place his questions on the order paper. But with the indulgence of the House he may proceed to put a further question provided it is reasonably brief.

Mr. BLACK: In view of the Prime Minister's answer, would the government endeavour to obtain from the government of the United States an admission of Canada's right to import liquor into Yukon by way of the Yukon river? I asked the government this question earlier in the session and the Prime Minister replied that, in view of the fact that he hoped to announce soon that a treaty had been made between Canada and the United States on the subject, it was not deemed expedient to further inquire as to the interpretation placed on the Treaty of Washington by the government of the United States. Now that the treaty probably cannot be ratified until next December, an admission of Canada's right to import by way of the Yukon river is most important.

Mr. MACKENZIE KING: The matter is the subject of communication between the governments of the two countries at the present time.

UNITED CHURCH OF CANADA

The House resumed from June 24 consideration in committee on Bill No. 47, to incorporate the United Church of Canada,—Mr. Forke —Mr. Gordon in the chair.

The CHAIRMAN: The committee has under consideration section 2 and the amendment thereto moved by the hon. member for Lisgar (Mr. Brown).

Mr. STORK: This bill has been before the House since the 10th day of April. I had the honour and privilege of being a member of the Private Bills committee before which the bill in question was discussed, and I think I am saying nothing new when I observe that we are facing a very difficult problem in the consideration of this measure. Three churches in Canada, the Methodist church, the Congregational church and the Presbyterian church, appear before parliament and ask that legislation be passed to incorporate them into one body. We should have a very easy matter to settle if all of these three churches were unanimous in this request. Unfortunately, however, only two of them are unanimous; one of the three, the Presbyterian church, is very badly divided on the question. I need hardly refer to the great number of petitions and protests which have been submitted to parliament on behalf of those Presbyterians who do not hold that this union should be carried through. I believe that Bill No. 47 has attracted more attention in Canada than perhaps any other bill which has been before parliament in the last few years. The difficulty that now faces us exists largely within the

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C 97701

Presbyterian church itself; a grave dispute has arisen in that church, a large proportion of the members and adherents being apparently in favour of the proposed union while a large percentage have declared their objections to it. There appears to have been no way of settling the matter except by appeal to law. When a dispute arises over any question the logical conclusion is to try it in the courts; the courts are established for that purpose and in this particular instance I believe that no other course was open. It becomes more evident every day, at least to me, that the attempt on the part of the Presbyterian church, or of those who are in control of its affairs, to force that body into this amalgamation was an ill-timed one. I believe that the proper course would have been to let matters take their own logical course. But others thought differently and forced the issue, with the inevitable result that we are now faced with a tremendous split in the ranks of the Presbyterians.

It is not my intention to indulge in vain recriminations, because I do not think that any good purpose can be served in that way. We are faced I say, with this grievious trouble; and the way to approach the matter if we hope to secure a settlement is certainly not by aggravating the situation and trying to prove which side was right and which wrong. The discussion of this bill in the Private Bills committee has disclosed problems for which apparently no reasonable solution can be offered. No question can be settled, Mr. Chairman, unless it be settled right. I am confident that our friends the Methodists and the Congregationalists have no desire to force any unfair bargain on the Presbyterian church; I believe that they want to do only that which is based on right. One of the principal objections raised in the Private Bills committee was that there would be no finality in the court proceedings which had been instituted, that they were likely to be prolonged, and were started merely for the purpose of delaying the union.

I purpose, Mr. Chairman, to move an amendment to provide for definite action in the shortest possible time. I believe that a judgment handed down by the Supreme Court of Canada will be accepted by all parties concerned. This is a sincere effort on my part to reduce the friction, bitterness and hostility which have grown up over the proposed union. The division in the membership of the Presbyterian church is in itself a tragedy. My only purpose in presenting this amendment is to secure a definite verdict to clear up the question of legal right, for when this question is settled I am sure it will do away with the present controversy which is so ruinous to the best interests of the whole church movement. I trust that the hon. member for Lunenburg (Mr. Duff), and the hon. member for Lisgar (Mr. Brown) will find in this amendment common ground for a basis of settlement. I therefore move, seconded by Mr. MacLaren, in amendment to the amendment of the hon. member for Lisgar:

> The the amendment moved on June 24 by Mr. Brown that section 2 of bill No. 47, being an act incorporating the United Church of Canada, be amended by adding thereto the following words immediately after the words, "tenth day of December 1924":
>
> "Provided that as respects the Presbyterian Church in Canada, the provisions of this act shall apply only when all doubt has been removed as to the power of the General Assembly of the Presbyterian Church in Canada under its constitution and rules to agree to a union of the Presbyterian Church in Canada with the Methodist and Congregational churches upon the basis of union as set out in schedule A of this act:
>
> "Provided further, that this question shall be submitted for decision to the Supreme Court of Canada by a reference by the Minister of Justice."

Mr. HAMMELL: Mr. Chairman, I rise to a point of order. I submit that this amendment is out of order by reason of the fact that the necessary notice as required by rule 112 has not been given. This rule states:

> No important amendment may be proposed to any private bill, in a committee of the whole House, or at the third reading of the bill, unless one day's notice of the same has been given.

I submit, Mr. Chairman, that the committee has not had the requisite one day's notice of this amendment.

The CHAIRMAN: Does any other hon. member desire to speak on the point of order before a ruling is given by the Chair?

Mr. MACDONALD (Pictou): I desire to point out, Mr. Chairman, that Votes and Proceedings of yesterday contained notice of this amendment, and I submit that that is compliance with the rule quoted by the hon. member for Muskoka.

Mr. STORK: Mr. Chairman, I submitted this resolution in an endeavour to find a solution for the difficulty which confronts us. Although we have wrestled with this problem for three or four months, I regret to say we have not got very far along the lines of compromise. I was convinced that I had got something that would at least bring us together on common ground. I trust that mere technicalities will not be allowed to upset this amendment, because, if so, we will be compelled to fall back upon the Duff amendment, which perhaps will not be altogether as acceptable and agreeable. I have no desire to utter any

5 p.m.

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July 3rd C 97702

PULPWOOD COMMISSION

On the Orders of the Day:

Right Hon. ARTHUR MEIGHEN (Leader of the Opposition): I have been waiting for many weeks to see what was going to transpire in connection with this famous Pulpwood Commission. I have had many put-offs from the Acting Minister of Finance (Mr. Robb). Can he not give some definite statement to-day; I do not mean in the style of "in a few days," or "a few weeks," or "very soon,"; but can the minister not state when we may expect the report of this commission? We hope we are nearing the end of the session, and the minister knows the circumstances under which the commission was appointed.

Hon. J. A. ROBB (Acting Minister of Finance) I have been hoping for some time to receive the report from the Pulpwood Commission. I understand they are working at it but it has not been brought to me yet. I will direct the attention of the commission to the fact that its early submission is urgent.

WEST HASTINGS BY-ELECTION

On the Orders of the Day:

Right Hon. ARTHUR MEIGHEN (Leader of the Opposition): The definiteness is not improving any. May I ask the government also, in view of the terms of the letter of the late hon. member for West Hastings, Mr. Porter, whether they purpose issuing the writ for the by-election as requested in that letter, and if not why it cannot be done?

Right Hon. W. L. MACKENZIE KING (Prime Minister): The government purposes issuing the writ for a by-election and will determine the date later on.

Mr. MEIGHEN: May I ask why the writ cannot be issued now in view of the purpose for which the election is being held? The circumstances demand an immediate election.

Mr. MACKENZIE KING: There is no necessity for that. The member could not possibly be returned for this session of parliament.

Mr. MEIGHEN: That may be.

Mr. MACKENZIE KING: I think the law provides that the writ must be issued within six months. With all due respect to my right hon. friend no one takes very seriously the purpose of the hon. member who has resigned.

Mr. MEIGHEN: There was a time when the Prime Minister, in another post, took very seriously appeals to the people against the conduct of parliament.

[Mr. Copp.]

LIQUOR AND NARCOTICS

On the Orders of the Day:

Mr. T. W. CALDWELL (Victoria and Carleton): Are we to understand that the resolution on the order paper in the name of the Prime Minister in reference to the treaty with the United States against smuggling operations along the international boundary is being dropped, and if so why?

Right Hon. W. L. MACKENZIE KING (Prime Minister): The United States Senate has not, as yet, ratified this treaty, and it is hardly probable they will consider the matter until next year. Under the circumstances the chances are that this parliament will have ample opportunity of dealing with the question at another session.

Right Hon. ARTHUR MEIGHEN (Leader of the Opposition): The Prime Minister knows the United States Senate could not ratify it. After the minister went down only a few more hours of the session of Congress remained.

Mr. MACKENZIE KING: They will deal with it at the next session of Congress.

CIVIL SERVICE SUPERANNUATION

Hon. J. A. ROBB (Acting Minister of Finance) moved that the House go into committee on Bill No. 122, to provide for the superannuation of civil servants.

Motion agreed to and the House went into committee, Mr. Gordon in the chair.

On clause 1—short title.

Mr. MALCOLM: This bill is based on a recommendation contained in the report of the special committee appointed for the purpose of enquiring into the operation of Chapter 12, 8-9 Geo. V; an Act respecting the Civil Service of Canada which report was presented to the House of June 22nd, 1923. The committee's recommendation regarding superannuation is as follows:—"The general principles on which modern superannuation schemes are based appear to be fairly definitely agreed upon. The basis most favoured is that under which both the employees and the employer contribute to the support of the scheme, the entire cost as a rule being borne approximately equally by both. The benefits derived or provided for include allowances on retirement after attainment of a stipulated age; allowances to widows and minor children in the event of the death of the employee during service or after retirement, the widow's allowance being usually one-half of the employee's allowance; and allowances to the employees on retirement

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the right of way of the drainage canal over private land. The amount involved will approximate $2,000.

7. In the working out of the Soldier Settlement scheme, it became apparent that there was a shortage of free land suitable for homesteading within reasonable distance of transportation facilities. It having been brought to the attention of the administration that the Waterhen Lakes Drainage scheme offered exceptional advantages for demonstrating the feasibility of reclaiming Dominion land by drainage and especially in view of the fact that the project is situated only a very short distance from the railway, the department decided to proceed with the project under the provisions of the Reclamation Act and the Dominion Drainage Regulations.

8. By public auction in accordance with the provisions of part IV of the Dominion Drainage regulations.

VANCOUVER HARBOUR COMMISSION

Mr. SPEAKMAN:

1. Is the Vancouver Harbour Commission empowered by act of parliament to issue bonds or debentures to persons other than the Dominion government?
2. If so, when was this act passed?
3. Have bonds or debentures issued to the public priority as to payment of interest or principal over those held by the Dominion government?
4. If bonds or debentures have been issued by the Harbour Commission to the public, through what bond house, or houses, were such sales made?
5. Were tenders invited in connection with each issue?
6. What is the total amount of such issue offered for sale?
7. What amount, if any, of such issue has been actually sold?
8. What price was received?
9. For what term do such issues run?
10. What rate of interest do they carry?

Hon. Mr. CARDIN:

1. Yes.
2. 1913; 3-4 George V., chapter 54.
3. No.

4 to 10 inclusive. All outstanding bonds or debentures issued by the Vancouver Harbour Commissioners are held by Dominion government as security for advances on loan made in pursuance of the various statutes in that behalf.

PAYMENT TO THE TORONTO GLOBE

Mr. CHAPLIN:

What amount was paid by the Department of Trade and Commerce to the Globe Newspaper Company of Toronto for a full page advertisement that appeared in that paper during the month of December, 1923, or the month of January, 1924?

Right Hon. Mr. MACKENZIE KING (for Mr. LOW):

Advertising, $488; reprints, $15.90; Total, $503.90.

83—1924—1½

DATE OF PARLIAMENT ASSEMBLING

Hon. Mr. BAXTER:

1. In the opinion of the government, is it possible and desirable for parliament to assemble in the future early in January, preferably on a permanent date?
2. Is it the intention of the government to endeavour to approximate a fixed date for the assembling of parliament?

Right Hon. Mr. MACKENZIE KING:

1. The date of the assembling of parliament is necessarily contingent upon many circumstances none of which can be foreseen; the fixing of a permanent date for assembling is therefore inadvisable. The government is, however, of the opinion that it is desirable, circumstances permitting, for parliament to assemble as early in the year as may be possible.

2. Answered by the answer to No. 1.

QUESTION PASSED AS ORDER FOR RETURN

SALES TAX REBATES

Sir HENRY DRAYTON:

1. To what amount have rebates of Sales Taxes been claimed under the legislation of last year?
2. How many claims have been made?
3. How many claims have been checked and paid and resulting in what total amount?
4. How many claims have yet to be dealt with?

INQUIRIES RE RETURNS

On the Orders of the Day:

Mr. DONALD SUTHERLAND (South Oxford): Orders for returns were passed on the 9th of June under three motions standing in my name calling for the correspondence in connection with the dismissal of three postmasters, one at Sebringville, one at Kagawong, and the other at Sheguinadah, all in Ontario. We are nearing the end of the session—and these orders were passed on the 9th of June.

Mr. STEWART (Argenteuil) (Acting Postmaster General): I will make inquiry as to the delay in bringing down the returns.

Hon. A. B. COPP (Secretary of State): My hon. friend from Portage la Prairie (Mr. Leader) last night put a question to me in reference to some returns he moved for a few weeks ago. I may inform the hon. gentleman that I made inquiries to-day and I find the returns in question involved searching through the files of the departments for a period extending back twenty-eight years. We now have the information from all the departments except one, and I hope that will be forthcoming in the course of a day or two.

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DEPARTMENT OF EXTERNAL AFFAIRS CANADA

F.

Confidential memorandum for the Prime Minister respecting the case of the Spanish Consul at Montreal.

3rd June, 1924. The first news the Department of External Affairs had of this case was a secret and urgent telegram from the Secretary of State for the Colonies to the effect that the Spanish Consul had been arrested in Montreal on a charge of

4th June, 1924. illegal importation of alcohol. I at once applied to the Commissioner of the Royal Canadian Mounted Police, through whom the arrest was made, for a report on the subject.

This report, conveying the essential features of the case,

5th June, 1924. was received and sent by telegraph to the Secretary of State for the Colonies on the 5th June. On the 13th June, in

13th June, 1924. reply to an enquiry, the Colonial Office were informed that the consul was not precluded from communicating with his

16th June, 1924. own Government. On the 16th June, this Department forwarded a history of the case, obtained from the Mounted Police, from the 1st August, 1923, to the 12th June, 1924, and on

27th June, 1924. the 27th June, this was followed by a supplementary statement bringing the report up to the 20th June, 1924.

We had no communication with the Spanish Consul or his Government in this matter, as he was free to communicate with them to any extent he pleased, and in sending these reports to the Colonial Office, we purposely refrained from asking that they should be communicated to the Spanish authorities, preferring to leave that a matter

for the

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for the discretion of the Foreign Office, as this Government does not communicate directly with foreign powers on the subject of consular representation, such matters being dealt with entirely through the Foreign Office.

As the Spanish Ambassador points out in his letter to Mr. Larkin of the 14th June, it is strange that inasmuch as the consul has all along been free to communicate with his Government, he should not have done so. What I consider might be a reason for his silence is that his case looked so badly that he shrank from acquainting his own Government with its details. I do not think that in the circumstances we should have taken any course other than that which we followed. When the Ambassador wrote on the 16th June, our detailed reports had not come to hand, though they must long ere this have reached England. It is open to the Foreign Office to communicate them in turn to the Spanish Government if they consider it expedient to do so, but I do not think it is our business to take any part in the matter, or to assume any responsibility in relation thereto, as Maluquer is not accredited to this Government, and, as I say, we never held any direct communication with the Spanish authorities in regard to his appointment or himself.

J. Pope

SIR JOSEPH POPE

Ottawa, 5th July, 1924.

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OFFICE OF
THE UNDER-SECRETARY OF STATE
FOR EXTERNAL AFFAIRS
CANADA.

F.

2 8

Memorandum for Mr. McGregor.

This is intended as the substance of a draft reply to Mr. Larkin regarding the matter of the Spanish Consul. I thought perhaps Mr. King might prefer to enclose it as a memorandum in a private note addressed to Mr. Larkin by himself. The letter of Mr. Larkin's Secretary of the 16th June, 1924, and enclosure from the Spanish Ambassador, dated 14th June, are returned herewith.

O.K. pp

J. Pope

SIR JOSEPH POPE

Ottawa, 8th July, 1924.

JUL 8 Rec'd

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C 97707

PRIME MINISTER'S OFFICE

MEMORANDUM

Friday,
November 28,
1924

(3)

MR. KING:

Mr. Spence did not have a chance yesterday to speak to you of a request he had received from Mr. Burton of the Robert Simpson Company, Mr. Marriot of the Gordon McKay Company and R. A. Stapells of Toronto, who wished to come to Ottawa to discuss the smuggling of silks and other goods into Canada. It seems that the Canadian Manufacturers Association have started a fund to assist in the police work at the border. They feel that the Customs Department is not taking any effective steps to prevent the

C 97708

PRIME MINISTER'S OFFICE

MEMORANDUM

-2-

wholesale smuggling that is going on. Burton, Marriot and Stapells represent a group that have not contributed to this fund, and they wish to discuss the matter with you.

Mr. Burton is writing today a letter which you will receive tomorrow outlining the situation more fully and requesting an interview for Monday next if at all possible.

McG.

F.A. McGREGOR

Minutes of proceedings Delegation re "Smuggling"

C-1200

C 97709 (5)

DELEGATION

from

THE TORONTO BOARD OF TRADE

Re SMUGGLING

Date - Tuesday, December 16, 1924, at 2 P.M.

The delegation was received by the following members of the Government:

The Rt. Hon. W. L. Mackenzie King, C.M.G., M.P.
Hon. Jacques Bureau, K.C., M.P.
Hon. George P. Graham, M.P.
Hon. Senator Dandurand, K.C.
Hon. James A. Robb, M.P.
Hon. A. B. Copp, M.P.
Hon. Charles Stewart, M.P.
Hon. W. R. Motherwell, M.P.
Hon. James Murdock, M.P.
Hon. H. B. McGiverin, K.C., M.P.

The delegation was composed of:

Mr. C. Marriott, President of the Gordon Mackay Co., and Chairman of the Foreign and Domestic Trade Committee, Toronto Board of Trade.

Mr. C. L. Burton, Store General Manager, Robert Simpson Company, Limited; a member of the Toronto Board of Trade.

Mr. A. T. Reid, Manufacturer; member of the Toronto Board of Trade.

Mr. F. D. Tolchard, Secretary of the Toronto Board of Trade.

Mr. Marriott said there were two points of view within the Toronto Board of Trade as to what action should be taken relative to the smuggling situation. Mr. Burton represented one of these points of view, Mr. Reid the other.

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C 97710

Mr. Burton.

Mr. Burton pointed out the great hardship being worked on legitimate business by the wholesale smuggling, particularly in silks and garments, that is at present being carried on. He alleged that the evil was much greater on the Quebec frontier than in those parts of Canada where the two countries were separated by a water boundary. He said, too, that the increase in motor cars and in bootlegging had given a great impetus to smuggling and had made it such a menace as to require a total revision of the law and of present preventive measures, in order to meet it. He referred to the great publicity being given the smuggling situation and alleged that this was tending to create a disrespect for law.

He desired to know why the Government had not taken more energetic measures, both as to prosecution and prevention, as well as by revision of the existing law and the establishment of a Secret Service, if necessary. In this regard he said that the delays and technicalities met with, particularly in Montreal courts, were such as to almost discourage those who sought to have the law enforced.

As to the proposed Association of interested merchants and manufacturers, which he had been asked to join, he said that he felt that such an Association would be an encroachment on the functions of the Government and that in his opinion it was up to the Government to protect the interests of its citizens. He said

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that he and those whom he represented were desirous of assisting the Government in all possible ways but they wanted to be assured before joining such an Association as that proposed that its co-operation was necessary in order to enable the Government to meet the situation, or at least would be welcomed by the Government.

In reply to a question from Mr. Bureau as to whether silk smuggling was greater now than two years ago, Mr. Burton said that in Toronto he thought it was less, but in Montreal more, although he realized that it was difficult to say definitely.

Mr. Burton wished it understood that he was not complaining of the situation at the Toronto Customs House, but rather of the lack of preventive staff, pointing out as an example of this the lack of co-operation between the Royal Canadian Mounted Police and the customs officials.

In breif, Mr. Burton said that a new and serious situation had arisen which, if it were to be coped with, would necessitate much more drastic action on the part of the Government than had yet occurred.

Mr. Reid.

Mr. Reid emphasized the serious effect which wholesale smuggling was having on manufacturers and said that the Toronto Board of Trade had been asked by delegations of the Montreal and Ottawa Boards of Trade to co-operate in meeting this menace. Personally he thought it desirable to do so and

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C 97712

he felt that ninety-five per cent of the Toronto Board of Trade was behind him.

Mr. Reid pointed out the loss of revenue due to smuggling, not only in unpaid duty and unpaid sales tax, but in income tax which would otherwise be paid by legitimate manufacturers and dealers, all of which was a direct loss to the Government and a handicap to legitimate business as well. Some steps, he felt, must be taken to protect legitimate business and one of these in his opinion would be the making of the law much more drastic than at present, for example the imprisonment of offenders without the option of a fine.

Mr. King.

Mr. King said the Government was as much interested as any individual in this matter, not only because all possible revenue was needed but because of a desire to keep the public service clean and to protect the good name of the government. He said, however, that various facts had to be considered, that expenditure had to be kept at a minimum, and that if every road were to be patrolled it would take a force bigger than the Militia. He pointed out also that the Dominion Government had no control over judicial matters, such being purely provincial. As to the creation of a Secret Service, Mr. King thought personally that it would be a good thing, but he was sure that Parliament would not consent to it. He said that it was recognized that without the help of those specially interested, it was impossible for the Government to effectually stop smuggling. He said, of course, that

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no Association could be permitted to take the place of Government, but that co-operation by associations and citizens alike would be cordially welcomed.

Mr. Bureau.

Mr. Bureau said that the question was only one of many matters engaging the attention of his Department, and that he believed the situation with regards to smuggling had been greatly exaggerated. He said the Government could not police every road but that his staff had been increased and every effort made to meet the alleged situation. He said that the Department did not want money or men from the Association, but did want co-operation as regards information. As to delays in judicial proceedings, he said that this was a matter beyond the control of the Dominion Government and must be taken up with the proper provincial authorities.

Mr. Bureau instanced various ways in which the customs officials were trying to assist those interested, and asked for information and more information. If that were given his Department would do all in its power to give the necessary action. As to the reference to the Royal Canadian Mounted Police and customs officials, he said there could be no divided responsibility and he wanted it clearly understood that any outside efforts with regard to smuggling for which he must take responsibility must also be under the control of his Department. He also pointed out the fact that his Department was depending upon the Civil Service Commission

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for appointments to his staff and that the fact often proved a serious handicap.

Mr. Marriott.

Mr. Marriott said that after listening to the discussion he felt that the Government would welcome the co-operation of the proposed Association and that it could be very helpful.

Mr. King.

Mr. King thanked the delegation for the way the matter had been presented. He said that the Government appreciated the desire to co-operate on the part of those represented by the delegation and that it would do its utmost to meet the situation.

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C-1200

C 97715 DEC. 16, 1924

ANONYMOUS

DELEGATION

from

THE TORONTO BOARD OF TRADE

Re SMUGGLING

Date - Tuesday, December 16, 1924, at 2 P.M.

The delegation was received by the following members of the Government:

The Rt. Hon. W. L. Mackenzie King, C.M.G., M.P.
Hon. Jacques Bureau, K.C., M.P.
Hon. George P. Graham, M.P.
Hon. Senator Dandurand, K.C.
Hon. James A. Robb, M.P.
Hon. A. B. Copp, M.P.
Hon. Charles Stewart, M.P.
Hon. W. R. Motherwell, M.P.
Hon. James Murdock, M.P.
Hon. H. B. McGiverin, K.C., M.P.

The delegation was composed of:

Mr. C. Marriott, President of the Gordon Mackay Co., and Chairman of the Foreign and Domestic Trade Committee, Toronto Board of Trade.

Mr. C. L. Burton, Store General Manager, Robert Simpson Company, Limited; a member of the Toronto Board of Trade.

Mr. A. T. Reid, Manufacturer; member of the Toronto Board of Trade.

Mr. F. D. Tolchard, Secretary of the Toronto Board of Trade.

Mr. Marriott said there were two points of view within the Toronto Board of Trade as to what action should be taken relative to the smuggling situation. Mr. Burton represented one of these points of view, Mr. Reid the other.

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Mr. Burton.

Mr. Burton pointed out the great hardship being worked on legitimate business by the wholesale smuggling, particularly in silks and garments, that is at present being carried on. He alleged that the evil was much greater on the Quebec frontier than in those parts of Canada where the two countries were separated by a water boundary. He said, too, that the increase in motor cars and in bootlegging had given a great impetus to smuggling and had made it such a menace as to require a total revision of the law and of present preventive measures, in order to meet it. He referred to the great publicity being given the smuggling situation and alleged that this was tending to create a disrespect for law.

He desired to know why the Government had not taken more energetic measures, both as to prosecution and prevention, as well as by revision of the existing law and the establishment of a Secret Service, if necessary. In this regard he said that the delays and technicalities met with, particularly in Montreal courts, were such as to almost discourage those who sought to have the law enforced.

As to the proposed Association of interested merchants and manufacturers, which he had been asked to join, he said that he felt that such an Association would be an encroachment on the functions of the Government and that in his opinion it was up to the Government to protect the interests of its citizens. He said

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that he and those whom he represented were desirous of assisting the Government in all possible ways but they wanted to be assured before joining such an Association as that proposed that its co-operation was necessary in order to enable the Government to meet the situation, or at least would be welcomed by the Government.

In reply to a question from Mr. Bureau as to whether silk smuggling was greater now than two years ago, Mr. Burton said that in Toronto he thought it was less, but in Montreal more, although he realized that it was difficult to say definitely.

Mr. Burton wished it understood that he was not complaining of the situation at the Toronto Customs House, but rather of the lack of preventive staff, pointing out as an example of this the lack of co-operation between the Royal Canadian Mounted Police and the customs officials.

In brief, Mr. Burton said that a new and serious situation had arisen which, if it were to be coped with, would necessitate much more drastic action on the part of the Government than had yet occurred.

Mr. Reid.

Mr. Reid emphasized the serious effect which wholesale smuggling was having on manufacturers and said that the Toronto Board of Trade had been asked by delegations of the Montreal and Ottawa Boards of Trade to co-operate in meeting this menace. Personally he thought it desirable to do so and

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C 97718

he felt that ninety-five per cent of the Toronto Board of Trade was behind him.

Mr. Reid pointed out the loss of revenue due to smuggling, not only in unpaid duty and unpaid sales tax, but in income tax which would otherwise be paid by legitimate manufacturers and dealers, all of which was a direct loss to the Government and a handicap to legitimate business as well. Some steps, he felt, must be taken to protect legitimate business and one of these in his opinion would be the making of the law much more drastic than at present, for example the imprisonment of offenders without the option of a fine.

Mr. King.

Mr. King said the Government was as much interested as any individual in this matter, not only because all possible revenue was needed but because of a desire to keep the public service clean and to protect the good name of the government. He said, however, that various facts had to be considered, that expenditure had to be kept at a minimum, and that if every road were to be patrolled it would take a force bigger than the Militia. He pointed out also that the Dominion Government had no control over judicial matters, such being purely provincial. As to the creation of a Secret Service, Mr. King thought personally that it would be a good thing, but he was sure that Parliament would not consent to it. He said that it was recognized that without the help of those specially interested, it was impossible for the Government to effectually stop smuggling. He said, of course, that

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no Association could be permitted to take the place of Government, but that co-operation by associations and citizens alike would be cordially welcomed.

Mr. Bureau.

Mr. Bureau said that the question was only one of many matters engaging the attention of his Department, and that he believed the situation with regard to smuggling had been greatly exaggerated. He said the Government could not police every road but that his staff had been increased and every effort made to meet the alleged situation. He said that the Department did not want money or men from the Association, but did want co-operation as regards information. As to delays in judicial proceedings, he said that this was a matter beyond the control of the Dominion Government and must be taken up with the proper provincial authorities.

Mr. Bureau instanced various ways in which the customs officials were trying to assist those interested, and asked for information and more information. If that were given his Department would do all in its power to give the necessary action. As to the reference to the Royal Canadian Mounted Police and customs officials, he said there could be no divided responsibility and he wanted it clearly understood that any outside efforts with regard to smuggling for which he must take responsibility must also be under the control of his Department. He also pointed out the fact that his Department was depending upon the Civil Service Commission

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for appointments to his staff and that the fact often proved a serious handicap.

Mr. Marriott.

Mr. Marriott said that after listening to the discussion he felt that the Government would welcome the co-operation of the proposed Association and that it could be very helpful.

Mr. King.

Mr. King thanked the delegation for the way the matter had been presented. He said that the Government appreciated the desire to co-operate on the part of those represented by the delegation and that it would do its utmost to meet the situation.

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C 97721

(Keep this attached to anonymous memo, Dec. 16, 1924 on this subject &c.)

(4)

MEMORANDUM

re

SMUGGLING OF GOODS INTO CANADA

The delegation appearing before the Government to-day (December 16th) is the result of a meeting of a number of manufacturers, and wholesalers held in Toronto some time ago to consider a proposal from a group of Montreal business men for joint action in endeavoring to curtail the smuggling of goods into Canada which is having such a serious effect upon legitimate business.

Government informed of Serious Smuggling situation in August 1923.

It was intimated at that meeting that on August 9th, 1923, a deputation representing the various branches of the textile industry, under the auspices of the Canadian Association of Garment Manufacturers, had interviewed the Honorable the Prime Minister and Members of the Dominion Cabinet and had placed before them a comprehensive statement on the smuggling of fabrics and garments which it was alleged was being carried on at many points along the international border. It was pointed out that legitimate business was being seriously and injuriously affected by smuggling operation and it was alleged that honest traders in some branches of industry were being forced into bankruptcy as a result. It was also alleged that the offenders when apprehended were not adequately punished, that difficulties were being experienced in securing convictions, and, it was stated, evidence was submitted indicating serious delays in the courts, particularly in the City of Montreal, in dealing with such cases. Continued adjournments of smuggling cases were reported as being an aid to the smugglers, in that police and customs officers subpoenaed as witnesses were drawn from their stations to attend Court, thus leaving the border clearer for the operation of the smugglers.

Government Promises Preventive Measures.

It is reported the Honorable the Prime Minister assured the delegation that the Government would leave nothing undone to stop the traffic complained of and that the Minister of Customs agreed the traffic had assumed very large proportions and that more rigid preventative measures were necessary.

Smuggling Traffic Increases.

While there have been some results, owing to the increased activity of the Department of Customs, the situation is still reported to be far from satisfactory. The traffic has increased enormously, the principal commodities coming into the country being raw silks, silk dresses, cottons, drugs, tobacco and jewelry. The huge sum of $50,000,000 is stated to be a conservative estimate of the value of the goods being brought into Canada annually by this means, which means a large loss in revenue to the Dominion of Canada, probably $15,000,000 or more per annum, and consequently an increased tax upon every Canadian taxpayer. It also means a loss of millions of dollars in orders to Canadian manufacturers and wholesale and retail merchants, with a consequent loss in employment to many people. This unfair competition has become so strong that a profitable business can no longer be conducted in certain lines.

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C 97721

MEMORANDUM

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Business Interests Forming Preventative Association.

The menace to legitimate trade and commerce which is being caused by the widespread smuggling operations now going on, has resulted in certain manufacturers and merchants who are seriously affected, forming a Smuggling Preventative Association for their own protection. It is suggested that this Association act as a clearing bureau for information, and work in the closest co-operation with the Department of Customs, the Royal Canadian Mounted Police, and the Attorney-Generals in the belief, we understand, that such a civilian organization can be of great assistance in obtaining data, by means of competent criminal investigators, which is not available to governmental departments and which will be of material help in apprehending and punishing the offenders.

Toronto business interests have been asked to become members of this Association and to co-operate in the work which it proposes to do. There are those who hold strongly to the view that the curtailment of smuggling is entirely a government function and that private business concerns should not be called upon to take steps to this end. There can be no doubt of the desire of the Government to protect the public revenue and the legitimate business interests of the country, and it would seem inconceivable that any Government would permit such conditions to continue as have been alleged rather than take such steps as may be necessary to meet the situation by providing the Customs and other interested Departments with sufficient funds to increase their facilities for handling the problem, by the introduction of necessary legislation to increase penalties, and by such other means as may be desirable. In view of the large sums at the disposal of smugglers and the necessity of the Government securing their funds through Parliament, and as it would seem apparent from the information placed before us that the present machinery of the Government is inadequate to cope with existing conditions, it may be that such an Association as is proposed could render effective aid to the Government along the lines above suggested until such time as the several Government Departments are properly equipped and in active operation. It is for the purpose of ascertaining the position of the Government that this deputation is appearing before you to-day so that from the information which you may see fit to give us as to the present and prospective activities of the Government to deal with this important problem and whether the Government will welcome the co-operation of a private Smuggling Preventative Association, we may be able to determine what line of action to recommend to Toronto business interests.

Mr Burton ! Mr Reed

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(O.D. SKELTON J.C.) C 97723 (1925) J.C.

CONVENTION BETWEEN CANADA AND UNITED STATES FOR CO-OPERATION IN SUPPRESSING SMUGGLING OPERATIONS AND IN ARREST AND PROSECUTION OF NARCOTICS TRAFFICKERS

Convention Signed: Washington, June 6, 1924 (C.E.Hughes. (E.Lapointe.

U.S.Senate: Advice and Consent to Ratification, Dec. 12, 1924.

Copy laid on table, House of Commons, and resolution for printing, June 12, 1924.

Negotiations:

March 7, 1923: Secretary of State Hughes to British Ambassador at Washington, inquiring whether Canadian Government would decline to grant clearance papers to vessels with cargoes of liquor destined for United States ports.

June 19, 1923: British Ambassador forwards note from Canadian Government stating that under existing Canadian law there is no warrant for refusing clearance papers to vessels carrying liquor to prohibition countries, and adding that excise duties on such liquors are paid before export.

June 25, 1923: Prime Minister, in Canadian House of Commons, states Government is intimating to Washington that after session it will be pleased to receive an officer of the U.S. Government to discuss with our officials possible ways and means of helping the situation referred to by the United States.

Nov. 27, 1923: Conference at Ottawa.

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This Convention provides, briefly, for:

Repression of Smuggling.

(1) Co-operation between the United States and Canada in suppressing smuggling along the border:

(a) Exchange of information as to clearances and shipments.

Art. I: Officers of either government are to be required upon request to furnish information to authorized officers of the other government as to clearances of vessels or transportation of cargoes, shipments, or loads of dutiable articles and as to clearances of vessels when there is ground to suspect intention of smuggling the cargo.

Note: This will assist both countries, and its terms are the same for each country. In practice, the United States authorities will benefit mainly by receiving information, upon request, as to clearances of vessels carrying liquor, while the Canadian Customs will benefit by aid in suppressing smuggling of a more general character. The Customs Department states: "The Department will benefit greatly, it is expected, from the agreement to supply information regarding shipments of goods to Canada where smuggling is suspected. At the present time the chief complaints are of smuggling silks, tobacco, cigarettes and alcohol into Canada from the United States. Advance information of such shipments, it is hoped, will enable our Preventive Officers to make seizures and apprehend and punish the offenders."

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(b) Denial of clearance when destination doubtful.

Art. II: Clearance is to be denied to vessels carrying cargoes of articles of which import into the other country is prohibited, when it is evident from tonnage or size of vessel or length of proposed voyage that the vessel will be unable to carry its cargo to the destination proposed in the application for clearance.

Note: This provision has been enforced in Canada by regulation of the Customs Department since January, 1924. It is now to be made a treaty engagement and to apply to both countries.

(c) Return of stolen property.

Art.III: Stolen property carried into the other country and seized by its customs authorities is to be returned to owners, on proof of ownership, payment of costs, and waiving of claims for detention.

Note: The Customs Department states: "This provision for return of stolen goods will be of benefit generally to owners of goods so stolen in one country and taken to the other country and there seized."

(d) Officials to give evidence at trials.

Art. V: Customs and other administrative officials to attend as witnesses in trials held in the other country and to produce necessary records: cost to be borne by country requesting their attendance.

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Control of Narcotics Traffic.

(2) Control of Narcotics Traffic.

(a) Exchange of information.

Art. IV: The two countries agree to exchange information as to names and activities of persons known or suspected to be violating their narcotic laws.

Note: See memo. re Extradition Convention as to activities of such traffickers.

(b) Conveyance of prisoners.

Art. VI: Under the Treaty of 1908, officers of either country in charge of prisoners accused of specified offences may, under certain regulations, pass with their prisoners through the territory of the other country. The present Convention adds offences against narcotic laws to this specified list.

Note: This would apply chiefly to transit through the Alaskan pan-handle from one Canadian point to another, but may apply at any point where a railway or other road winds across the boundary.

(3) Conveyance of Alcoholic Liquors through Alaska into Yukon.

Art.VII: Permits (by providing no penalty shall be attached) shipment of alcoholic liquors under guard and seal through Skagway and the White Pass into the Yukon, similar to provision for transit through Panama Canal.

Note: In importing liquor into the Yukon for sale in accordance with the laws governing that territory, it is convenient to ship through Alaskan territory via Skagway. It has been held by United States courts that the Volstead Act prohibits the

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carrying of liquor in transit through United States territory. The Canadian Government claimed in 1923, through the British Ambassador, that it had the right to do so under Article 26 of the Treaty of Washington, 1871. The United States denied this, but during the Conference at Ottawa in November, 1923, agreed to make the concession.

The agreement takes the same form as in the provision for passage of liquor through the Panama Canal - that no penalty will be attached to transportation under guard and seal via Skagway and the White Pass and Yukon Railway.

Term

(4) Term: One year, and thereafter until 30 days notice of termination is given by either party.

Note: In the discussion of this Convention, the question may be raised, why does not the Dominion Government go further, as many temperance organizations request, and prohibit the export of liquor to the United States altogether, or assist the dry provinces (including Ontario?) in preventing the leaks to home bootleggers that occur under cover of export transactions.

On this question, some data will be found on pages 5 and following, of the memo. on "The Dominion Government and the Enforcement of Prohibition in Ontario," previously sent on, and of which a copy is attached hereto (No.4).

(Memo re The Dominion Govt and the Enforcement of Prohibition in Ontario" by Skelton is filed separately (1925) sc.

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C 97728

CORRESPONDENCE, ETC.,

RE: PREVENTION OF SMUGGLING

PRIME MINISTER'S OFFICE

1925

I N D E X

1. R. P. Sparks' correspondence.

2. Representations re Smuggling - General.

3. Suggestions as to Changes in Customs Act.

4. Correspondence re Government's announcement of Intention to amend Customs Act.

5. Correspondence approving steps taken by Government.

6. Representations re Appointment of Special Preventive Officers.

Note:

This correspondence does not include correspondence relating to the negotiation and ratification of the following Treaties:

1. Convention for the Extradition of offenders against the laws for the suppression of the traffic in narcotics. Ratifications exchanged July 17, 1925.

2. Treaty for the Suppression of Smuggling operations along the International Boundary between the Dominion of Canada and the United States. Ratifications exchanged July 17, 1925.

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R. P. Sparks' Correspondence.

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C 97730

COPY

COMMERCIAL PROTECTIVE ASSOCIATION

OTTAWA, CANADA.

Ottawa, February 4, 1925.

Rt. Hon. W. L. Mackenzie King,
Prime Minister of Canada,
Ottawa.

Dear Sir:

Some months ago a large representative deputation waited upon you and members of your Cabinet pointing out that smuggling and under-valuation for duty purposes were causing an immense loss of revenue and seriously interfering with the business of legitimate traders and manufacturers.

Subsequent to that time this Association was organized for the purpose of assisting the Department of Customs and Excise in the prevention of smuggling and under-valuation and to make certain investigations of their own into this problem. In this regard we are pleased to say that both the Minister and Deputy Minister of Customs have welcomed our co-operation and have facilitated in every possible way the investigations we have made into the smuggling problem. These investigations have even more strongly impressed the business men who have given close attention to this work with the magnitude of this traffic and the necessity of prompt and drastic action.

Under the present law smuggling is not an indictable offence, although the Minister has the right to take cases of smuggling into the civil courts. It has, however, been the practice ever since Confederation to settle departmentally practically all seizures for smuggling or under-valuation. We believe that this practice has had the general effect of what might be improperly described as contempt for the law in this regard.

We respectfully submit that, in order to maintain respect for the law and to correct the abuses of its infraction, all cases of fraud whether by way of smuggling or under-valuation under the Customs Act should be dealt with by the civil courts, and, in the case of what might be described as commercial smuggling, that is smuggling of goods for resale of a substantial value, say $100.00 or over, the offence should be made punishable by imprisonment without the option of a fine. The various penalties as set out in the Act at present are entirely inadequate. The preventive service as at present constituted is quite unable to cope with the situation, handicapped as they are by existing laws and regulations which interfere with effective preventive work.

To illustrate the difficulties of the present situation we have prepared maps taking a particular section of the Quebec border, showing approximately sixty roads crossing the border within one hundred and twenty-eight miles. In this section there are at present nine Customs Houses. According to the Act these Customs Houses remain open from sunrise to sunset and, so far as we are aware, after the sun has set the border is to all intents and purposes wide open. It would be obviously impossible to demand a twenty-four service at even all of these sixty roads, let alone

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the whole four thousand miles of border. We believe the only solution of the problem will be found in drastic punishment for smugglers when caught. In this regard we might refer you to the provisions in reference to the entering into Canada of immigrants under Section 33, sub-section 7 of the Immigration Act. The general conditions as in this section might be applied to smugglers entering Canada on roads other than those on which Customs Houses are located.

The law relating to under-valuation involves complicated and long drawn out investigations which practically nullify their effect. We believe these particular features could be simplified and made more effective.

The appraisal system is unsatisfactory, chiefly owing to the fact that in Canada there are 522 ports of entry, and it is obvious that it would be impossible to keep proper appraisers at all these ports. We might point out, in so far as ports of entry are concerned in Canada in comparison with the United States, that there is one port of entry in Canada for every 17,241 people, whereas in the United States there are only 314 ports of entry, or one to every 372,611 people. We are prepared to make practical suggestions in this regard.

It is respectfully submitted that the conditions herein set forth are sufficiently well known to the Government and to its departmental officers and the requested forms of relief so necessary and reasonable as to justify the Government to take immediate action by instituting the required departmental changes and submitting to Parliament bills providing for necessary legislative enactment, or, if the Government is not satisfied as to the necessity of action and the action which should be taken, it is respectfully submitted that a Parliamentary committee should be appointed immediately to inquire into the necessity of departmental and legislative changes.

I might mention incidently that this Association has been endorsed and is being supported by the following organizations:

The Canadian Manufacturers Association
Canadian Jewellers' Association
Canadian Wholesale Dry Goods Association
Canadian Association of Garment Manufacturers
Retail Merchants Association of Canada
Montreal Board of Trade
Toronto Board of Trade

and the boards of trade in a number of the other of the larger cities in Canada.

Yours truly,

(Sgd) R. P. Sparks

Chairman, Executive Committee.

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C 97732

COPY

COMMERCIAL PROTECTIVE ASSOCIATION

OTTAWA, CANADA.

Ottawa, February 21, 1925.

Rt. Hon. W. L. Mackenzie King,
Prime Minister of Canada,
Ottawa.

Dear Sir:

The acquittal by the Quebec courts of J.E.A. Bisaillon, the Chief Preventive Officer at Montreal, who was charged with conspiracy, creates a new situation in reference to the prevention of smuggling. I think you should be in possession of certain information which we have in reference to this matter, as he is the key to the whole smuggling situation.

We have other information of the most important character which I would like to convey to you, and also make some definite suggestions for the prevention of this traffic. If you wish to discuss this matter, I will be glad to make an appointment at any time which suits your convenience. I would suggest that it might be desitable to have the Hon. Mr. Robb also present, and I have some information which I think would be of a good deal of interest to the Hon. Mr. Graham.

Might I again repeat what I think I have said to you before that, from the standpoint of loss of revenue, I think the smuggling business is second only to the loss occasioned from the operation of the Canadian National Railway.

If you desire, I will be glad to make some definite suggestions in regard to administration, which I believe will be immediately effective.

Awaiting a reply, I remain,

Yours respectfully,

(Sgd) R. P. Sparks

Chairman, Executive Committee.

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C 97733

COPY

COMMERCIAL PROTECTIVE ASSOCIATION

OTTAWA, CANADA.

Ottawa, February 26, 1925.

Rt. Hon. W. L. Mackenzie King,
Prime Minister of Canada,
Ottawa.

Dear Sir:

I took the liberty of writing you on Saturday last suggesting an appointment at which I could lay before you certain information in reference to J. E. A. Bisaillon and other matters in connection with smuggling in which I thought you would be interested. However, if the statement of the Minister of Customs in the House of Commons on Tuesday last is to be accepted as an indication of the Government's policy, I think, perhaps, there is no use taking up your time in this regard.

A Canadian Press despatch reads as follows,- "In speaking of smuggling Mr. Bureau said: 'I don't believe any human power can stop it', although his Department had done a great deal to decrease smuggling at the border".

Might I take the opportunity of stating that, after four months investigation by a staff of trained criminal investigators, we are convinced that at least half of the smuggling now going on could be prevented within a month by an energetic policy on behalf of the Department, and further that, with necessary amendments to the Act, ninety per cent of the smuggling could ultimately be prevented. Might I further express the opinion that smuggling is increasing at an alarming rate, rather than decreasing, as the Minister states.

I would also like to call your attention to the fact that yesterday I took up with the Minister of Customs the question of the continuation of Mr. Bisaillon as Chief Preventive Officer at Montreal. I pointed out that the business community had lost confidence in Mr. Bisaillon. I had with me at that time a number of reports on this man, one of which I read to the Minister, which contained the following paragraph amongst other statements made by a reputable officer who had formerly been engaged in preventive work,-

"Later on, in this first interview Bisaillon went and got a bottle of Scotch and a pitcher of ice water from one of the C. S. Line's boats. When this bottle was empty he offered us to have some more at his flat on Berri Street where he went, being driven by him in his new Hudson Six Limousine. There we had champagne, two large cases partly open were in the front room. It was not long before he showed us "his hand" and told us to go slow with the seizure that there were higher up officials interested in same, that we might burn our fingers if working too hard, that we should read between the lines, and that we could make much money if we were wise giving us as example his own ways, owning a nice Auto, a Summer Resort place in the Laurentians and that his salary was not more than ours."

The Minister inquired as to whether this incident had occurred previous to the promotion of Mr. Bisaillon to the position of Chief Preventive Office. When I informed him that it had occurred during his employment as a regular Customs officer he stated that this had no bearing on the case whatever, and that he would only consider matters which had occurred since Bisaillon was

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appointed to the preventive service. I was quite unable to follow the logic of this statement, as a promotion would not appear to increase a man's honesty; in fact, the greater opportunity which he enjoyed would be liable to have the opposite effect,if he were not an honest officer.

I had several statements to lay before him of a most important character, but it was apparent that he did not want to hear them.

Might I say that we had hoped for some statement in the speech from the throne to the effect that the Government proposed to deal with this important problem. When no such statement appeared, we had again hoped that, on the introduction of the estimates of the Customs Department, some statement of policy would be enunciated. If the statement of the Minister as quoted above is to be regarded, as I believe it will be regarded by those interested, as a statement of the Government's attitude we would be glad to know it at any early date.

I am well aware that the Government have many matters on their hands to deal with, but I do not feel that a request for an early statement in regard to smuggling is without complete justification.

I might point out that last August a large representative deputation put the whole matter of smuggling before yourself and members of your Cabinet. It has been kept constantly before the Government since that time, and the statement made by the Minister of Customs in the House on Tuesday is the first public statement of any character as to the Government's attitude.

I am obliged to make a full report on the matters above referred to, to the members of this Association who are keenly interested in this problem. If, therefore, we have made an error in assuming that no further action will be taken we would appreciate greatly some intimation to this effect.

If you desire to make an appointment to discuss this matter either with myself personally or with the members of the Executive Committee of this Association, we are at your service at any time.

Yours respectfully,

(Sgd) R. P. Sparks

Chairman, Executive Committee.

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C 97735

COPY

COMMERCIAL PROTECTIVE ASSOCIATION

Box 645

OTTAWA, CANADA.

Ottawa, March 13, 1925.

Rt. Hon. W. L. Mackenzie King,
Prime Minister of Canada,
Ottawa.

Dear Sir:

In further reference to your suggestion that we should put before the Committee of the Cabinet concrete suggestions as to the amendments to the Customs Act dealing with the matter of smuggling, I beg to say that we are now prepared to do this at any time that suits your convenience.

If agreeable to you, I would be glad to have Mr. H. D. McCormick accompany me as a technical adviser. Mr. McCormick, I might say, is now employed by the Canadian Manufacturers Association. He was for many years in the Customs Department, the greater part of that time in the Preventive Service, and I believe has as complete a knowledge of the Customs Act as almost anyone in Canada. I would be glad to have one or two of the members of the Executive Committee of this Association who have been giving very close study to this matter also present.

Of course, if you prefer that I should present certain facts alone, I will be glad to do so, but, if you are agreeable to others being present, I would be glad to have one day's notice, so that I could notify Mr. McCormick, who would have to come from Toronto.

I am taking the liberty of enclosing a copy of a resolution passed at the Annual Meeting of the Canadian Association of Garment Manufacturers, which you will note expresses appreciation of the efforts already made by the Government to prevent this traffic and urges further action.

Yours truly,

(Sgd) R. P. Sparks

President.

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CANADA

C 97736

(COPY)

RESOLUTION Passed At The Annual Meeting Of The Canadian Association of Garment Manufacturers, Held At The Chateau Laurier, Ottawa, On March 11th and 12th, 1925

WHEREAS the smuggling of commodities, amongst the chief of which are silks, cottons, woollens, and ready-to-wear clothing of various kinds, has assumed alarming proportions, and

WHEREAS the under-valuation for duty purposes of goods imported into Canada has become a common practice,

IT IS THEREFORE RESOLVED that the Canadian Association of Garment Manufacturers, in Convention assembled, strongly urge the Government to take such steps in the amendment of the Customs Act and in the strengthening of the administration as will discourage and prevent these illegal practices, which are having such a serious effect on the business of legitimate manufacturers and traders.

This Association further desires to put on record its opinion that the only satisfactory method by which this illegal traffic can be lessened and prevented is such changes in the Customs Act as will increase the penalties against those convicted of smuggling or under-valuation, and that, in the case of wholesale smuggling of merchandise for resale, the penalty should be a sentence to jail without the option of a fine.

This Association desires to go on record as expressing appreciation of such action as has already been taken by the Federal Government to lessen this evil, and endorses the suggestion made to the Government by the Commercial Protective Association for further action in reference to amendments to the Customs Act and strengthening of the preventive service.

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C 97737

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COMMERCIAL PROTECTIVE ASSOCIATION

Ottawa Toronto Montreal

Box 645
Ottawa, Canada

Ottawa, March 20, 1925

Rt. Hon. W. L. Mackenzie King,
Prime Minister of Canada,
Ottawa, Ont.

Dear Sir:

Re: J. E. A. Bisaillon

In reference to my conversation with you on Monday last my understanding was:

That, if this Association or any individual was prepared to make definite charges against the above Customs Officer, you would appoint a Royal Commission to investigate such charges.

My further understanding was that lacking such definite charges no action would be taken.

Before making any decision in this regard, I would respectfully call your attention to the fact that there are six or seven other officers of the Customs Department whom we have reasons for believing are trafficking with smugglers and in reference to whose illegal operations we are able to furnish some evidence. Are we to understand that, in each of these cases and in such other instances as may come to our attention, it will be necessary for us to apply for Royal Commissions in each separate case, and to appear with proof of illegal acts committed by those under suspicion?

Might we point out that much of the information which we have obtained in reference to these men has been obtained

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in confidence, and if those who have furnished the information are compelled to appear publicly, their usefulness in assisting the Department in the prevention of this traffic is done. No action would more successfully destroy the effectiveness of this organization than the necessity of appearing before a Royal Commission in this case.

In reference to the case of Bisaillon, there are certain facts, some of which are set out below, which form a part of the public records and, which, if they are not already known to the Minister of Customs and Excise, confirmation of them can easily be obtained. In our opinion these facts of themselves furnish sufficient evidence to warrant the immediate dismissal of Bisaillon.

(1) The case of Rex vs. Lortier. This was a case in which the Department of Health took action in reference to the smuggling of a large quantity of narcotics and in which Bisaillon appeared as a witness. We believe the Court records will show that the presiding Judge expressed his opinion from the Bench to the effect that Bisaillon had deliberately committed perjury and had concealed facts within his knowledge, thereby weakening the case of the Crown. We submit that the facts in this case would alone justify his dismissal from the public service.

(2) In the case of the arrest of certain parties in connection with the seizure of the "Tremblay Barge", the preliminary hearing in connection with which was recently held in the Courts of Quebec before Judge Choquette, evidence was given under oath to the effect that Bisaillon had made deposits in certain banks in Montreal of about $69,000.00. When confronted with this fact Bisaillon stated, under oath, that the monies so deposited were the property of the Receiver General of Canada, which he had deposited in his own name. When asked by the Crown Counsel for

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evidence of the fact that he had remitted these amounts to the Receiver General, he was unable to furnish this. We have reason to believe that a thorough inquiry into the matter of these deposits would be of interest. We submit that in depositing these amounts to his own personal credit he was acting in direct contravention of the law, and that his action in doing so is in itself sufficient cause for his immediate dismissal.

(3) In connection with the above case, it was further substantiated, under oath, that when the "Tremblay Barge" had been seized by Provincial officers, there were on board two persons who had been placed under arrest. Evidence was given under oath to the effect that when these prisoners were handed over to Bisaillon he stated that he would deal with them from a Federal standpoint. These two men were allowed to escape. We submit that, in allowing these two men to escape, he betrayed his trust as a public officer, and his action in this regard would in itself justify his immediate dismissal.

(4) It is already known to officers of the Department of Customs and Excise that Bisaillon is a registered owner of certain property adjoining the border between Canada and the United States, and that he is also the owner of property in the United States adjoining his Canadian property. There are certain buildings on these properties which are known by the police to be frequented by smugglers. We submit that the mere fact that this man is the owner of these properties arouses a suspicion which in itself would justify his dismissal.

(5) We have reasons to believe that many reports have been made by the Royal Canadian Mounted Police as to improper

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conduct by Bisaillon in dealings with smugglers and other offenders against the law. These reports are no doubt at your disposal, and we would submit that, before asking private individuals to appear as public prosecutors, you should have these reports before you.

The above facts, all of which can be verified from public documents, would appear to us to justify the Government taking action of their own motion.

When this Association was organized to assist the Department, it was understood that information which we were able to furnish would be treated as confidential. It was not at any time suggested that it would be necessary for us to appear before courts or Royal Commissions in bringing either smugglers or corrupt Customs officers before courts constituted to deal with such offences. We are unable to find any precedent for the Government asking private individuals to institute proceedings against suspected officers of the Crown.

We would respectfully submit that the facts as above set out, together with information conveyed to you in a confidential memorandum, are sufficient of themselves to call for this man's dismissal, and, over and above all this, is the fact that this man has lost the confidence of the business community of Montreal and, as a consequence, his usefulness is at an end.

If, after reading the above, the Government are still of the opinion that it is our duty as citizens to lay charges against public officers suspected of improper conduct, and if you will so advise me, I will put the matter before the Executive Committee of this Association for their decision.

Yours respectfully,

(Sgd.) R. P. Sparks

Chairman, Executive Committee.

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COMMERCIAL PROTECTIVE ASSOCIATION

OTTAWA, CANADA

Ottawa, April 8, 1925.

Rt. Hon. W. L. Mackenzie King,
Prime Minister of Canada,
Ottawa.

Dear Sir:

I beg to enclose herewith a memorandum covering proposed amendments to the Customs Act, as recently discussed with you.

These suggested amendments have been submitted to the officers of the Department, and, while they do not feel it their duty to express an opinion as to their desirability, they do state that they present no administrative difficulties. The object of nearly all of these amendments is to increase the penalties against those proven guilty of infractions of the Customs Act.

Attached to each suggested amendment is a note giving briefly the reasons for each change. If given opportunity, I would be very glad to present a more extended explanation to the committee of the Cabinet dealing with this matter.

The principal amendment is that to Section 206, which we propose should make smuggling of goods to a value of over $100.00 an indictable offence punishable by a jail sentence without the option of a fine. Most of the other amendments are simply bringing other clauses of the Act into conformity with this proposal. Several other amendments deal with offences for which the Act provides that persons committing such offences "shall incur a penalty". No provision, however, is made for the collection of this penalty except a suit in a civil court. We propose that certain of these offences shall be made indictable and penalties provided for in the Act.

While these suggested amendments may appear drastic, I would like to point out that legislators have never before been called upon to deal with such a situation. The condition exhibited by the United States, a nation with about sixteen thousand miles of border or coast line, along practically all of which smugglers (commonly called bootleggers) by the hundreds of thousands are endeavouring to evade the laws of the country, creates a situation entirely unprecedented in the history of the world. Smuggling on this continent has become a huge industry. Along the international border between Canada and the United States thousands of men are making their living by illicit trade. The step between smuggling from Canada into the United States and from the United States into Canada is a short one, and a large part of the smuggling of commodities into Canada is directly due to the fact that smuggling has become a profession in which there are many adepts.

After months of investigation by trained investigators we have no hesitation in saying that this traffic constitutes a national problem of the very first importance. Our investigations have proved to our complete satisfaction that the only successful way in which this traffic can be discouraged is by the imposition of the most severe penalties. Along a border of nearly four

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thousand miles the physical act of bringing goods from the United States into Canada will never be difficult. Today it is neither difficult nor dangerous, owing to the insufficiency of the penalties. We believe that no legislation will add much to the difficulties, but the legislation which we propose certainly will make it dangerous for those who are caught.

We believe there are certain matters of administration in the matter of enforcement which could be greatly improved. However, until the Act is amended along the lines suggested, the departmental officials, no matter how efficient, will be unable to cope with the situation.

I might say that I have discussed the probability of some legislation being brought down later in the session to deal with this problem with the Hon. Mr. Meighen and Mr. Robert Forke. They both took what we believe to be the proper view that this is not a political matter, and expressed the opinion that they would be prepared to support legislation the purpose of which was to prevent this traffic.

If, after consideration, your Government decides to accept the suggestions here put forward, or in any other way proposes to strengthen the Customs Act, I can assure you on behalf of the whole business community that we will leave no stone unturned to assist the Government in getting such legislation through Parliament.

Yours respectfully,

(Sgd) R. P. Sparks

Chairman, Executive Committee.

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Proposed New Section 154A.

In view of the present day methods of smugglers and the necessity for prompt action at all hours of the day or night it is recommended that Customs officers and peace officers be provided with power to arrest smugglers and other persons committing infractions of the Customs Law without the necessity of first obtaining a warrant.

Under the present Law officers may detain and seize any goods which they suspect to have been smuggled but it appears they have no authority to arrest the offender without first securing a warrant. If an officer, on detecting some person or persons in the act of smuggling goods into Canada or encountering persons whom he knew had smuggled goods into Canada, was obliged to first go and secure a warrant before he could arrest such persons there are many occasions when he would not be able to make the arrest. Therefore, in order that officers charged with the prevention of smuggling may be given better facilities to cope with the evil, we recommend that they be given power to arrest offenders without warrant.

A further reason which makes an arrest desirable is that when a smuggler is arrested his person may be searched and very frequently important evidence is obtained in this way. If a seizure only is made the offender has time to remove any documents or other evidence which he may have on his person.

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PRESENT.

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PROPOSED.

New Section to be numbered 154A, and providing for arrest without warrant of offenders against Customs laws.

154A. Any Customs Officer or any peace officer may arrest, without warrant, anyone found committing or who has committed any offence mentioned in the Customs law.

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Proposed Amendment to Section 175 and Proposed New Section 182A.

With some few exceptions the practice has been to dispose of all seizures departmentally under the provisions of sections 174 to 180. Under this practice the only persons with knowledge of the facts are the Departmental officials and the party alleged to have committed an infraction of the law.

While not recommending any change in the present method in so far as regards petty infractions, other than to give the Department the right to take court proceedings, in such cases where it is deemed advisable to do so, we do recommend that all major cases of fraud against the Customs revenue - where the value of the goods is $100 or over, should be dealt with by the courts.

We believe that the substitution of court proceedings for the present method of dealing with such cases departmentally, will prove of great advantage both in the suppression of smuggling and in serving as a warning to others.

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175. The Commissioner may thereupon notify the owner ~~of~~ or the claimant of the thing seized or detained, or his agent, or the person alleged to have incurred the penalty or forfeiture, or his agent, ~~of~~ the reasons for the seizure, detention, penalty or forfeiture, and call upon him to furnish, within thirty days from the date of notice, such evidence in the matter as he desires to furnish.

2. Such evidence may be by affidavit or affirmation, made before any Justice of the Peace, Collector of Customs, Commissioner for taking affidavits in any Court, or Notary Public.

PROPOSED

175. The Commissioner may thereupon notify the owner or claimant of the things seized or detained, or his agent, or the person alleged to have incurred the penalty or forfeiture, or his agent, of the reason for the seizure, detention, penalty or forfeiture, where the value of the goods seized or detained is under $100.00 or where the value of the goods in respect of which there has been an alleged infraction of the Customs law is under $100.00, and call upon him to furnish within thirty days from the date of the notice, such evidence in the matter as he desires to furnish.

1a. ~~On~~ or the Commissioner may direct that an information be laid against the person alleged to have committed an offence against the Customs laws.

2. Where any person or persons is called upon to furnish evidence, such evidence may be by affidavit or affirmation, made before any Justice of the Peace, Collector of Customs, Commissioner for taking affidavits in any Court, or Notary Public.

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PRESENT

175. The Commissioner may thereupon notify the owner ~~of~~ or the claimant of the thing seized or detained, or his agent, or the person alleged to have incurred the penalty or forfeiture, or his agent, ~~of~~ the reasons for the seizure, detention, penalty or forfeiture, and call upon him to furnish, within thirty days from the date of notice, such evidence in the matter as he desires to furnish.

2. Such evidence may be by affidavit or affirmation, made before any Justice of the Peace, Collector of Customs, Commissioner for taking affidavits in any Court, or Notary Public.

PROPOSED

175. The Commissioner may thereupon notify the owner or claimant of the things seized or detained, or his agent, or the person alleged to have incurred the penalty or forfeiture, or his agent, of the reason for the seizure, detention, penalty or forfeiture, where the value of the goods seized or detained is under $100.00 or where the value of the goods in respect of which there has been an alleged infraction of the Customs law is under $100.00, and call upon him to furnish within thirty days from the date of the notice, such evidence in the matter as he desires to furnish.

1a. ~~On~~ or the Commissioner may direct that an information be laid against the person alleged to have committed an offence against the Customs laws.

2. Where any person or persons is called upon to furnish evidence, such evidence may be by affidavit or affirmation, made before any Justice of the Peace, Collector of Customs, Commissioner for taking affidavits in any Court, or Notary Public.

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PRESENT

PROPOSED

Proposed new Section to be numbered 182A.

182A. When the value of the goods seized is $100 or over, or when the value of the goods in respect of which there has been an alleged infraction of the Customs law, is $100 or over, if the Commissioner is satisfied that there was an intent to defraud the revenue, he shall direct that an information be laid against the person or persons alleged to have committed an offence against the Customs laws.

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Proposed Amendment to Section 187

In addition to the penalty now prescribed under this section we recommend an amendment to provide for an additional penalty and punishment on summary conviction where the value of the goods is under $100; and where the value of the goods is $100 or over we recommend that the offence be made an indictable one - carrying with it both a fine and a term of imprisonment if the offender is convicted.

Under the section as it now stands the penalty, unless paid voluntarily, can only be recovered by an action in the courts.

The provisions for proceeding summarily and by indictment will provide the Department with an effective weapon for dealing with infractions under this section - effective both in dealing with offenders and as a deterrent to others.

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PRESENT

187. If any goods,-

(a) are imported into Canada at any other place than at some port or place of entry at which a Custom-house is then lawfully established; or,

(b) being brought by land or inland navigation into a port or place of entry where a Custom house is so established, ~~and~~ are carried past such Custom-house, or removed from the place appointed for the examination of such goods by the collector or other proper officer at such port or place before the same have been examined by the proper officer, and all duties thereon paid and a permit given accordingly;

such goods shall be seized and forfeited, and every person concerned in such unlawful importation or removal shall incur a penalty equal to the value of such goods.

PROPOSED

187. Paragraphs (a) and (b) remain unchanged.

such goods shall be seized and forfeited and every person concerned in such unlawful importation or removal shall incur a penalty equal to the value of such goods and shall, -

(a) If the value of the articles is under $100.00 be further liable on summary conviction before two Justices of the Peace to a penalty not exceeding ~~two~~ five hundred dollars and not less than two hundred dollars, or to imprisonment for a term not exceeding one year and not less than one month, or to both fine and imprisonment, and shall, -

(b) If the value of the goods is $100 or over, be guilty of an indictable offence and liable on conviction to a fine of not less than $500 and to imprisonment with hard labour, for a term not exceeding five years and not less than six months.

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Proposed Amendment to Sections 192, 193 and 195

We recommend that these sections be amended so as to provide for additional penalties on summary conviction where the value of the goods is under $100.00, increasing the maximum from $200 to $500 and the minimum from $50.00 to $200, and by providing that where the value is $100.00 or over the offence be made an indictable one, carrying with it a term of imprisonment if the offender is convicted in addition to a fine of $500.00.

As stated in dealing with the proposed amendment to Section 187, the proposed amendment will provide the Department with a more effective weapon in dealing with unlawful importations.

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C 97751

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PRESENT

192. If any goods are imported into Canada in any vehicle other than a railway carriage, or upon the person, betwen sunset and sunrise or any day or at any time on a Sunday or a statutary holiday, except under a written permit from a Collector of Customs, and under the supervision of an officer, such goods and the vehicle in which the same are imported, together with the fittings, furnishings, and appurtenances, and the animals and harness or tackle pertaining thereto shall be forfeited, and may be seized and dealt with accordingly.

2. If the articles so forfeited or any of them are not found, the owner at the time of importation, and the importer, and every other person who has been in any way connected with an unlawful importation of such articles, shall forfeit a sum equal to the value of the articles, and shall be further liable on summary conviction before two Justices of the Peace, to a penalty not exceeding two hundred dollars and not less than fifty dollars, or to imprisonment for a term not exceeding one year and not less than one month, orto both.

PROPOSED

192. Subsection 1 remains unchanged.

2. If the articles so forfeited or any of them are not found, the owner at the time of importation, and the importer, and every other person who has been in any way connected with the unlawful importation of such articles shall forfeit a sum equal to the value of the articles; and shall,

(a) If the value of the goods is under $100 be further liable on summary conviction before two Justices of the Peace to a penalty not exceeding five hundred dollars and not less than two hundred dollars or to imprisonment for a term not exceeding one year and not less than one month, or to both fine and imprisonment, and shall

(b) If the value of the goods is $100.00 or over, be guilty of an indictable offence and liable on conviction to a fine of $500.00 and to imprisonment with hard labour, for a term not exceeding five years and not less than six months.

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PRESENT

193. (a)Any vehicle containing goods, other than a railway carriage, arriving by land at any place in Canada, whether any duty is payable on such goods or not, and,

(b)Any such vehicle on arriving, if the vehicle or its fittings, furnishings, or appurtenances, or the animals drawing the same, or their harness or tackle, is or are liable to duty; and,

(b)Any goods brought into Canada in the charge or custody of any person arriving in Canada on foot or otherwise;

shall be forfeited and may be seized and dealt with accordingly, if before unlading or in any manner disposing of any such vehicle or goods, the person in charge thereof does not,-

(a) come to the Custom-house nearest to the point at which he crossed the frontier line, or to the station of the officer nearest to such point, if such station is nearer thereto than any Custom-house, and there make a report in writing to the collector or proper officer of Customs, stating the contents of each and every package and parcel of such goods and the quantities and values of the same; and,

(b) then truly answer all such questions respecting such goods and packages, and the vehicle, fittings, furnishings and appurtenances appertaining thereto, as the said collector or proper officer of the Customs requires of him, and,

(c) then and there make due entry of the same in accordance with the law in that behalf.

2. If the articles so forfeited or any of them are not found, the owner at the time of importation and the importer, and every other person who has been in any way connected with the unlawful importation of such articles shall forfeit a sum equal to the value of the articles and shall be further liable on summary conviction before two Justices of the Peace, to a penalty not exceeding two hundred dollars and not less than fifty dollars, or to, imprisonment for a term not exceeding one year and not less than one month, or to both.

PROPOSED

Subsection (1) remains unchanged.

2. If the articles so forfeited or any of them are not found, the owner at the time of importation and the importer, and every other person who has been in any way connected with the unlawful importation of such articles shall forfeit a sum equal to the value of the articles and shall,-

(a) If the value of the goods is under $100.00 be further liable on summary conviction before two Justices of the Peace to a penalty not exceeding five hundred dollars and not less than two hundred dollars, or to imprisonment for a term not exceeding one year and not less than one month, or to both fine and imprisonment; and shall,-

(b) If the value of the goods is $100.00 or over, be guilty of an indictable offence and liable on conviction to a fine of $500.00 and to imprisonment with hard labour for a term not exceeding five years and not less than six months.

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P R E S E N T

195. If any goods are unlawfully imported on any railway, they shall be seized and forfeited, and the car in which such goods were so imported shall be seized and detached from the train and forfeited.

2. Every conductor, baggage-master, or officer or servant employed on any railway, and every officer or servant employed by any express company who is privy to or aids or abets in such unlawful importation, shall, upon summary conviction, be liable to a penalty not exceeding two hundred dollars, and not less than fifty dollars, or to imprisonment for a term not exceeding twelve months and not less than three months, or both.

P R O P O S E D

195. Subsection 1 remains unchanged.

2. Every conductor, baggage-master, or officer or servant employed on any railway, and every officer or servant employed by any express company, who is privy to or aids or abets in such unlawful importation, shall forfeit a sum equal to the value of the articles; and shall,-

(a) If the value of the goods is under $100.00 be further liable on summary conviction before two Justices of the Peace to a penalty not exceeding five hundred dollars and not less than two hundred dollars, or to imprisonment for a term not exceeding one year and not less than one month, or to both fine and imprisonment, and shall,-

(b) If the value of the goods is $100.00 or over, be guilty of an indictable offence and ~~xx imprisonment with hard labour, for~~ liable on conviction to a fine of $500.00 and to imprisonment with hard labour, for a term not exceeding five years and not less than six months.

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PROPOSED AMENDMENT TO SECTION 197

We recommend that the offence of "procuring," covered by this section, be made ~~in~~ an indictable offence punishable by imprisonment in addition to the penalty of $100.00 which the section as it now stands provides for. Moreover, under the section as it stands, the Department would have to enter suit to recover the penalty.

Many of the larger operators or smugglers take no part in the actual smuggling but engage others to bring goods into Canada unlawfully.

These people do not think anything of a penalty of $100.00 which must be sued for. But if the offence were made indictable, one or two convictions would have a most salutory effect.

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P R E S E N T

197. Every person who, by any means, procures, hires or induces any person or persons to be concerned in the landing, unshipping, carrying or conveying of any goods, the importation of which is prohibited, or for the landing of which permission has not been granted by the Collector or other proper officer of Customs, shall, for every person so procured, hired or induced, incur a penalty of one hundred dollars.

P R O PO S E D

197. Every person, who, by any means, procures, hires or induces any person or persons to be concerned in the landing, unshipping, carrying or conveying of any goods the importation of which is prohibited, or for the landing of which permission has not been granted by the collector or other proper officer of Customs, shall be guilty of an indictable offence and liable on conviction to a fine of one hundred dollars for every person so procured,hired or induced and to imprisonment with hard labour, for a term not exceeding five years, and not less than six months.

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PROPOSED AMENDMENT TO SECTION 206.

We recommend that the present grouping of offences in s.s 1 Pars (a), (b) & (c) be changed, and that the offence specified in par (b) owing to its serious nature be dealt with in a separate subsection, and be made indictable in all cases.

As amended any person who commits an offence under present par. (a) or (c) - par (a) and (b) under the amendment proposed - would be liable on summary conviction to a fine or imprisonment, or both, where the value of the goods is under $100.00, and we propose that the maximum fine be increased from $200 to $500 and that the minimum fine be increased from $50.00 to $200, and where the value of the goods is $100.00 or over, the offence would be made indictable, carrying on conviction, both a fine and imprisonment.

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PRESENT

206. If any person,

(a) smuggles or clandestinely introduces into Canada any goods subject to duty; or

(b) makes out or psses or attempts to pass through the Custom-house, any false, forged or fraudulent invoice, of any goods; or

(c) in any way attempts to defraud the revenue by evading the payment of the duty or any part of the duty on any goods;

such goods, if found, may be seized and forfeited, or, if not found, but the value thereof has been ascertained, the person so offending shall forfeit the value thereof as so ascertained.

2. Every such person shall, in addition to any other penalty to which he is subject for any such offence,-

(a) forfeit a sum equal to the value of such goods, which sum may be recovered in any court of competent jurisdiction; and,

(b) further be liable on summary conviction before two justices of the Peace to a penalty not exceeding two hundred dollars and not less than fifty dollars, or to imprisonment for a term not exceeding one year and not less than one month, or to both fine and imprisonment.

PROPOSED

206. Any person who,-

(a) smuggles or clandestinely introduces into Canada any goods subject to duty; or,

(b) in any way attempts to defraud the revenue by evading the payment of the duty or any part of the duty on any goods;

shall, if the value of the goods is under $100.00 be liable on summary conviction before two Justices of the Peace, to a penalty not exceeding five hundred dollars and not less than two hundred dollars, or to imprisonment for a term not exceeding one year and not less than one month; or to both fine and imprisonment; and if the value of the

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goods is $100.00 or over, shall be guilty of an indictable offence and liable on conviction to a fine of $500.00 and to imprisonment, with hard labour, for a term not exceeding five years and not less than six months.

2. Any person who makes out or passes or attempts to pass through the Custom-house, any false, forged or fraudulent invoice, of any goods, shall be guilty of an indictable offence and liable on conviction to a fine of five hundred dollars and to imprisonment, with hard labour, for a term not exceeding five years and not less than six months.

3. Such goods, if found, shall be seized and forfeited, or, if not found, but the value thereof has been ascertained, the person so offending shall forfeit, the value thereof as so ascertained, and every such person shall, in addition to any other penalty to which he is subject for any such offence, forfeit a sum equal to the value of such goods, which sum may be recovered in any court of competent jurisdiction.

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C 97759

(COPY)

PROPOSED AMENDMENT TO SECTION 207

The only change proposed in this section is to fix the minimum term of imprisonment to be imposed and to delete the words "in the discretion of the court."

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C 97759

(COPY)

PRESENT

207. Any person who, without lawful excuse, the proof of which shall be on the person accused, sends or brings into Canada, or who, being in Canada, has in his possession any bill-heading, or other paper appearing to be a heading or blank, capable of being filled up or used as an invoice, and bearing any certificate purporting to show, or which may be used to show, that the invoice which may be made from such bill-heading or blank is correct or authentic, is guilty of an indictable offence, and liable to a penalty of five hundred dollars, and to imprisonment for a term not exceeding twelve months, in the discretion of the court.

PROPOSED

207. Any person who, without lawful excuse, the proof of which shall be on the person accused, sends or brings into Canada, or who, being in Canada, has in his possession any bill-heading or other paper appearing to be a heading or blank capable of being filled up and used as an invoice, and bearing any certificate purporting to show, or which may be used to show, that the invoice which may be made from such bill-heading or blank is correct or authentic, is guilty of an indictable offence, and liable to a penalty of five hundred dollars and to imprisonment for a term not exceeding twelve months, and not less than one month.

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C 97759
[redacted]

(COPY)

P R E S E N T

207. Any person who, without lawful excuse, the proof of which shall be on the person accused, sends or brings into Canada, or who, being in Canada, has in his possession any bill-heading, or other paper appearing to be a heading or blank, capable of being filled up or used as an invoice, and bearing any certificate purporting to show, or which may be used to show, that the invoice which may be made from such bill-heading or blank is correct or authentic, is guilty of an indictable offence, and liable to a penalty of five hundred dollars, and to imprisonment for a term not exceeding twelve months, in the discretion of the court.

P R O P O S E D

207. Any person who, without lawful excuse, the proof of which shall be on the person accused, sends or brings into Canada, or who, being in Canada, has in his possession any bill-heading or other paper appearing to be a heading or blank capable of being filled up and used as an invoice, and bearing any certificate purporting to show, or which may be used to show, that the invoice which may be made from such bill-heading or blank is correct or authentic, is guilty of an indictable offence, and liable to a penalty of five hundred dollars and to imprisonment for a term not exceeding twelve months, and not less than one month.

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£ 97760

(COPY)

PROPOSED AMENDMENT TO SECTION 212

This section deals with smuggling by means of what are known as "line stores" - buildings which stand partly in the United States and partly in Canada. In addition to the monetary penalty now provided for we suggest that a term of imprisonment should be added.

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L. 97761

PRESENT.

212. If, within the limits of Canada, any person deposits, places or carries, or causes to be deposited, placed or carried in, through or into any building upon the boundary line between Canada and any foreign country, or the premises connected therewith, any dutiable goods without payment of duty, or contrary to the provisions of this Act or of any customs laws or regulations, such person shall incur a penalty not exceeding one thousand dollars, and not less than two hundred dollars.

PROPOSED.

212. If, within the limits of Canada, any person deposits, places or carries, or causes to be deposited, placed or carried in, through or into any building upon the boundary line between Canada and any foreign country, or the premises connected therewith, any dutiable goods without payment of duty, or contrary to the provisions of this Act or of any Customs laws or regulations, such person shall be guilty of an indictable offence and liable on conviction to a penalty of not more than one thousand dollars and not less than two hundred dollars, and to imprisonment for a term not exceeding twelve months and not less than one month.

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Proposed Amendment to Section 216.

The present section provides for a penalty of $100.00 in respect of any person on board a vessel on which goods have been unlawfully brought into Canada and who has been a party to such unlawful importation. The penalty can only be recovered by entering a suit in the courts.

Under the proposed amendment such a person would be liable on summary conviction to a penalty of from $50.00 to $200.00 or to imprisonment for a term of from one month to one year, or to both fine and imprisonment.

Under the proposed amendment the Department would have a more expeditious and less expensive method of punishing persons engaged in smuggling goods into Canada by vessel.

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PRESENT.

216. Every person who is proved to have been on board any vessel or boat liable to forfeiture for having been found within ~~in~~ on one league of the coasts or shores of Canada, having on board or attached thereto, or conveying or having conveyed anything subjecting such vessel or boat to forfeiture, or who is proved to have been on board any vessel or boat from which any part of the cargo has been thrown overboard or destroyed, or in which any goods have been unlawfully brought into Canada, shall, if he has been knowingly concerned in any of such acts, incur a penalty of one hundred dollars.

PROPOSED.

216. Every person which is proved to have been on board any vessel or boat liable to forfeiture for having been found within one league of the coasts or shores of Canada, having on board or attached thereto, or conveying or having conveyed anything subjecting such vessel or boat to forfeiture, or who is proved to have been on board any vessel or boat from which any part of the cargo has been thrown overboard or destroyed, or in which any goods have been unlawfully brought into Canada shall, if he has been knowingly concerned in any of such acts, be liable on summary conviction before two Justices of the Peace, to a penalty not exceeding two hundred dollars and not less than fifty dollars, or to imprisonment for a term not exceeding one year and not less than one month or to both fine and imprisonment.

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C 97764

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Proposed Amendment to Section 217.

Under the present section anyone obstructing an officer is liable to a penalty of $100.00 which amount could only be recovered by entering suit against the offender.

This is a serious offence and we recommend that it should be made an indictable offence carrying with it both the penalty of $100.00 and a term of imprisonment of from one month to twelve months.

- - - - - - -

PRESENT

217. Everyone who obstructs or offers resistance to any search of the person, authorized to be made by this Act, or assists in so doing, shall incur a penalty of one hundred dollars.

PROPOSED

217 Every person who obstructs or offers resistance to any search of the person authorized tobe made by this Act, or assists in so doing, shall be guilty of an indictable offence and liable on conviction to a penalty of one hundred dollars and to imprisonment for a term not exceeding twelve months and not less than one month.

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C 97765

C O P Y

Proposed Amendment to Section 219.

This section is an important section providing, as it does, that it shall be an offence to knowingly deal in any way with goods which have been unlawfully imported, and in our opinion should be strengthened by increasing the amount of the penalty on summary conviction and by providing that where the value of the goods is $100 or over, the offence shall be an indictable offence and punishable by both fine and imprisonment.

If merchants who handle smuggled goods but who do not themselves participate in the actual smuggling, know that imprisonment awaits them in case they are found out, they will not be so likely to engage in the business of handling goods unlawfully imported into Canada. Anything which tends to discourage firms from dealing in smuggled goods will likewise tend to discourage smuggling.

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P R E S E N T.

219. If any person knowingly harbors, keeps, conceals purchases, sells or exchanges any goods unlawfully imported into Canada, whether such goods are dutiable or not, or whereon the duties lawfully payable have not been paid, such goods, if found, shall be forfeited, and may be seized, and, if such goods are not found, the person so offending shall forfeit the value thereof.

2. Every such person shall, in addition to any other penalty forfeit a sum equal to the value of such goods which may be recovered in any court of competent jurisdiction, and ~~shall~~ further be liable, on summary conviction before two Justices of the Peace, to a penalty not exceeding two hundred dollars and not less than fifty dollars, or to imprisonment for a term not exceeding one year and not less than one month, or to both fine and imprisonment.

P R O P O S E D.

No. 219 No change in Subsection 1.

2. Every such person shall, in addition to any other penalty forfeit a sum equal to the value of such goods, which may be recovered in any court of competent jurisdiction, and

(a) Where the value of such goods is under $100.00 every such person shall further be liable, on summary conviction before two Justices of the Peace, to a penalty not exceeding five hundred dollars and not less than two hundred dollars or to imprisonment for a term not exceeding one year and not less than one month, or to both fine and imprisonment, and

(b) Where the value of such goods is $100.00 or over, every such person shall be guilty of an indictable offence, and liable on conviction to a fine of $500.00 and imprisonment, with hard labour, for a term not exceeding five years and not less than six months.

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C. 97767

COPY

Proposed new Section 220A.

The Criminal Code provides, in section 117, that any person found carrying offensive weapons while in possession of goods liable to seizure is guilty of an indictable offence and liable to imprisonment for a term not exceeding ten years.

It seems to us important that this section should be incorporated in the Customs Act. Officers engaged in the enforcement of the Customs Law are not usually familiar with the provisions of the Criminal Code and while any offender can be proceeded against under section 117 of the Code, it is, in our opinion, desirable that this section should also form part of the Customs Act. We suggest that there should be a minimum term of imprisonment of six months in order to prevent any possibility of a person convicted under this section being given a term of a few days.

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PRESENT.

PROPOSED.

New Section 220A -- taken from section 117 of the Criminal Code.

220A. Everyone who, while carrying offensive weapons, is found with any goods liable to seizure or forfeiture under this Act or any law relating to the Customs, is guilty of an indictable offence and liable to imprisonment for a term not exceeding ten years and not less than six months.

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C O P Y

Proposed Amendment to Section 255.

Under the present section any person refuses to answer questions put to him by an officer is liable to a penalty of $400.00. This section is of very ~~great~~ great advantage in enabling officers to secure information from persons detected in the act of smuggling or persons who are known to be implicated and to have knowledge of the facts, but its effectiveness is somewhat minimized by the fact that the penalty can only be collected by an action taken in the courts.

In order to place more effective weapons in the hands of officers who are endeavouring to stamp out smuggling, it is recommended that any person who refuses to answer shall be liable on summary conviction to a fine of $400 and to imprisonment of from ten days to thirty days. Customs officers would find it much easier to secure information when the person being questioned knew that his refusal to answer or that evasive answers may lead to a term of imprisonment and a heavy fine.

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P R E S E N T.

255. Any person required by this Act, or by any other law, to answer questions put to him by any officer of the Customs, who refuses to answer or does not truly answer such questions, shall, in addition to any other penalty or punishment to which he is liable, incur a penalty of four hundred dollars.

P R O P O S E D.

255. Any person required by this Act or by any other law to answer questions put to him by any officer of the Customs, who refuses to answer, or does not truly answer such questions, shall, in addition to any other penalty or punishment to which he is liable, be liable on summary conviction before two Justices of the Peace, to a penalty of four hundred dollars, and to imprisonment for a term of not more than thirty days and not less than ten days.

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C 97771

Proposed Amendment to Section 272.

Under the Food and Drugs Act, where there is judgment in favor of the Crown, the Crown has the right to ask that an amount be included in the costs for counsel fee. This would appear to be a very proper provision and it is recommended that there should be a similar provision in the Customs Act. It would materially reduce the cost of administering the Act.

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PRESENT.

272. In every prosecution, information, suit or proceeding brought under this Act for any penalty, or to declare or enforce any forfeiture or upon any bond given under it, or in any matter relating to the Customs or to trade or navigation, His Majesty, or those who sue for such penalty or forfeiture, or upon such bond, shall, if they recover the same, be entitled to recover full costs of suit.

2. All such penalties, and costs, if not paid, may be levied on the goods and chattels, lands and tenements of the defendant, in the same manner as sums recovered by judgment of the court in which the prosecution is brought may be levied by execution; or payment thereof may be enforced by capias ad satisfaciendum against the person of the defendant under the same conditions and in like manner.

PROPOSED.

Sub-section I remains unchanged.

2. The costs of suit shall include a reasonable counsel fee, in the discretion of the magistrate.

3. The present subsection 2 will become subsection 3.

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C 97773

Proposed new Section 284A.

Experience shows that in many cases the ends of justice have been defeated through appeals being taken from convictions under this and other Acts. The Government found it necessary in dealing with opium and other narcotics to take away the right of appeal, and it is recommended that the right of appeal should be taken away in cases where a person is charged with having smuggled goods into Canada.

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PRESENT.

. . . . . .

PROPOSED.

284A. New Section.

284A. Notwithstanding anything contained in the Criminal Code or in this Act, no appeal shall lie from any conviction, judgment, order or proceedings under this Act in respect of the offence of smuggling.

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C 97775

P R E S E N T.

Section 1053 of the Criminal Code provides that on a second conviction for an indictable offence, the punishment shall be ten years imprisonment.

P R O P O S E D.

New Section 285A - based on section 1053 of the Criminal Code.

285A. Everyone who is convicted of an indictable offence for any infraction of the Customs Act, committed after a previous conviction for an indictable offence, is liable to imprisonment for ten years.

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C 97776

Copy

Ottawa, 16th April, 1925

R. P. Sparks, Esq.,
Chairman, Executive Committee,
Commercial Protective Association,
P.O. Box 645,
O t t a w a.

Dear Sir:

I am, by direction of the Right Honourable the Prime Minister, to acknowledge the receipt of your letter of the 20th ultimo, with reference to Mr. J. E. A. Bisaillon, and to say that the same will receive all due consideration.

Yours sincerely,

(Sgd.) E. J. Lemaire

Clerk of the Privy Council.

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C 97777

COPY

Ottawa, 16th April, 1925.

R. P. Sparks, Esq.,
Chairman, Executive Committee,
Commercial Protective Association,
P.O. Box 645,
O t t a w a .

Dear Sir:

I am directed ~~by~~ on behalf of the Right Honourable the Prime Minister, to acknowledge the receipt of your letter of the 8th instant, enclosing a memorandum covering proposed amendments to the Customs Act, and to say that the matter therein referred to is now receiving the attention of the Cabinet.

Yours sincerely,

E. J. Lemaire,
Clerk of the Privy Council.

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C 97778

COPY

Ottawa, 17th April 1925

R. R. Farrow, Esq.,
Deputy Minister of Customs,
O t t a w a .

Dear Mr. Farrow:

I am directed by the Right Honourable the Prime Minister to forward you the enclosed communication which he has received from Mr. R. P. Sparks, Chairman of the Executive Committee of the Commercial Protective Association, and to which is attached a memorandum covering certain proposed amendments to the Customs Act.

It is the desire of the Prime Minister that you should go carefully into this matter at the earliest moment and forward it with any comment which you may deem necessary to the Honourable the Minister of Justice by whose Department, as agreed by Council the necessary legislation will be drafted.

Yours sincerely,

E.J.Lemaire,
Clerk of the Privy Council.

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C 97779

COPY

COMMERCIAL PROTECTIVE ASSOCIATION

OTTAWA, CANADA.

Ottawa, May 6, 1925.

Rt. Hon. W. L. Mackenzie King,
Prime Minister of Canada,
Ottawa, Ont.

Dear Sir:

On April 8th I sent you a memorandum of suggested changes in the Customs Act, based on the experience of this organization in studying this problem.

If the Government propose to bring down legislation embodying changes such as suggested, we would be glad to organize support for this legislation. We are in close touch with commercial organizations throughout Canada, and could obtain resolutions and letters urging the Government to enact such legislation from boards of trade and wholesale and retail associations in various branches of trade and industry. If you desire such support I would be glad to have advice by return, in order that we may take the matter up with the various organizations interested.

A number of things have happened within the past few weeks which have demonstrated beyond a doubt the need of some such legislation. If you, or the committee of the Cabinet dealing with this matter, wish to hear a report as to the general facts which have come to our knowledge in reference to Customs administration we would be glad to present these at any time which would suit your convenience.

Yours truly,

(Sgd) R. P. Sparks

Chairman, Executive Committee.

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C 97780

DEPARTMENT OF CUSTOMS AND EXCISE

OTTAWA, May 20th, 1925.

Memorandum for
The Right Honourable W. L. Mackenzie King, C.M.G.,
M.A., LL.B., LL.D.,
Prime Minister of Canada.

I have the honour to return you, herewith, letter written you on the 8th ultimo by Mr. Sparks, Chairman, Executive Committee, Commercial Protective Association, Ottawa, together with his memorandum of proposed amendments to the Customs Act, as recently discussed with you.

These papers were sent me on the 17th ultimo by Mr. Lemaire, Clerk of the Privy Council, since which date the proposed amendments have been discussed with Mr. Sparks.

The latter expressed his willingness to withdraw the amendments he proposes, if the Government will approve of the attached copy of Bill to amend Sections 206 and 219 of the Customs Act.

The same reasons as were advanced by Mr. Sparks in his letter to you of the 8th ultimo will apply to the changes as proposed in the draft Bill.

Respectfully submitted.

(Sgd) R. R. Farrow

Deputy Minister of Customs and Excise.

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C 97781

COPY

B I L L

An Act to Amend The Customs Act.

His Majesty by and with the advice and consent of the Senate and House of Commons of Canada enacts as follows:-

1. Section 206 of The Customs Act reading as follows:-

"206. If any person,--

(a) smuggles or clandestinely introduces into Canada any goods subject to duty; or,

(b) makes out or passes or attempts to pass through the Custom-house, any false, forged or fraudulent invoice, of any goods; or,

(c) in any way attempts to defraud the revenue by evading the payment of the duty or any part of the duty on any goods;

such goods, if found, may be seized and forfeited, or, if not found, but the value thereof has been ascertained, the person so offending shall forfeit the value thereof as so ascertained.

2. Every such person shall, in addition to any other penalty to which he is subject for any such offence,--

(a) forfeit a sum equal to the value of such goods, which sum may be recovered in any court of competent jurisdiction; and,

(b) further be liable on summary conviction before two justices of the peace to a penalty not exceeding two hundred dollars ~~not~~ and not less than fifty dollars, or to imprisonment for a term not exceeding one year and not less than one month, or to both fine and imprisonment."

is hereby repealed and the following substituted therefore,~~:~~-

"206. If any person,--

(a) smuggles or clandestinely introduces into Canada any goods subject to duty; or,

(b) makes out or passes or attempts to pass through the Custom-house, any false, forged or fraudulent invoice, of any goods; or,

(c) in any way attempts to defraud the revenue by evading the payment of the duty or any part of the duty on any goods;

such goods, if found, shall be seized and forfeited without power of remission, or, if not found, but the value thereof has been ascertained, the person so offending shall forfeit without power of remission the value thereof as ascertained.

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2. Every such person shall, in addition to any other penalty to which he is subject for any such offence,--

(a) forfeit a sum equal to the value of such goods, which sum may be recovered in any court of competent jurisdiction; and,

(b) further be liable on summary conviction before two justices of the peace to a penalty not exceeding two hundred dollars and not less than fifty dollars, or to imprisonment for a term not exceeding one year and not less than one month, or to both fine and imprisonment,

3. Everyone who smuggles or clandestinely introduces into Canada any goods subject to duty, if such goods are of the value of $200.00 or over, is guilty of an indictable offence and liable, in addition to any other penalty to which he is subject for any such offence, to imprisonment for seven years and not less than one year, and for a second and each subsequent offence, to imprisonment for ten years and not less than three years."

2. Section 219 of the said Act

reading as follows:-

"219. If any person knowingly harbours, keeps, conceals, purchases, sells or exchanges any goods unlawfully imported into Canada, whether such goods are dutiable or not, or whereon the duties lawfully payable have not been paid, such goods, if found, shall be forfeited and may be seized, and, if such goods are not found, the person so offending shall forfeit the value thereof.

2. Every such person shall, in addition to any other penalty forfeit a sum equal to the value of such goods, which may be recovered in any court of competent jurisdiction, and shall further be liable, on summary conviction before two justices of the peace, to a penalty not exceeding two hundred dollars and not less than fifty dollars, or to imprisonment for a term not exceeding one year and not less than one month, or to both fine and imprisonment."

is repealed and the following substituted thereof, --

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"219. If any person knowingly harbours, keeps, conceals, purchases, sells or exchanges any goods unlawfully imported into Canada, whether such goods are dutiable or not, or whereon the duties lawfully payable have not been paid, such goods, if found, shall be seized and forfeited without power of remission, and, if such goods are not found, the person so offending shall forfeit the value thereof without power of remission.

2. Every such person shall, in addition to any other penalty forfeit a sum equal to the value of such goods, which may be recovered in any court of competent jurisdiction, and shall further be liable, on summary conviction before two justices of the peace, to a penalty not exceeding two hundred dollars and not less than fifty dollars, or to imprisonment for a term not exceeding one year and not less than one month, or to both fine and imprisonment.

3. Every such person, where the goods so harboured, kept, concealed, purchased, sold or exchanged, are of the value of two hundred dollars or over, is guilty of an indictable offence and liable to imprisonment for seven years and not less than one year, and for a second and each subsequent offence, to imprisonment for ten years and not less than three years."

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C 97784

Copy

COMMERCIAL PROTECTIVE ASSOCIATION
Incorporated
Ottawa Toronto Montreal

Box 645
Ottawa, Canada

Ottawa, May 30, 1925

Rt. Hon. W. L. Mackenzie King,
Prime Minister of Canada,
Ottawa.

Dear Sir:

In reference to the matter of J. A. E. Bisaillon, about whose activities certain information has been given you, I beg to enclose herewith extracts from evidence given by this man, under oath, in the case of Rex vs. J. F. Simons et al.

Although the matter has been before the Government for some months, they appear not to have received an official copy of this evidence, but we have now delivered to the Deputy Minister of Customs a copy of Bisaillon's evidence, together with a copy of the evidence of a number of other witnesses.

For your personal information I am enclosing herewith copies of some extracts which show what appears to us to be a remarkable condition. This evidence has to do with certain deposits amounting to $69,000.00 made by Bisaillon. In his evidence he swears that this was in part monies which he had collected when he opened a Customs House at Farnham and deposited to his private account and at his convenience remitted to Ottawa. It seems increditable that public business should be carried on in this way, and it appears altogether likely that Bisaillon was perjuring himself.

His explanation of certain deposits of $14,000.00, as shown on the last page, is certainly amusing. He states that he

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sold a car for $1,500.00 and purchased one for $2,000.00. This he shows as a total of $4,000.00, and that a car was put at his disposal by the Government worth $2,000.00. He makes all these statements to justify a deposit, whereas he has simply added together sales and purchases of automobiles, which could in no way account for bank deposits. In this transaction, as in the others referred to, he was evidently committing perjury.

Under ordinary circumstances one would expect that a public servant who gave evidence of this character would not remain a single hour in the Government employ; however, he has remained for months as Chief of the Preventive Service for the Province of Quebec.

Now that the evidence is before the Minister no doubt action will be taken, but I thought well to forward you these few extracts, and will be glad to submit the whole file of evidence given, should you desire to see it.

Yours truly,

(Sgd.) R. P. Sparks

Chairman, Executive Committee.

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C 97786

COPY

Extract from evidence given by Joseph Alfred Edgar Bisaillon, of Montreal, under oath on the 13th day of February, 1925, in the case of Rex vs. J.F.Simons et al.

Q. You tell us that you opened the Farnham Office and that you deposited the monies of your Customs Office at the Bank?

A. Yes - 1922 and 1923.

Q. Did you send the money to the Receiver General every day or every week?

A. Generally every week, sometimes every two weeks. That depended on how the affairs were settled.

Q. I find that you had considerable ~~business~~ balances at the ends of the month.

A. Naturally I could quite likely have a cheque on the 28th and deposit it on the 29th.

Q. In 1923.

A. In 1923 and 1924.

Q. Now do you assert that for years the Farnham Office has been conducted in this manner?

A. No. It was opened in 1920 and in April 1923 - from the month of April. I do not exactly remember the dates.

Q. Now M. Bisaillon with regard to your cheques, you have told us that your Bank Account was above all composed of amounts deposited for the Customs and transmitted to the Receiver General?

A. I have told you that the larger number were for the Customs Dept. but I have my salary and I do commission business you know which comes to a considerable amount, and there are also bits of business I do myself.

Q. Will you examine all the cheques and show the Judge the cheques you passed to the Receiver General for those years?

A. I do not see any here. These are all personal cheques. $124. $200; These are all personal cheques - $60. - $100.

Q. The explanation that you give re your account at the Provincial Bank is that you deposited amounts belonging to the Govt. for the most part, and that you reimbursed these amount by cheques afterwards?

A. No, not by cheques, by a remittance, a draft which cannot appear there.

Q. So now you say it was by remittances?

A. Yes, I had cheques to different people - the cheques which I gave - I see that they are for things - are personal cheques.

Q. So there are no cheques to the Receiver General?

A. No I have received some payable to the Receiver which have been deposited.

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Q. How did you buy your remittances? What procedure did you follow?

A. Taking the money in my bank book.

Q. So it was not in ready money, how did you pay at the bank?

A. I made deposits, and then when I had need of an amount, for example I owed the Government three hundred, two hundred or four hundred dollars - I bought a remittance - or sometimes I found myself at the other end of the town and had to buy another remittance, I made a cheque payable to me and bought a remittance for the amount.

Q. Don't you think that if there had been remittances of this kind payable to the Receiver General there would be the figures among the cheques given at the end of the month?

A. No because the receipts in question were generally kept at the office as receipts for our drawings.

Q. I am speaking of the Bank.

A. No Sir.

Q. When you received at the end of the month the cheques you had drawn or the remittances were there no figures which showed the amount drawn from your account?

A. Yes, in part.

Q. Will you show me the figures or something which will show the payments made to the Receiver General?

A. They have perhaps omitted to send them. It is perhaps an omission on the part of the Bank.

Q. Naturally I do not want to take you by surprise but you have given an explanation and among all the documents here I do not see any for the Receiver.

A. No that is not absolutely necessary. The cheques could have been drawn to my order and then have been bought - these are all personal cheques, my butcher, grocer, taxes on my property.

Q. This then will be for 1922 and 1923? I understand that in 1924 you deposited 14,000 dollars?

A. Yes I can explain that to you. In April 1924 I sold a machine to Colonel Archambault, a car for 2,000 dollars; I deposited $2,000. Later I bought one in May which I paid $1500 - for I had to draw money from the bank where it was deposited. There is a total of $4,000. I resold it. The Government put at my disposal a machine - that made $6,000. For the remainder there is my salary and bank discounts - I borrowed $2,000 from one of my friends who you know very well who is a director of the Bank of Hochelaga and which I have not yet repaid him. I am still in debt to the Provinciale Bank for seven or eight hundred dollars. I have three or four thousand dollars of discounts today. I am broken and my credit is smashed. The witness made no further statement.

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C 97788

COPY

CANADIAN ASSOCIATION OF GARMENT MANUFACTURERS.

Head Office:
Room 209, Hope Bldg., 63 Sparks St.,
OTTAWA, ONT.

Ottawa, July 22nd 1925.

Rt. Hon. W. L. Mackenzie King,
Prime Minister of Canada,
Ottawa.

Dear Sir:

I would appreciate very much an opportunity to discuss with you certain matters in reference to the efforts which have been made to prevent smuggling.

There is another matter in reference to which I would appreciate an opportunity for a full discussion with you. I am preparing a circular on the tariff with particular reference to the clothing industry, the general attitude of which will be wholly favourable to a protective tariff, and I am trying to deal with this as a matter of pure economics, without any political consideration. In two respects, possibly three, I think the substance of this article will cover practically new ground in the tariff discussion. I am writing this particularly for distribution to the twelve hundred clothing manufacturers in Canada, and if you felt disposed to discuss the substance of it, I would be glad to outline the general attitude taken.

Yours respectfully,

(Sgd) R. P. Sparks

President.

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C 97789

Representations re Smuggling

General.

W.L. Mackenzie King Papers
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C 97790

COPY

Ottawa, March 20, 1925

J. O. Herity, Esq.,
Manager, The Chamber of Commerce,
Belleville, Ontario.

Dear Sir:

The Prime Minister has asked me to let you know that he has today received your letter of the 19th instant and will bear in mind the representations of your Chamber of Commerce with respect to the prevention of smuggling of foreign goods into Canada.

By Mr. King's direction, your letter has been referred, for consideration, to the Honourable Jacques Bureau, Minister of Customs and Excise.

Yours faithfully,

(Sgd) F. A. McGregor

Private Secretary.

March 20, 1925

Hon. Jacques Bureau:

Referred, by direction of the Prime Minister, to the Minister of Customs and Excise, for his consideration.

Private Secretary.

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C 97791

COPY

Ottawa, March 20, 1925

E. A. Saunders, Esq.,
Secretary, Board of Trade,
Halifax, Nova Scotia.

Dear Sir:

I am directed by the Prime Minister to acknowledge receipt of your letter of the 17th instant relating to the smuggling of goods from the United States to the detriment of the lawful trader of the Province of Nova Scotia.

Mr. King wishes me to assure you that your representations in this matter will receive the Government's careful consideration and to let you know that he has transmitted your communication to his colleague the Honourable Jacques Bureau, Minister of Customs and Excise.

Yours faithfully,

(Sgd) F. A. McGregor

Private Secretary.

March 20, 1925

Hon. Jacques Bureau:

Referred, by direction of the Prime Minister, to the Minister of Customs and Excise, for his consideration.

Private Secretary.

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C 97792

COPY

Ottawa, April 7, 1925

F. P. Healey, Esq.,
Managing Secretary,
The Hamilton Chamber of Commerce,
Hamilton, Ontario.

Dear Sir:

The Prime Minister has asked me to let you know that he has received your letter of the 3rd instant, and will bear in mind the representations of your Chamber of Commerce with respect to the prevention of smuggling of foreign goods into Canada.

By Mr. King's direction your letter has been referred for consideration to the Honourable Jacques Bureau, Minister of Customs and Excise.

Yours faithfully,

(Sgd) L. C. Moyer

Private Secretary.

April 7, 1925

Hon. Jacques Bureau, M.P:

Referred, by direction of the Prime Minister, to the Minister of Customs and Excise, for his consideration.

Private Secretary.

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C 97793

Suggestions as to Changes in Customs Act.

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C 97793

Suggestions as to Changes in Customs Act.

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C 97794

COPY

Ottawa, February 17, 1925

J. E. Walsh, Esq.,
General Manager,
Canadian Manufacturers' Association,
Toronto, Ontario.

Dear Sir:

I am directed by the Prime Minister to acknowledge the receipt of your letter of the 14th instant, enclosing a memorandum containing suggestions for changes in the Customs Act, calculated to discourage smuggling, undervaluation of imported goods and dumping.

Mr. King wishes me to say in reply that your representations in this matter will receive the Government's careful consideration. By his direction I have transmitted a copy of your memorandum to the Honourable Jacques Bureau, Minister of Customs and Excise.

Yours faithfully,

(Sgd) F. A. McGregor

Private Secretary.

February 17, 1925

Hon. Jacques Bureau, M.P:

Referred, by direction of the
Prime Minister, to the Minister of
Customs and Excise, for consideration.

Private Secretary.

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C 97795

(COPY)

OFFICE OF THE PRIME MINISTER

Province of Quebec

Quebec, March 7th, 1925.

The Right Honourable W.L.Mackenzie King,
Prime Minister of Canada,
O t t a w a.

Dear Mr. Premier:

I enclose you herewith copy of a letter received from Mr. R. P. Sparks, Chairman of the Commercial Protective Association of Ottawa, which is self-explanatory.

I regret to see that smuggling is carried on on a large scale in our province and, unfortunately, the penalties do not seem to be severe enough so as to act as a deterrent.

You can depend on our fullest co-operation, as I believe that smuggling is injuring to a great extent the honest trade in this province.

My suggestion is that imprisonment should be made compulsory; we have found that jail has been the best means of enforcing our Liquor Law in Quebec.

Yours sincerely,

(SGD.) L. A. TASCHEREAU

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C 97796

Copy

Ottawa, March 5th, 1925

Hon. L. A. Taschereau,
Prime Minister and Attorney General of Quebec,
Quebec, P.Q.

Dear Sir:

I am taking the liberty of writing you on behalf of the Executive Committee of this Association in reference to the prosecution of smugglers in the courts of the Province of Quebec and with special reference to the case of Abraham and Israel Lenetsky arrested on March 3rd.

You will recall that some months ago the undersigned, together with Mr. J. H. Fortier of Quebec and Mr. Paul Joubert of Montreal, discussed this matter with you. At that time we submitted a memorandum covering ten smuggling cases, in some of which an extraordinary number of adjournments had been granted (as many as fifty-two in a single case) and in others in which guilt had been proven the only publishment was the imposition of a paltry fine. At that time you expressed the desire to co-operate with the business interests in their efforts to prevent this traffic, which is doing such serious injury to the business of legitimate traders and manufacturers.

You expressed the view that the most satisfactory solution of the difficulty would be an amendment to the Customs Act making a jail sentence compulsory in cases in which wholesale smuggling had been proven. This recommendation has been put before the Federal Government, and the whole matter of amendments to the Customs Act is being dealt with by a committee of the Cabinet, of which the Prime Minister is a member. Mr. King is taking an active interest in this matter, and I am taking the

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liberty of suggesting that, if you felt disposed to write him expressing the opinions which you expressed to the delegation in reference to this matter, he would appreciate it. I can assure you that it would be greatly appreciated by the whole business community.

In reference to the particular case above referred to, we are informed that Mr. R. L. Calder is acting for the prosecution, and we have the utmost confidence in him in every way, but, as the whole matter of prosecutions is under the supervision of your Department, we are taking the liberty of calling the matter to your attention, in the hope that in this case, as in any others which may follow, your Department might use all means in your power to see that the interests of legitimate business are safeguarded. I might mention that Messrs. Lenetsky are members of one of the worst bands of international smugglers operation. For nearly three months the private detectives employed by this Association have been working continuously in an effort to apprehend them. We have reason to believe that during the past three months they have succeeded in bringing in from the United States two large consignments of silk without the payment of duty. The goods seized on Monday were a part of another shipment of a value of about $12,000.00, which they were endeavouring to smuggle into Canada. The drastic punishment of these men will have a very important effect on the whole traffic.

For your information I am attaching herewith a list of the names of the members of the Executive Committee of this Association, on whose behalf I am writing you, together with the names of a large Advisory Council, composed of representatives of a number of firms who are supporting this organization, whose

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sole object is the prevention of smuggling.

Trusting that we may continue to receive co-operation from your Government in this regard, I remain,

Yours truly,

(Signed) R. P. SPARKS

Chairman, Executive Committee.

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(COPY)

COMMERCIAL PROTECTIVE ASSOCIATION

Members of the Executive Committee.

J. Powley	Silks Limited	Toronto
A. T. Reid	The A. T. Reid Co., Ltd.,	"
C. L. Burton	The Robt. Simpson Co., Ltd.	"
W. B. Woods	Gordon, Mackay & Co., Ltd.	"
Walter J. Barr	The Goldsmith's Co. of Canada, Ltd.	"
A. J. Doherty	Doherty Manufacturing Co., Ltd.	"
Sol. Bruck	Bruck Silk Mills, Ltd.,	Montreal
E. A. Robertson	The Montreal Cottons, Ltd.	"
C. A. Reynolds	Belding-Corticelli, Ltd.	"
Hector Racine	Alphonse Racine, Ltd.	"
G. Lafoley	Mark Fisher, Sons & Co.	"
R. P. Sparks	Sparks-Harrison, Ltd.	Hull, Que.

Members of the Advisory Committee

W. C. Hodgson	Hodgson,Summer & Co., Ltd.	Montreal
W. M. Birks	Henry Birks & Sons, Ltd.	"
J. F. Porteous	Greenshields, Limited	"
H. S. Bourke	The Imperial Tobacco Co.of Canada Ltd.	"
Henry McMullen	The Henry McMullen Co., Ltd.	"
Geo. T. Cleghorn	The W.R.Brock Co., Ltd.	"
M. Vineberg	Vineberg, Goodman & Co.	"
J. Seligman	S. & G. Dress Co.	"
A. O. Dawson	Canadian Cottons, Ltd.	"
J. G. Dodd	Dominion Textile Co., Ltd.	"
M. Jacobs	Union Overall Manufacturing Co.	"
John Fitzgerald	Merchants Association of Montreal	"
B. B. Cronyn	The W. R. Brock Co., Ltd.	Toronto
R. A. Stapells	Stapells, Fletcher, Ltd.	"
W. F. Goforth	Ladies' Wear, Ltd.	"

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Members of the Advisory Committee

J. B. Ratcliff	John Northway & Son	Toronto
E. H. Near	Larned, Carter & Co., Ltd.	"
Sir James Woods	Gordon, MacKay & Co., Ltd.	"
H. G. Thomson	The T. Eaton Co., Ltd.	"
J. E. Walsh	Gen. Manager, Canadian Mfgrs.Assoc.	"
R. E. Oaks	Textile Credit Bureau	"
C. E. Kitchen	The Kitchen Overall & Shirts Co., Ltd.	Brantford
E. M. Trowern	The Retail Merchants Association	Ottawa
C. A. Graham	The Great Western Garment Co.,Ltd.	Edmonton,Alta.
W. R. Bottom	Revillon Wholesale, Ltd.	" "
R. L. Smith	G. W. Robinson, Co., Ltd.	Hamilton, Ont.
G. Scott Murray	Murray Sons, Ltd.	" "
Arthur T. Little	Robinson Little & Co., Ltd.	London, Ont.
Major G. J. Ingram	Smallman, Ingram, Ltd.	" "
J. B. Thomson	Jas. Thomson & Sons, Ltd.	Vancouver, B.C,
T. S. Dixon	Gault Bros., Limited	" "
F. W. Roach	Brock & Paterson, Ltd.	St. John, N.B.
Harold Rising	Waterbury & Rising, Ltd.	" "
E. R. Musselman	Ford Motor Company	Ford, Ont.
D. E. Johnson	D. E. Johnson, Ltd.	Ottawa
John L. Garland	John M. Garland, Son & Co., Ltd.	"
C. F. Rannard	Rannard Shoe Limited	Winnipeg, Man.
J. B. Coyne, K.C.	R. J. Whitla & Co.	" "

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COPY

C 97801

Ottawa, May 2, 1925

J. Stanley Cook, Esq.,
Secretary, The Montreal Board of Trade,
Montreal, P. Q.

Dear Sir:

I am directed by the Prime Minister to acknowledge the receipt of your letter of the 1st instant, endorsing certain amendments to the Customs Act, which have been proposed by the Commercial Protective Association and suggesting severer penalties for those importers found guilty of undervaluing goods for customs purposes and the secret settlement of frauds on the customs.

I am desired to inform you in reply that your representations have been noted for consideration in connection with the communication already received from the Commercial Protective Association. By Mr. King's direction I have referred a copy of your letter to the Honourable P. J. A. Cardin, Acting Minister of Customs and Excise.

Yours faithfully,

(Sgd) L. C. Moyer

Private Secretary.

May 2, 1925

Hon. P. J. A. Cardin, M.P:

Referred, by direction of the Prime Minister, to the Acting Minister of Customs and Excise, for his consideration.

Private Secretary.

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C 97802

Correspondence re Government's Announcement of Intention to amend Customs Act.

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C 97803

COPY

THE BOARD OF TRADE OF THE CITY OF TORONTO

Royal Bank Building,
TORONTO, CANADA.

March 25, 1925

Hon. W. L. Mackenzie King,
Prime Minister of Canada,
Parliament Buildings,
Ottawa, Ont.

Dear Sir:

Enclosed I am sending you copy of a letter which has been addressed to the Hon. Jacques Bureau, Minister of Customs and Excise, under instructions from the Council of this Board with regard to the prevention of smuggling.

In view of the rapid increase in this illegitimate traffic and the very detrimental effect which it is having upon the trade and commerce of the country, the Council of this Board is pleased to learn that the Government contemplates making special efforts to curtail smuggling, and respectfully urges that more stringent and adequate measures be put into effect without delay.

Assuring you of the co-operation of this Board in every way possible in your efforts in this connection, I am,

Yours very truly,

(Sgd) F. D. Tolchard

Secretary.

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C 97804

(COPY)

THE BOARD OF TRADE OF THE CITY OF TORONTO

March 25, 1925

Hon. Jacques Bureau,
Minister of Customs and Excise,
Parliament Buildings,
Ottawa, Ont.

Dear Sir:

The Council of this Board has instructed me to express to you their appreciation of the announcement made in the House, on your behalf, by the Hon. Minister of Railways and Canals on the 3rd instant, to the effect that you purpose introducing more stringent legislation for the prevention of smuggling, and asking the House for power to appoint a number of men especially fitted to carry on preventive work.

This Board has been interested in the curtailment of this traffic for some considerable time, due to the heavy inroads which it has made upon legitimate trade, which must also have had a serious effect upon the Federal revenue. For the past few months we have been particularly close to the problem through investigations which have been made in this city. These investigations have revealed a very widespread organization carrying on smuggling, which is having a serious effect upon bona fide commercial interests in this city. These operations can only be successfully dealt with by a thoroughly efficient preventive service with all of the resources of the Government behind it. I am, therefore, instructed to commend the Government for the action which it contemplates to meet this situation and to urge that, in view of its seriousness, the legislation proposed and the appointment of an efficient and adequate preventive staff be proceeded with at the earliest possible date. This Board will be pleased to co-operate in every way possible with your department in this matter.

Yours very truly,

(SGD.) F. D. TOLCHARD,

Secretary.

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C 97805

COPY

Ottawa, March 26, 1925

F. D. Tolchard, Esq.,
Secretary, Board of Trade,
Royal Bank Building,
Toronto, Ontario.

Dear Sir:

The Prime Minister has asked me to thank you for your letter of the 25th instant, and its enclosure, expressing approval of the Government's efforts to prevent smuggling. Mr. King wishes me also to assure you of his appreciation of the readiness of the Board of Trade of the City of Toronto to co-operate with the Government in this matter.

Yours faithfully,

(Sgd) F. A. McGregor

Private Secretary.

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C 97806

Correspondence Approving Steps taken
by Government.

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C 97807

Copy

THE BOARD OF TRADE OF THE CITY OF TORONTO

Toronto, July 13, 1925

Rt. Hon. W. L. Mackenzie King,
Prime Minister of Canada,
Ottawa, Ont.

Sir:

On behalf of the Executive and Council of the Toronto Board of Trade, I desire to express appreciation of the action of the Government in introducing legislation at the recent Session increasing the penalties for the smuggling of goods into Canada and including in the Estimates a substantial sum to enable the Preventive Service to be so strengthened and improved as to be able to cope with this illegitimate traffic. We are also gratified that the House of Commons and Senate have accepted the Government's recommendations and that the new law is now in force.

You will remember that a deputation from this Board waited upon you and your colleagues in the Cabinet last Fall and discussed the seriousness of the smuggling situation with you. You then expressed the desire of the Government to do everything in its power to combat the inroads which the smugglers were making into the legitimate trade and revenues of the country and you welcomed the co-operation to this end of an organization of business interests which it was then proposed to form. Acting on this assurance, the members of this Board comprising the delegation organized the Toronto Branch of the Commercial Protective Association. We were very pleased to note from your remarks in the House with respect to the proposed new legislation that you appreciated the vast proportions of this traffic and the need for drastic action. We have been in close touch with the

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Association's work and it has been a great pleasure for this Board to learn that the Government has co-operated to the fullest extent with the result that adequate machinery to deal with the smuggling menace will, we understand, shortly be in operation. We are informed the fact that the new penalties are already in force has had a very deterrent effect upon the traffic and we sincerely hope that in connection with the re-organization of the Preventive Service which is now under way, the dominant note will be the strict enforcement of the law in the interests of the lawful commerce of the Dominion and an increased national revenue which in turn will be reflected in an improvement in economic conditions generally.

We congratulate and thank you for your efforts in the solution of this problem and assure you of the continued co-operation and support of this Board in curtailing the smuggling traffic with the aid of the new powers now available, I am,

Yours very truly,

(Sgd.) S. B. Gundy

President.

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C 97809

Copy

Ottawa, July 14, 1925

J. B. Gundy, Esq.,
President, Board of Trade of the City of Toronto,
Toronto, Ontario.

Dear Sir:

I have received this morning your welcome letter of July the 13th.

It is indeed gratifying to know that the efforts of the Government to cope with the smuggling evil are appreciated to the extent to which your letter would indicate.

I can assure you that we intend to leave no stone unturned to put a stop to smuggling, and shall continue, in our endeavours, to welcome the co-operation of the public interests which has proved so helpful in disclosing the scope of this traffic, and the course of action best calculated to cope with it successfully.

Yours sincerely,

(Sgd.) W. L. Mackenzie King.

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C 97810

Copy

160 Yonge Street

Toronto, July 14, 1925

Dear Mr. Premier:

Re: Smuggling

Absence from the city has delayed my writing you a word of appreciation and congratulation upon the recent legislation and the fine support given by you and your Government in the efforts to curb this iniquitous traffic.

Fine encouragement is lent to the efforts of the private citizen in matters of public interest by those in authority when not only sympathetic hearing is accorded but when such is followed by useful legislation and as we now anticipate, strong administrative action.

Yours faithfully,

(Sgd.) C. L. Burton

Right Honourable William Lyon Mackenzie King,
Prime Minister,
Ottawa, Ontario.

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C 97811

Copy

Ottawa, July 14, 1925

The Honourable P. J. A. Cardin, M.P.,
Acting Minister of Customs and Excise,
O t t a w a.

My dear Cardin:

You will, I think, be pleased to have a copy of a communication which I enclose from the President of the Board of Trade of the City of Toronto, referring to the legislation introduced at the recent session with regard to increasing the penalties for the smuggling of goods into Canada, and for many other ways of strengthening and improving the Preventive Service.

I enclose also a copy of my reply.

Yours very sincerely,

(Sgd.) W. L. Mackenzie King

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C 97812

Copy

Ottawa, July 16, 1925

C. L. Burton, Esq.,
160 Yonge Street,
Toronto, Ontario.

Dear Mr. Burton:

I thank you very cordially for your welcome letter of July 14th, It is deeply gratifying to have its appreciative words.

I can assure you that we shall continue to follow this smuggling business with all the resources at our command and shall continue to welcome the co-operation of friends whose counsel and assistance have been of such value in this matter.

Yours sincerely,

(Sgd.) W. L. Mackenzie King.

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C 97813

Copy

MINISTER OF CUSTOMS AND EXCISE

Canada

Ottawa, 21 July, 1925

The Rt. Hon. W. L. Mackenzie King,
Prime Minister,
O t t a w a.

Dear Mr. King:

Many thanks for your letter of the 14th instant, enclosing copy of a communication from the President of the Toronto Board of Trade referring to the recent legislation for the prevention of smuggling.

It is encouraging to know that the measures taken have already had a strongly deterrent effect and that our efforts are appreciated. The additional vote will enable us to strengthen the Preventive Service as it should be strengthened, and in a short time there should be a very marked change for the better.

Yours sincerely,

(Sgd.) P. J. Arthur Cardin

Acting Minister of Customs and Excise.

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C 97814

Representations re Appointment of
Special Preventive Officers.

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C 97815

(COPY)

CANADIAN MANUFACTURERS' ASSOCIATION

Toronto, January 20, 1925

Right Hon. W. L. Mackenzie King, C.M.G., M.A., LL.B., LL.D.
Prime Minister of Canada,
Ottawa, Ontario.

Suppression of Smuggling

Dear Sir:

The Executive Council of the Canadian Manufacturers' Association, at a regular meeting held in Hamilton on January 15, 1925, unanimously approved a recommendation of the Association's Tariff Committee that the Government should be asked that officers of the Preventative Service, Department of Customs and Excise, should be selected and appointed by the Minister on his responsibility and independent of the Civil Service Commission.

It is our understanding that at present appointments to the Preventative Service have to go through the Civil Service Commission, resulting in delay in making the appointment and publicity being given thereto. The latter furnishes to smugglers information regarding the personnel of the staff employed to circumvent their operations. It is, therefore, submitted that, owing frequently to the short duration of employment and the necessity for the utmost secrecy in connection with such engagements, appointments to the Preventative Service should be made on the responsibility of the Honourable the Minister of Customs and Excise entirely separate and removed from the jurisdiction of the Civil Service Commission as is already the method followed in connection with Income Tax appointments.

Information received from our members in all parts of Canada indicates that the great volume of smuggled goods entering

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Canada is seriously injuring Canadian trade and the country's revenue. The appointment of additional capable preventative officers who could be taken on, or released from the service without publicity, on the Minister's own responsibility, would undoubtedly help materially to decrease smuggling, to apprehend smugglers and to increase the federal revenue.

I beg, therefore, to transmit to you the recommendation of our Tariff Committee, approved by the Executive Council of the Association, and express the hope that it will meet with your endorsation.

Yours faithfully,

(SGD.) J. E. WALSH

General Manager.

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C 97817

COPY

Ottawa, January 21, 1925

J. E. Walsh, Esq.,
General Manager,
Canadian Manufacturers' Association,
Toronto, Ontario.

Dear Sir:

The Prime Minister has asked me to let you know that he has today received your letter of the 20th instant, in which you suggest, on behalf of the Executive Council of the Canadian Manufacturers' Association, certain changes in the method of appointing officials whose duties have to do with the suppression of smuggling.

I am desired to say in reply that your representations will receive the Government's careful consideration and that copies of your letter have been forwarded by the Prime Minister's direction to the Honourable Jacques Bureau, Minister of Customs and Excise, and the Honourable J. A. Robb, Acting Minister of Finance.

Yours faithfully,

(Sgd) F. A. McGregor

Private Secretary.

Copy of correspondence referred to:

Hon. Jacques Bureau and
Hon. J. A. Robb.

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(COPY)

ST. JOHN BOARD OF TRADE

St. John, March 6, 1925

Rt. Honourable William Lyon Mackenzie King,
Prime Minister,
O t t a w a.

Dear Sir:

It has been impressed upon the St. John Board of Trade that the smuggling which is being carried on in this province, particularly at the international bridge at Edmundston, St. Leonards, St. Stephen and Milltown, is having a serious effect upon business interests and manufacturers, and is likewise defrauding the Dominion Government.

This Board would therefore respectfully request that instructions be immediately given for the appointing of additional investigators of a capable type in order to put a stop to this smuggling situation.

Yours sincerely,

(SGD.) R. E. ARMSTRONG

Secretary.

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C 97819

COPY

Ottawa, March 9, 1925

R. E. Armstrong, Esq.,
Secretary, Saint John Board of Trade,
St. John, N. B.

Dear Sir:

I am directed by the Prime Minister to acknowledge the receipt of your letter of the 6th instant, requesting the Government to take steps to deal more effectively with the smuggling situation at the international bridges at Edmundston, St. Leonards, St. Stephen and Milltown.

Mr. King wishes me to assure you in reply that your representations will receive the Government's careful consideration. By his direction I have forwarded a copy of your letter to the Honourable Jacques Bureau, Minister of Customs and Excise.

Yours faithfully,

(Sgd) F. A. McGregor

Private Secretary.

March 9, 1925

Hon. Jacques Bureau, M.P.

Referred, by direction of the Prime Minister, to the Minister of Customs and Excise, for his consideration.

Private Secretary.

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C 97820

COPY

Ottawa, March 20, 1925

J. A. Y. Bouchard, Esq.,
Secretary, Board of Trade,
Quebec, P. Q.

Dear Sir:

I am directed by the Prime Minister to acknowledge receipt of your letter of the 18th instant recommending that the appointment of investigators in connection with smuggling operations should be left to the Minister of Customs and Excise rather than the Civil Service Commission.

Mr. King wishes me to say in reply that your representations will receive the Government's careful consideration and to let you know that he has transmitted a copy of your letter to the Honourable Jacques Bureau, Minister of Customs and Excise.

Yours faithfully,

(Sgd) F. A. McGregor

Private Secretary.

March 20, 1925

Hon. Jacques Bureau:

Referred, by direction of the Prime Minister, to the Minister of Customs and Excise, for his consideration.

Private Secretary.

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(COPY)

NANAIMO BOARD OF TRADE

Nanaimo, B.C., April 17, 1925

Rt. Hon. W.L.Mackenzie King,
Prime Minister of Canada,
Ottawa, Ont.

Hon. Jacques Bureau,
Minister of Customs and Excise,
Ottawa, Ont.

Hon. J. A. Robb,
Acting Minister of Finance,
Ottawa, Ont.

SMUGGLING OF GOODS INTO CANADA

Honourable Sirs:

At the last regular monthly meeting of this Board, held on the 14th instant, a resolution was passed, as the result of which I am to respectfully address you relative to the smuggling of goods into Canada from other countries, particularly from the United States, which has resulted in throwing thousands of Canadians out of work, caused disturbance and loss in many kinds of manufacturing, wholesale and retail business and has defrauded the Dominion Government out of millions of dollars of revenue.

The smugglers have built up a large and efficient organization and have grown rich by defying the laws of this country. Newspapers and organizations of business men throughout Canada have been urging more vigorous measures to diminish smuggling and to punish smugglers.

This Board, therefore, in common with other Dominion Board efforts being made, respectfully urges the Government to strengthen the Preventive Service of the Department of Customs and Excise by the appointment of more investigators and, in order to facilitate matters, would request the Government to give the Minister of Customs and Excise power to make such appointments on his own responsibility instead of through the Civil Service Commission, it being obvious that, if these appointments were made by the Civil Service

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Commission, the names of such appointees would be published and, consequently, the smugglers would know them before they assumed their duties. If they are appointed by the Minister theirnnames will not be known.

It is felt that, in view of the serious menace which the smuggling referred to has created in its effect upon business, it is most desirable and necessary that the Minister of Customs and Excise be at once given power to appoint additional capable investigators.

All of which is respectfully submitted by -

Yours faithfully,

(SGD.) M. C. IRONSIDE

Secretary.

cc General Secretary,
Canadian Manufacturers' Association,
Toronto, Ont.

cc J. H. Good, Esq.,
President, Board of Trade,
City.

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C 97823

COPY

Ottawa, April 24, 1925

M. C. Ironside, Esq.,
Secretary, Nanaimo Board of Trade,
Nanaimo, British Columbia.

Dear Sir:

I am directed by the Prime Minister to acknowledge the receipt of your letter of the 17th instant, recommending, on behalf of the Nanaimo Board of Trade, that the Preventive Service of the Department of Customs and Excise be augmented and appointed independently of the Civil Service Commission, in order to cope more successfully with smuggling operations.

Mr. King wishes me to thank the Nanaimo Board of Trade for giving him the benefit of their views in this matter, and to say that the representations of your letter will receive the Government's careful consideration. He notes that you have forwarded a copy of your letter to his colleague, the Honourable Jacques Bureau, Minister of Customs and Excise.

Yours faithfully,

(Sgd) L. C. Moyer

Private Secretary.

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C 97824

Copy

Ottawa, May 13, 1925

A. Gordon Scott, Esq.,
Managing Secretary,
Chamber of Commerce,
Galt, Ontario.

Dear Sir:

I am directed by the Prime Minister to acknowledge the receipt of your letter of the 12th instant, enclosing a resolution passed by the Galt Chamber of Commerce, recommending that the Preventive Service of the Department of Customs and Excise be augmented and appointed independently of the Civil Service Commission, in order to cope more successfully with smuggling operations.

Mr. King wishes me to thank the Galt Chamber of Commerce for giving him the benefit of their views in this matter, and to say that the representations of your letter will receive the Government's careful consideration. By Mr. King's direction I have referred a copy of your letter to the Honourable P. J. A. Cardin, Acting Minister of Customs and Excise.

Yours faithfully,

(Sgd.) L. C. Moyer

Private Secretary.

May 13, 1925

Hon. P. J. A. Cardin, M.P:

Referred, by direction of the Prime Minister, to the Acting Minister of Customs and Excise, for consideration.

Private Secretary.

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OFFICE OF
THE UNDER-SECRETARY OF STATE
FOR EXTERNAL AFFAIRS
CANADA.

F.

Memorandum to the Prime Minister

Proposed Conference on Regulations under new Smuggling Treaty.

The Consul-General of the United States, Colonel John G. Foster, called this morning. He said he wished to propose informally on behalf of his Government a Conference in Washington between officials of the Canadian and United States Governments on the subject of drawing up regulations or otherwise coming to a definite understanding as to means of enforcing such provisions of the new Smuggling Treaty as required joint action or involved the officials of both countries.

Colonel Foster enquired when it was likely that the exchange of ratifications should take place and was informed that a request for the instrument of ratification had been sent to His Majesty and that it was likely that it would be received in time to permit of the exchange of ratifications before the last of April.

He stated that if the Canadian Government intimated unofficially its willingness to take part in the proposed Conference, the United States Government would convey a formal invitation through the British Ambassador at Washington.

I informed him that the matter would be brought to your attention and that after you had consulted the Customs and Justice Departments an answer would be sent him.

O.D.S.

O. D. SKELTON

Ottawa, 7th April, 1925.

Consul General notified by telephone as requested. April 7, 10 a.m. memo. O.D.S.

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Coll - Smuggling

Re Smuggling

Synopsis of attached Exhibits.

Removed from file May 20/25

1924		Exhibit No.
Aug. 6th.	Telegram from Goodwins Limited, Montreal, asking for smuggling to be made a penal offence.	1.
	Similar telegram from The Robt. Simpson Co. Limited, Toronto.	2.
Nov. 28th.	Letter from Mr. C.L. Burton (Robt. Simpson Co. Limited, Toronto). Points out complaints received by that Company as to: (a) Unsatisfactory prosecution of smugglers in Montreal courts. (b) Lack of co-operation between Government Departments in suppression of smuggling. (c) Failure of Customs Department to give necessary powers to Police to seize goods as Preventive Officers. (d) Preventive Officers being too few in number, lax in duty, and inefficiently directed. Asks what Government proposes to do.	3.
Dec. 16th.	Delegation - Toronto Board of Trade; presented a memorandum setting out history of efforts of manufacturers and wholesalers re smuggling. Memo points out Deputation before Government August 9, 1923; assurance of Prime Minister that Government would leave nothing undone to stop smuggling, and agreement of Minister of Customs as to necessity of more stringent measures; that some results followed but on whole smuggling traffic greatly increased; that as a result of menace created to business certain interests seriously affected; Form a Smuggling Preventive Association for their own protection and to co-operate with those engaged in the prevention of smuggling; that in view of difference of opinion among Toronto business interests as to attitude to be taken toward this Association, Delegation desires to know the Government's wishes in the matter.	4.

POOR COPY

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C 97826
Coll - Smuggling.

Re Smuggling

Synopsis of attached Exhibits.

Removed from typed May 30/25

1924		Exhibit No.
Aug. 6th.	Telegram from Goodwins Limited, Montreal, asking for smuggling to be made a penal offence.	1.
	Similar telegram from The Robt. Simpson Co. Limited, Toronto.	2.
Nov. 28th.	Letter from Mr. C.L. Burton (Robt. Simpson Co. Limited, Toronto). Points out complaints received by that Company as to: (a) Unsatisfactory prosecution of smugglers in Montreal courts. (b) Lack of co-operation between Government Departments in suppression of smuggling. (c) Failure of Customs Department to give necessary powers to Police to seize goods as Preventive Officers. (d) Preventive Officers being too few in number, lax in duty, and inefficiently directed. Asks what Government proposes to do.	3.
Dec. 16th.	Delegation - Toronto Board of Trade; presented a memorandum setting out history of efforts of manufacturers and wholesalers re smuggling. Memo points out Deputation before Government August 9, 1923; assurance of Prime Minister that Government would leave nothing undone to stop smuggling, and agreement of Minister of Customs as to necessity of more stringent measures; that some results followed but on whole smuggling traffic greatly increased; that as a result of menace created to business certain interests seriously affected; Form a Smuggling Preventive Association for their own protection and to co-operate with those engaged in the prevention of smuggling; that in view of difference of opinion among Toronto business interests as to attitude to be taken toward this Association, Delegation desires to know the Government's wishes in the matter.	4.

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		Exhibit No.
1924		
Dec. 16th.	The Delegation emphasized the great extent of wholesale smuggling and the consequent loss to the country and to business men; the acceleration of smuggling with the increase of motor cars and bootlegging, and asked for drastic action to meet the evil.	5.
1925		
Jan. 3rd.	Synopsis from Toronto Saturday Night of series of articles re smuggling.	6.
Jan. 20th.	Letter from Canadian Manufacturers' Association asking that Preventive Officers be appointed by Minister of Customs and Excise on his own responsibility and independent of the Civil Service Commission.	7.
Mar. 6th.	Letter from St. John, N.B., Board of Trade asking for the appointment of additional investigators to cope with the smuggling situation.	8.
Mar. 7th.	Letter from Premier Taschereau of Quebec suggesting that penalty for smuggling be increased to imprisonment without the option of fine.	9.
Mar. 11th.	Resolution of Canadian Association of Garment Manufacturers asking: (a) That Government amend the Customs Act to cope with the Smuggling meance; (b) That penalties be increased; (c) That wholesale smuggling be punished by jail sentences without the option of fine; (d) That the Preventive Service be strengthened.	10.
Mar. 25th.	Letter from Toronto Board of Trade - commending the announcement by the Minister of Railways and Canals made in the House of Commons on March 3rd, with regard to steps which Government proposed to take in connection with the smuggling menace.	11. 12.

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1925		Exhibit No.
Apr. 27th.	Letter from Nanaimo Board of Trade urging stringent measures against smuggling and that the Minister of Customs be given the right to appoint added Preventive Officers without reference to the Civil Service Commission.	13.

Note:

In addition to the attached exhibits, letters asking for governmental action to cope with the smuggling situation have also been received, as set out below, and have been forwarded to the Department of Customs and Excise:

1. Quebec Board of Trade, asking that investigators be appointed by Minister of Customs without reference to Civil Service Commission.

2. Halifax Board of Trade, asking for governmental action.

3. Belleville Board of Trade, asking for governmental action.

4. Hamilton Chamber of Commerce, asking for governmental action.

5. Montreal Board of Trade, endorsing amendments to the Customs Act proposed by the Commercial Protective Association and suggesting severe penalties against smuggling.

6. Galt Chamber of Commerce, recommending that Preventive Officers be appointed independently of the Civil Service Commission.

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H.M. URQHART TO W.L.M.KING

C 97829
E-1310-4.

July 4, 1925

MEMORANDUM - THE PRIME MINISTER:

Attached please find memoranda as follows:

(a) Chronological Precis

Smuggling ✓ ✓
Treaties - Extradition

Negotiations
and
Treaty - Canada and United States
for co-operation in
suppressing smuggling operations,
and
conveyance of Alcoholic liquors through
Alaska into Yukon Territory.

1924
June 6 Treaty signed at Washington
Lapointe and Hughes.
Dec. 12 Treaty ratified by U.S. Senate.
1925
Mar. 3 Treaty approved by Canadian House of Commons.
" 11 Treaty ratified by Canadian Senate.
May 26 Ratification Instrument H.M. the King received
at Ottawa.

(b) Chronological Precis

Negotiations
and
Treaty re Extradition of persons charged with
crimes or offences against the narcotic laws of
Canada or the United States.

1925
Jan. 8 Treaty signed at Washington
Lapointe and Hughes.
" 27 Treaty ratified by U.S. Senate.
Mar. 3 Treaty approved by Canadian House of Commons.
" 12 Treaty approved by Canadian Senate.
May 26 Ratification - Instrument H.M. the King received
at Ottawa.

HMU. 4/7/25 9.10am H. M. URQUHART.

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A

CHRONOLOGICAL PRECIS

TREATY

Between Canada and United States

For co-operation in
suppressing smuggling
operations

-and-

Conveyance of Alcoholic
liquors through Alaska
into Yukon Territory.

1923

(1) Mar. 7 — Despatch this date - Secretary of State Hughes to British Ambassador at Washington enquiring whether Canadian Government would decline to grant clearance papers to vessels with cargoes of liquor destined for U.S. Ports.

(2) June 19 — Canadian Government note this date in reply to above (Item 1) stating that Under existing Canadian law there is no warrant for refusing clearance papers to vessels carrying liquor to prohibition countries.

(3) " 25 — Prime Minister this date makes an announcement in House of Commons to effect that the Canadian Government is intimating to Washington that they will be pleased to receive an officer of the U.S. Government to discuss with Canadian Government officials possible ways and means of preventing smuggling across the Border.

(4) July 19 — Despatch this date from Secretary of State Hughes to say U.S. Government will be glad to take advantage of above offer (Item 3).

(5) Aug. 9 — Prime Minister's office this date receives notification that Mr. McKenzie Moss, Assistant Secretary, Treasury Department, is appointed U.S. representative at proposed conference on smuggling.

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(6) Nov. 27-30 — Conference regarding smuggling took place at Ottawa this date.

1924

(7) Feb. 4 — Approved Minute of Council this date regarding findings of Conference. Copy of U.S.A. proposals and signed recommendation of Canadian delegates attached to this copy Minute. Exception was taken by U.S. Govt. to phrasing of proposal 8 of recommendations (transportation of alcoholic liquor through Alaska into Yukon) and suggested an alternative clause to which the Canadian Government agreed on the understanding that it was "a satisfactory assurance on the part of the United States Government that the transport of such liquor will be permitted without obstruction or interference by officers of or under the laws of the United States".

(Despatch British Ambassador at Washington to U.S. Government, 22nd February, 1924).

The amended clause was embodied in the final treaty.

(8) Mar. 27 — Telegram this date - Governor General to British Ambassador, Washington, stating Canadian Government propose to lay before Canadian Parliament agreement signed at Ottawa re smuggling (See Item 7) and desiring Ambassador to ascertain if U.S. Government concur.

(9) Apr. 3 — Telegram this date - British Ambassador to Governor General stating U.S. Government point out that no agreement yet signed and inadvisable to publish correspondence until treaty concluded. Furthermore it is pointed out certain parts of correspondence deals with extradition agreement which the U.S. Government do not desire made public for reasons of policy.

(10) Apr. 26 — Telegram this date - Governor General to British Ambassador at Washington withdrawing request of Canadian Government (See Item 8) to have recommendation and correspondence published.

(11) May 23 — Cable this date - Governor General to Secretary of State for Colonies giving text of approved Minute of Privy Council same date representing that in connection with treaty Canada and U.S.A. for purposes of suppressing smuggling along

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the international boundary, and of assisting in the arrest and prosecution of persons violating the narcotic laws of either Governments, it is expedient to invest a fit person with full power to treat on behalf of His Majesty, and suggesting name of Honourable Ernest Lapointe.

1924

(12) May 23 — Approved Minute of Privy Council this date outlining terms of proposed treaty for purpose of preventing smuggling across the International boundary.

(13) " 23 — Memo this date from Mr. Finnie to Deputy Minister of the Interior regarding transportation of liquor into Yukon Territory. Mr. Finnie states yearly revenue from sale of liquor in Yukon Territory is $75,000.

(14) " 27 — Despatch this date from Secretary for Colonies to Governor General forwarding full power granted by H.M. the King to Mr. Lapointe in respect of Treaty smuggling and prosecution of persons violating narcotic laws Canada and U.S.A.

(15) " 28 — Cable this date from Secretary for Colonies to Governor General stating full powers Liquor Treaty being forwarded by mail. Ambassador at Washington informed.

(16) June 6 — At noon this date smuggling Treaty signed at Washington, an announcement to this effect being made in the House by the Prime Minister.

(17) " 7 — Telegram this date from M. M. Mahoney to Rt. Hon. W. L. Mackenzie King stating U.S. Congress adjourned 'sine die'. Filibuster during last hours prevented executive session, consequently smuggling treaty failed ratification.

(18) Dec. 12 — Treaty ratified by U.S. Senate.

(19) " 16 — Despatch this date Secretary of State Hughes to British Ambassador informing latter of action of Senate and saying he is prepared to proceed to ratification.

(20) " 30 — Despatch - Governor General to British Ambassador stating treaty not yet approved by Canadian Parliament but it will be submitted to that body early part of coming session and when approved necessary arrangements will be made for ratification

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1925

(21) Feb. 17 — Proposed resolution by Secretary of State for External Affairs that Parliament approves of Treaty.

(22) Mar. 3 — Treaty approved by House of Commons.

(23) " 11 — Treaty approved by the Senate.

(24) Apr. 7 — Interview this date - Dr. Skelton and Consul General of U.S. in Ottawa. Consul General told of proposed conference at Washington to consider means of enforcing new smuggling treaty and asked if Canadian Government would care to take part.

(25) " 17 — Letter this date - Dr. Skelton to Consul General, stating, by direction of Prime Minister, that Canadian Government would be pleased to take part in conference (Item 24).

(26) " 27 — Cable this date - Governor General to Secretary of State for Colonies, enquiring how soon instrument of ratification of treaty may be expected.

(27) May 13 — Cable - Secretary of State for Colonies to Governor General stating instrument of ratification being sent tomorrow's mail (14th May).

(28) " 26 — Ratification received from Secretary of State for Colonies.

This Treaty provides:

Repression of Smuggling

(1) Co-operation between the United States and Canada in suppressing smuggling along the border:

(a) Exchange of information as to clearances and shipments.

Art. I: Officers of either government are to be required upon request to furnish information to authorized officers of the other government as to clearances of vessels or transportation of cargoes, shipments, or loads of dutiable articles, and as to clearances of vessels when there is ground to suspect intention of smuggling the cargo.

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Note: This will assist both countries, and its terms are the same for each country. In practice, the United States authorities will benefit mainly by receiving information, upon request, as to clearances of vessels carrying liquor, while the Canadian Customs will benefit by aid in suppressing smuggling of a more general character. The Customs Department states: "The Department will benefit greatly, it is expected, from the agreement to supply information regarding shipments of goods to Canada where smuggling is suspected. At the present time the chief complaints are of smuggling silks, tobacco, cigarettes and alcohol into Canada from the United States. Advance information of such shipments, it is hoped, will enable our Preventive Officers to make seizures and apprehend and punish the offenders."

(b) Denial of clearance when destination doubtful.

Art. II: Clearance is to be denied to vessels carrying cargoes of articles of which import into the other country is prohibited, when it is evident from tonnage or size of vessel or length of proposed voyage that the vessel will be unable to carry its cargo to the destination proposed in the application for clearance.

Note: This provision has been enforced in Canada by regulation of the Customs Department since January, 1924. It is now to be made a treaty engagement and to apply to both countries.

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(c) Return of stolen property.

Art.III: Stolen property carried into the other country and seized by its customs authorities is to be returned to owners, on proof of ownership, payment of costs, and waiving of claims for detention.

Note: The Customs Department states: "This provision for return of stolen goods will be of benefit generally to owners of goods so stolen in one country and taken to the other country and there seized."

(d) Officials to give evidence at trials.

Art. V: Customs and other administrative officials to attend as witnesses in trials held in the other country and to produce necessary records: cost to be borne by country requesting their attendance.

Control of Narcotics Traffic.

(2) Control of Narcotics Traffic.

(a) Exchange of information.

Art. IV: The two countries agree to exchange information as to names and activities of persons known or suspected to be violating their narcotic laws.

Note: See memo. re Extradition Convention as to activities of such traffickers.

(b) Conveyance of prisoners.

Art. VI: Under the Treaty of 1908, officers of either country in charge of prisoners accused of specified offences may, under certain regulations, pass with their prisoners through the territory of the other country. The present Convention adds offences against narcotic laws to this specified list.

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Note: This would apply chiefly to transit through the Alaskan pan-handle from one Canadian point to another, but may apply at any point where a railway or other road winds across the boundary.

(3) Conveyance of Alcoholic Liquors through Alaska into Yukon.

Art. VII: Permits (by providing no penalty shall be attached) shipment of alcoholic liquors under guard and seal through Skagway and the White Pass into the Yukon, similar to provision for transit through Panama Canal.

Note: In importing liquor into the Yukon for sale in accordance with the laws governing that territory, it is convenient to ship through Alaskan territory via Skagway. It has been held by United States courts that the Volsted Act prohibits the carrying of liquor in transit through United States territory. The Canadian Government claimed in 1923, through the British Ambassador, that it had the right to do so under Article 26 of the Treaty of Washington, 1871. The United States denied this, but during the conference at Ottawa in November, 1923, agreed to make the concession.

The agreement takes the same form as in the provision for passage of liquor through the Panama Canal - that no penalty will be attached to transportation under guard and seal via Skagway and the White Pass and Yukon Railway.

Term (4) Term: One year, and thereafter until 30 days notice of termination is given by either party.

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B

CHRONOLOGICAL PRECIS

TREATY

-re-

Extradition of persons charged with crimes or offences against the narcotic laws of Canada or the United States

1924

(1) May 28 — Telegram this date - Governor General to British Ambassador, Washington, communicating draft proposed treaty re extradition of narcotic offences. Approved by Privy Council this date.

(2) " 30 — Draft treaty submitted this date by British Ambassador at Washington to Secretary of State, U.S.A. Covering despatch ends thus:

> "Lord Byng of Vimy is confident that it would be most advantageous to both U.S. and Canada if the enclosed treaty could be ratified by the Senate during the present session of Congress."

(3) June 23 — Despatch this date - Secretary of State, U.S.A., to British Ambassador, acknowledging draft treaty and stating the proposals were received at too late a date to arrange for conclusion of the treaty, and its submission to the Senate of U.S. prior to recent adjournment of Congress.
(Forwarded by British Ambassador to Governor General under despatch 27th June).

(4) July 12 — Approved Minute of Council P.C. 1207 this date agreeing to alteration suggested by Secretary of State U.S.

(5) Aug.21 — Letter this date from British Ambassador to Governor General stating that Mr. Secretary of State Hughes would be ready at an early date to sign the extradition treaty between Canada

(6)

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and U.S.A. and asking for date selected by Dominion for signature.

(7) Oct.6 — Memo from Minister of Justice suggesting signature be postponed until after Prime Minister's return.

(8) Nov.8 — Despatch - British Ambassador to Governor General enquiring at instance of U.S. Government for name of plenipotentiary who will sign treaty on behalf of H.M. the King and date for signature.

(9) " 17 — Memo - The Prime Minister to Dr. Skelton, pointing out Article 3 of treaty reads "ratification shall be exchanged either at Washington or London as soon as possible" instead of "either at Washington or Ottawa as soon as possible".

(10) Dec.2 — Despatch from Secretary of State agreeing to proposed change (See Item 9).

(11) " 13 — Letter - Assistant Under-Secretary of State for External Affairs to Governor General's Secretary, to state Mr. Lapointe is prepared to proceed to Washington on 8th January, 1925, for purpose of signing treaty if date convenient.

(12) " 29 — Telegram from British Ambassador stating date quite agreeable.

(13) " 31 — Telegram from British Ambassador stating Secretary of State will receive Mr. Lapointe 3:00 p.m., January 8th, for signature of treaty.

1925

(14) Jan.8 — Telegram Mr. Lapointe stating treaty signed.

(15) " 27 — u.k. Senate Ratified.

(16) Feb.17 — Resolution by Secretary of State for External Affairs that Canadian Parliament approve treaty.

(17) Mar. 3 — Treaty approved by House of Commons.

(18) " 12 — Treaty approved by Canadian Senate.

(19) May 6 — Ratification of Treaty received from Secretary of State for Colonies -

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CANADA

C 97839

Remarks on Treaty:

Basis of Extradition Agreements.

No obligation to surrender offenders against the law of another country exists under international law, except by special treaty agreement. Extradition treaties have been signed between His Britannic Majesty and the United States at various periods since 1842, notably in 1889, 1900, 1905, and 1922, providing for the surrender of persons against whom prima facie evidence exists of certain crimes. The list of such crimes now includes murder, manslaughter, arson, burglary, embezzlement, perjury, bribery, and other specified offences. It is now proposed, as regards Canada and the United States, to add to the list of crimes or offences for which extradition may be granted, crimes or offences against the laws for the suppresion of the traffic in narcotics, of the country making the request for extradition.

Present Treaty confined to Territory of United States and Canada.

Previous extradition treaties between His Britannic Majesty and the United States (1842, 1889, 1900, 1905, and 1922) applied to cases in which the crime was committed, or, in the other contingency, in which the offender was found, in the United States or in any part of the British Empire. The present agreement is confined to cases in which the offence was committed in the United States or in the Dominion of Canada, and the person so charged is found in the Dominion of Canada or the United States respectively.

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C 97840

Necessity: the Narcotics Traffic.

The necessity for such an agreement arises from the elaborate organization of drug rings throughout the world and the dimensions to which the traffic has developed. On this continent there are a number of large traffickers in narcotics in the principal cities of the United States and also in Canada, particularly, in our case, in Montreal, Toronto, Winnipeg and Vancouver. It frequently happens that while investigation is being carried on into operations of persons suspected of underground importation or local distribution of narcotic drugs, or a trial is under way, the suspects in question slip across the border, secure in the knowledge that they cannot be extradited. It is estimated by the Department of Health that ten or twelve large dealers a year manage to escape from Canadian justice in this way, and of course the same thing applies, on a somewhat larger scale, to United States traffickers hiding in Canada.

The Canadian Department of Health and the Narcotics Division of the United States Internal Revenue Service work in close co-operation, by exchanging information, and occasionally by intercepting shipments; about a year ago, at the request of the Canadian authorities, the United States intercepted at New York a shipment of 100,000 ounces of morphine, heroin, and cocaine, consigned to a fictitious firm in Montreal.

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C 97841

There is, then, an urgent necessity for an extradition agreement which will assist in breaking up this traffic.

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RAT'FD-PUBLIC JAN 27 1925 C 97842 S-1003

68TH CONGRESS, 2d Session | CONFIDENTIAL | EXECUTIVE I

EXTRADITION WITH CANADA

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

A CONVENTION BETWEEN THE UNITED STATES AND HIS BRITANNIC MAJESTY, IN RESPECT OF THE DOMINION OF CANADA, PROVIDING FOR EXTRADITION ON ACCOUNT OF CRIMES OR OFFENSES COMMITTED AGAINST THE LAWS FOR THE SUPPRESSION OF THE TRAFFIC IN NARCOTICS, SIGNED AT WASHINGTON, JANUARY 8, 1925

JANUARY 10, 1925—Convention read the first time and referred to the Committee on Foreign Relations, and, together with the message, ordered to be printed in confidence for the use of the Senate

To the Senate:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith a convention between the United States and His Britannic Majesty, in respect of the Dominion of Canada, providing for extradition on account of crimes or offenses committed against the laws for the suppression of the traffic in narcotics, signed at Washington, January 8, 1925.

CALVIN COOLIDGE.

THE WHITE HOUSE,
Washington, January 10, 1925.

The PRESIDENT:

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to ratification, if his judgment approve thereof, a convention between the United States and His Britannic Majesty, in respect of the Dominion of Canada, providing for extradition on account of crimes or offenses against the laws for the suppression of the traffic in narcotics, signed at Washington, January 8, 1925.

Respectfully submitted.

CHARLES E. HUGHES.

DEPARTMENT OF STATE,
Washington, January 9, 1925.

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PUBLIC ARCHIVES
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CANADA

C 97843

The President of the United States of America and His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, in respect of the Dominion of Canada, being desirous of enlarging the list of crimes on account of which extradition may be granted with regard to certain offences committed in the United States or in the Dominion of Canada under the Conventions concluded between the United States and Great Britain on the 12th July, 1889, and the 13th December, 1900, and the 12th April, 1905, and the 15th May, 1922, with a view to the better administration of justice and the prevention of crime, have resolved to conclude a Supplementary Convention for this purpose, and have appointed as their Plenipotentiaries, to wit:

The President of the United States of America: Charles Evans Hughes, Secretary of State of the United States of America, and

His Britannic Majesty: The Honorable Ernest Lapointe, Minister of Justice to the Dominion of Canada;

Who, after having communicated to each other their respective full powers, which were found to be in due and proper form, have agreed to and concluded the following Articles:

Crimes added

ARTICLE I

The following crimes are, subject to the provision contained in Article II hereof, added to the list of crimes numbered 1 to 10 in the 1st Article of the said Convention of the 12th July, 1889, and to the list of crimes numbered 11 to 13 in Article I of the Supplementary Convention concluded between the United States and Great Britain on the 13th December, 1900, and to the list of crimes numbered 14 and 15 in Article I of the Supplementary Convention concluded between the United States and Great Britain on the 12th April, 1905, and to the list of crimes numbered 16 in Article I of the Supplementary Convention concluded between the United States and Great Britain on the 15th May, 1922, that is to say:

17. Crimes and offences against the laws for the suppression of the traffic in narcotics.

Territory to Canada etc

ARTICLE II

The operation of the present Convention is confined to cases in which the offences mentioned in the preceding Article having been committed in the United States or in the Dominion of Canada, the person charged with the offence is found in the Dominion of Canada or in the United States respectively.

an integral part

ARTICLE III

The present Convention shall be considered as an integral part of the said Extradition Conventions of the 12th July, 1889, and the 13th December, 1900, and the 12th April, 1905, and the 15th May, 1922, and the 1st Article of the said Convention of the 12th July, 1889, shall be read as if the lists of crimes therein contained had originally comprised the additional crimes specified and numbered 17 in the 1st Article of the present Convention subject to the provision contained in Article II.

W.L. Mackenzie King Papers
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CANADA

C 97844

The present Convention shall be ratified, and the ratifications shall be exchanged either at Washington or Ottawa as soon as possible.

It shall come into force ten days after its publication in conformity with the laws of the High Contracting Parties, and it shall continue and terminate in the same manner as the said Convention of the 12th July, 1889.

In testimony whereof, the respective plenipotentiaries have signed the present Supplementary Convention and have affixed their seals thereto.

Done in duplicate at the City of Washington this eighth day of January, in the year one thousand nine hundred and twenty-five.

[SEAL] CHARLES EVANS HUGHES
[SEAL] ERNEST LAPOINTE.

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RAT'FD-PUBLIC JAN 27 1925 C 97845

68TH CONGRESS } CONFIDENTIAL { EXECUTIVE
2d Session } { I

EXTRADITION WITH CANADA

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

A CONVENTION BETWEEN THE UNITED STATES AND HIS BRITANNIC MAJESTY, IN RESPECT OF THE DOMINION OF CANADA, PROVIDING FOR EXTRADITION ON ACCOUNT OF CRIMES OR OFFENSES COMMITTED AGAINST THE LAWS FOR THE SUPPRESSION OF THE TRAFFIC IN NARCOTICS, SIGNED AT WASHINGTON, JANUARY 8, 1925

JANUARY 10, 1925—Convention read the first time and referred to the Committee on Foreign Relations, and, together with the message, ordered to be printed in confidence for the use of the Senate

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CALVIN COOLIDGE.

THE WHITE HOUSE,
Washington, January 10, 1925.

THE PRESIDENT:

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to ratification, if his judgment approve thereof, a convention between the United States and His Britannic Majesty, in respect of the Dominion of Canada, providing for extradition on account of crimes or offenses against the laws for the suppression of the traffic in narcotics, signed at Washington, January 8, 1925.

Respectfully submitted.

CHARLES E. HUGHES.

DEPARTMENT OF STATE,
Washington, January 9, 1925.

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CANADA

C 97846

The President of the United States of America and His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, in respect of the Dominion of Canada, being desirous of enlarging the list of crimes on account of which extradition may be granted with regard to certain offences committed in the United States or in the Dominion of Canada under the Conventions concluded between the United States and Great Britain on the 12th July, 1889, and the 13th December, 1900, and the 12th April, 1905, and the 15th May, 1922, with a view to the better administration of justice and the prevention of crime, have resolved to conclude a Supplementary Convention for this purpose, and have appointed as their Plenipotentiaries, to wit:

The President of the United States of America: Charles Evans Hughes, Secretary of State of the United States of America, and

His Britannic Majesty: The Honorable Ernest Lapointe, Minister of Justice to the Dominion of Canada;

Who, after having communicated to each other their respective full powers, which were found to be in due and proper form, have agreed to and concluded the following Articles:

Article I

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17. Crimes and offences against the laws for the suppression of the traffic in narcotics.

Article II

The operation of the present Convention is confined to cases in which the offences mentioned in the preceding Article having been committed in the United States or in the Dominion of Canada, the person charged with the offence is found in the Dominion of Canada or in the United States respectively.

Article III

The present Convention shall be considered as an integral part of the said Extradition Conventions of the 12th July, 1889, and the 13th December, 1900, and the 12th April, 1905, and the 15th May, 1922, and the 1st Article of the said Convention of the 12th July, 1889, shall be read as if the lists of crimes therein contained had originally comprised the additional crimes specified and numbered 17 in the 1st Article of the present Convention subject to the provision contained in Article II.

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CANADA

C 97847

The present Convention shall be ratified, and the ratifications shall be exchanged either at Washington or Ottawa as soon as possible.

It shall come into force ten days after its publication in conformity with the laws of the High Contracting Parties, and it shall continue and terminate in the same manner as the said Convention of the 12th July, 1889.

In testimony whereof, the respective plenipotentiaries have signed the present Supplementary Convention and have affixed their seals thereto.

Done in duplicate at the City of Washington this eighth day of January, in the year one thousand nine hundred and twenty-five.

[SEAL] CHARLES EVANS HUGHES
[SEAL] ERNEST LAPOINTE.

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Coll-Smuggling. C-1200

C 97848 Smuggling

DEPARTMENT OF STATE

FOR THE PRESS August 20, 1925

The Secretary of State this morning at 10 o'clock received the representatives of Canada who are in Washington to draw up regulations under the Treaty signed on June 6, 1924 to suppress smuggling across the Canadian Border and for other purposes. The Secretary of State made the following remarks:

"The Treaty provides for the cooperation between the enforcement officers on both sides of the boundary. It is another evidence of the interest of English-speaking people in law enforcement and of their ability to work together in suppressing crime and law violation. Smuggling of narcotics, liquors, goods, and merchandise of all kinds has developed to a great extent since the war. It is essential that the Governments should aid each other in meeting this common enemy and the Treaty recently made effective between the two Governments will aid very materially in accomplishing this end.

"As I understand it, it is thought advisable to have identical regulations applicable to officers of Canada and of the United States along the border, and this Conference has been called for the purpose of drawing them up. The boundary between the United States and Canada is unique in the history of the world, as it has existed for over 100 years without any conflicts and without any armed forces. I am sure that the United States is prepared to cooperate fully with the Canadian authorities in every way to maintain the peaceful condition which now exists along the border. A discussion of questions of this character around the conference table and a frank statement of views is characteristic of English-speaking people and is sure to lead to a better understanding.

"I understand that since the conference was held in Ottawa and the Convention was signed on June 6, 1924, your Government has passed some laws with respect to smuggling which are very helpful. I hope that it will be found possible to take measures whereby clearances of ships with cargoes of liquor destined for the United States may be refused, since it is evident when such clearances are requested that the object of the expedition is unlawful. I also think it would be helpful if provision might be made in due course for extradition in cases involving offenses against the customs laws of our respective Governments. Provisions along these lines have been under discussion with the Government of Mexico and the Commissioners of both Governments have definitely recommended treaties on these subjects. I hope that definite agreements may be worked out soon.

"I trust that the Conference may be a great success and I assure you that I shall consider the regulations drafted by you with great care and interest before submitting them to the President for his consideration. I desire at this time to ask you to extend to your Government at Ottawa an expression of the strong feelings of friendship which animate the people of this nation with respect to the Canadian people."

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Mr. R. R. Farrow, Deputy Minister of Customs and Excises of Canada, head of the Canadian Delegation, made the following remarks in response to the Secretary of State's greeting:

"Honourable Sir:

"On behalf of my colleagues, I wish to thank you for the very cordial and friendly reception you have given us on the occasion of our visit to your beautiful Capital, to confer with the delegates of your Government in respect of establishing regulations to carry into effect the provisions of the treaty recently concluded, concerning international smuggling and kindred subjects.

"We appreciate the high compliment which has been paid us in being received by you as Secretary of State of this great Republic.

"We have been authorized by the Right Honourable the Prime Minister of our Country, and the Members of his Government, to endeavour to arrange for such regulations as will enable the officials of both countries to successfully cope with infractions of the Revenue Laws.

"We believe this Treaty, which resulted from the Conference between the officials of the two Governments held in Ottawa, in December, 1923, shows the desire of both countries to suppress the prevalence of smuggling on both sides of the line and to afford facilities to bring guilty parties to Justice, and the instructions from our Government are to cooperate with your officials to recommend the adoption of such regulations as will give the fullest effect to the provisions of the Treaty.

"I am desired by the Canadian delegates to thank the representatives of your Government for the courtesies that have already been extended to us and the arrangements which have been made for our entertainment while in Washington."

* * *

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CANADA

H.A. MAY

P.C. 1743

C-1200

C-97850

AT THE GOVERNMENT HOUSE AT OTTAWA

Saturday, the 26th day of September, 1925.

PRESENT:

The Deputy of
HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

WHEREAS by chapter 54 of the statutes of Canada, 1925, the Governor in Council is authorized to make such orders and regulations as are deemed necessary to carry out the provisions and intent of the Treaty signed on 6th June 1924 between His Majesty in respect of Canada, and the United States of America, for the suppression of smuggling operations and for other purposes;

AND WHEREAS upon the invitation of the United States Government representatives of the several departments concerned at Ottawa attended at Washington to confer with officials of the United States Government before framing the requisite regulations to give effect to the Treaty;

AND WHEREAS at the said conference, which was held on the 20th, 21st and 22nd days of August, 1925, it was considered that it would be a convenience to the officers and employees affected thereby if the regulations of both countries were made in

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CANADA

H.A. MAY

P.C. 1743

C-1200

C-97850

PRIVY COUNCIL
CANADA

AT THE GOVERNMENT HOUSE AT OTTAWA

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The Deputy of
HIS EXCELLENCY

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similar form so as to apply indifferently to either country, it being understood that each country in enacting the regulations would provide in terms that they would apply to and govern only the territory and officials of such Government, and that they would be subject to be varied or revoked as occasion might require, and

WHEREAS, pursuant to said understanding the Canadian representatives expressed their willingness to recommend the enactment of orders and regulations in the form hereinafter set out, and have made their recommendation accordingly.

The Deputy of

THEREFORE His Excellency the Governor General in Council, on the recommendation of the Minister of Justice, and under and by virtue of the provisions of chapter 54 of the Statutes of Canada, 1925, is pleased to make and doth hereby make the following orders and regulations, to have effect in so far only as they relate to Canada or are intended to govern officers or employees of the Government of Canada.

ARTICLE I OF THE TREATY.

Section 1. The officers authorized to furnish, request and receive information as provided in Article 1 of the Treaty shall be as follows:- For the Dominion of Canada, the Deputy Minister of Customs and Excise, the Chief, Customs-Excise Preventive Service and Collectors of Customs and Excise; for the United States of America, Consuls, Collectors of Customs and United States District Attorneys. In addition, other officers may be designated and authorized, for Canada, by the Minister of Customs and Excise, and for the United States by the Secretary of the Treasury or the Attorney General.

Section 2. Advance or immediate information respecting the clearance of vessels to any port shall be so furnished where there is reasonable ground to suspect that the owners or persons in possession of the cargo

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intend to smuggle or illegally introduce it into Canada or the United States. It shall be the duty of any such officer of either government having reasonable ground to suspect an intent to smuggle or illegally introduce any merchandise into the other country, immediately to inform by telegraph or telephone, at the expense of the receiving government, the appropriate officer of such government, as provided in Section 1. Arrangements may be made to furnish such information to a specially-named officer when it is deemed advisable to do so.

Section 3. For the purpose of Section 2, reasonable ground to suspect an intent to smuggle or unlawfully to introduce goods or merchandise shall be deemed to exist not only when the officers of the country from which the goods are being conveyed suspect that unlawful operations are contemplated but also when the Minister of Customs and Excise, for Canada, or the Secretary of the Treasury, for the United States, or the duly authorized representative of either, certifies, one to the other, that he has reasonable grounds for believing that such vessel or the owner or possessor of its cargo or of such goods or merchandise is engaged in or about to engage in such unlawful operations.

Section 4. All information furnished under the provisions of this article of the Treaty shall be for official use only and may be designated as confidential by the officer furnishing it. The source of all information furnished as confidential shall not be disclosed without the consent of the officer who furnished it and any officer who violates the provisions of this section will be subject to severe disciplinary action.

ARTICLE II OF THE TREATY.

Collectors of Customs and Excise of Canada and Collectors of Customs of the United States will refuse to clear any vessel in accordance with the provisions of Article II of the Treaty. Lists of articles, the importation of which is prohibited and to which it is desired that the provisions of Article II shall be applied, will be exchanged between the Minister of Customs and Excise of Canada and the Secretary of the Treasury of the United States.

ARTICLE III OF THE TREATY.

Section 1. A national of the United States or of Canada desiring to make claim under the provisions of Article III of the Treaty shall file a petition with the Minister of Customs and Excise or the Secretary of the Treasury, as the case may be, setting out the facts and making request for the return of the property.

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CANADA

intend to smuggle or illegally introduce it into Canada or the United States. It shall be the duty of any such officer of either government having reasonable ground to suspect an intent to smuggle or illegally introduce any merchandise into the other country, immediately to inform by telegraph or telephone, at the expense of the receiving government, the appropriate officer of such government, as provided in Section 1. Arrangements may be made to furnish such information to a specially-named officer when it is deemed advisable to do so.

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CANADA

Section 2. The claimant must produce evidence of his ownership and of the absence of collusion on his part in the theft of the property.

Section 3. Upon the submission of satisfactory evidence, the return of the property will be authorized by the appropriate official, provided the claimant pays to the Collector of Customs or Collector or other proper officer of Customs and Excise, as the case may be, all expenses incurred in the seizure and detention of the property and files in writing a waiver and release of all possible claims for compensation and damages incident to the seizure and detention of the property against the Government and any and all Government officers involved.

Section 4. Customs officials of the United States or Customs and Excise officials of Canada will give assistance to the nationals of the other Government by permitting the inspection by such nationals of property under seizure, provided the Customs or Customs and Excise officials are satisfied that such requests for inspection are made in good faith. When such stolen property is identified, such nationals will be furnished, so far as known, with the names and descriptions of persons from whom the property was seized and other persons who have had possession of such property subsequent to the theft thereof.

ARTICLE IV OF THE TREATY.

Section 1. The information to be exchanged under Article IV of the Treaty shall be the name, and, where available, the description, Bertillon measurements, fingerprints, photograph, and record, or other relevant information regarding the following persons:

(a) Every person known or suspected to be engaged or about to engage in smuggling or unlawfully importing narcotic drugs from the United States to Canada, or vice versa.

(b) Every person arrested for smuggling or unlawfully importing or bringing any narcotic drugs into the United States from Canada, or vice versa.

(c) Every person arrested in the United States or in Canada for a serious violation of the narcotic laws of either government, if there is reasonable ground for believing that such person has unlawfully imported or brought in narcotic drugs.

Section 2. This information shall be exchanged between the Head, Narcotic Division, Prohibition Unit, Washington, D.C., and the Chief, Narcotic Division, Department of Health, Ottawa, Canada.

Section 3. If prompt information is necessary to enable the officers of either government to apprehend a person in the act of smuggling or unlawfully importing

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narcotic drugs, it may be communicated to the appropriate officers of the other government by mail, or, if necessary, by telegraph or telephone, at the expense of the government receiving the information. A report containing the substance of the communication shall be mailed to the officers named in Section 2.

ARTICLE V OF THE TREATY.

Section 1. In case documentary evidence or the testimony of any officer or employee of the United States is desired in Canada under the provision of Article V of the Treaty, request therefor will be made by the appropriate officer of the Canadian Department of Justice through the Consul General of the United States at Ottawa, to the Secretary of State, who will transmit the request to the head of the Department or independent organization of the United States Government having such evidence or employing such official. After consideration thereof, the head of the Department or independent organization will make the appropriate order in the premises.

Section 2. In case documentary evidence or the testimony of any official of Canada is desired in the United States under the provisions of Article V of the Treaty, request therefor will be made by the proper officer of the Department of Justice to the Secretary of State, who will transmit it through the Consul General of the United States at Ottawa to the Minister of the Canadian Government under whom the documentary evidence is to be found or the officer or employee is employed. After consideration thereof the Minister will make the appropriate order in the premises.

Section 3. Whenever any officer or employee of the United States is required to go to Canada under the provisions of Article V of the Treaty, and whenever any Canadian officer or employee is likewise required to go to the United States, transportation from his official station to the place to which he is required to go, or sufficient money to pay the same, shall be furnished to him by or on behalf of the Government requesting his attendance before he leaves his official station. All other expenses required by Article V to be paid by the requesting nation shall be paid in full before he departs from the place at which his testimony was required.

ARTICLE VI OF THE TREATY.

Section 1. If, under Article VI of the Treaty, a narcotic agent or other officer of either the United States or Canada desires to convey a prisoner charged with an offence against the narcotic laws of his own Government across the territory of the other Government, as provided by the Treaty of May 18th, 1908, (35 U.S. Stat.Part 2, P.2035), he may, in having the warrant or process endorsed, or backed, by a judge, magistrate or justice of the peace, or in obtaining the authority of the Secretary of State or of the Minister of Justice, as the case may be, at the expense of his own government, call upon the nearest United

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States Attorney or the Department of Justice of Canada for advice and assistance.

Section 2. A United States Attorney or the Department of Justice of Canada, so called upon by a narcotic agent or other officer of either Government, will give advice and render assistance in accordance with the law and the Treaty of May 18th, 1908.

ARTICLE VII OF THE TREATY.

Section 1. When a shipment of liquors is to be made to Canadian Territory under Article VII of the Treaty, a full description of the packages, and contents thereof, will be furnished by Canadian authorities to United States customs authorities at Skagway, Alaska. A second copy thereof will be delivered to and retained by the master of the vessel having such liquors on board for transportation.

Section 2. Said shipment, consisting of the packages as listed and described in the document furnished as required by Section 1, will be locked securely in a separate and safe compartment on the vessel transporting the same from the Canadian port to Skagway, Alaska, and the owners and master of the vessel, under penalties of the law of Canada and of the United States, will be responsible for the safe delivery of said liquors to Skagway, Alaska.

Section 3. Before leaving Canada, said compartment will be placed under Canadian and United States customs seals, and remain under the two seals continuously until the vessel arrives at its destination at Skagway.

Section 4. The shipment will be accompanied on the vessel by one or more guards representing Canadian authorities.

Section 5. After arrival of the vessel at Skagway, Alaska, the seals on the compartment will be broken in the presence of an officer of the United States Customs service, the Canadian Customs officer at Skagway and the master of the vessel or his representative. The packages of liquor will be checked and will be removed from the vessel under supervision of United States and Canadian Customs Officers to a car of the White Pass and Yukon Railway. Such car will then be securely locked and placed under United States and Canadian customs seals. A Canadian guard or guards will accompany the car and shipment until it arrives in Canadian territory. Upon arrival at the point of exit from the United States the car will be examined by a United States customs officer, and, if the seals are found intact, such officer shall certify to that effect upon the carrier's manifest, allow the car to proceed into Canadian territory, and return to the Deputy Collector at Skagway the mail copy of the carrier's manifest as a certificate of

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exportation. If the seals are not found intact, the customs officers of the two governments shall prepare a joint report stating the condition in which the shipment arrived at such point of exit, and the shipment shall then be allowed to proceed to destination.

Section 6. If, at Skagway, or at such point of exit, the shipment is not found intact when checked, the authorities of both Governments will co-operate in proceedings to apprehend and prosecute the person or persons responsible for the loss or diversion of the liquor.

for Clerk of the Privy Council.

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(O.D SKELTON ?) (1926 ?)
xc C 97857 jc.

TREATY ARRANGEMENTS WITH THE UNITED STATES
REGARDING SMUGGLING

1. 1924:

In common with the other parts of the British Empire, and in accordance with an agreement reached at the Imperial Conference of 1923, Canada has agreed by a treaty (ratified in February, 1924) to permit an extension of the United States right of search at sea as regards alleged rum smugglers, the agreement being that search might be made within a distance from the shore that might be covered in one hour by the vessel under suspicion, or by other craft conveying liquor from it to shore.

2. 1925:

A convention between Canada and the United States for the suppression of smuggling, after approval by Parliament, went into effect in July, 1925. It provides:

> (a) The appropriate officers of each government are authorized to furnish upon request to authorized officers of the other government, information regarding clearances of vessels or transportation of cargoes, shipments, or loads of articles across the boundary, when such imports are subject to duty, and to furnish information respecting clearances of vessels to any ports when there is ground to suspect intention to smuggle the cargo into the other country;
>
> (b) Clearance is denied to vessels carrying cargo prohibited entry into the other country when it is evident from the size of the vessel, length of the voyage, etc., that the vessel would be unable to carry the cargo to the destination proposed in the application for clearance (making the Canadian regulation previously in force a treaty obligation).

No intimation has been received from the United States that the above arrangements are not being observed or are not working satisfactorily, though there has been some discussion of the possibility of supplementary legislation.

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Mr. Stevens' statement (Hansard, p. 5007) that the smuggling treaty with the United States was understood or intended to prohibit clearance of any vessels carrying liquor or other prohibited cargo from Canada to the United States or from the United States to Canada is without foundation. It provided exactly what is noted above - exchange of information as to clearances or shipments of such cargo, and denial of clearance to small vessels which obviously could not reach the destination proposed., e.g., motor boats from Lake Ontario ports to Cuba.

The government has recently had under consideration proposals from the United States government for supplementing the existing convention by a new one providing for refusal of clearance to any vessel carrying liquor to a United States port. It has also noted arrangements just concluded between the British Government and the United States, including some features of the Canadian procedure, but not including any provision for refusal of clearances. (See memo. attached, "A")

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C 97859

"A"

MEMORANDUM 16th June, 1926

United States proposals for further preventive liquor smuggling treaties of legislation.

I. United States proposals of October 6th, 1925.

Through the British Ambassador the United States State Department requested a new agreement providing:

(a) that Canada should refuse clearance to vessels carrying liquor to the United States;

(b) that offences against Customs laws should be added to the list of extraditable offences as regards Canada and the United States;

(c) that transportation of liquor to Telegraph Creek, British Columbia by the Stikine River through Alaskan territory should be permitted (this was in response to a request from the British Columbia Government, hardly of major importance).

II. April 12th, 1926. Suggestions conveyed through United States Consul-General.

The Consul stated that he had been instructed to point out:

(1) that Mexico has agreed to refuse clearance to vessels carrying liquor to the United States, and

(2) that Cuba has added infraction of Customs laws to the list of extraditable offences

and to request consideration of similar action by Canada.

III. Additional verbal suggestion by United States Consul-General June 11th, 1926.

The Consul further suggested that, in view of the growing practice on the Pacific Coast of giving vessels carrying liquor clearances for uninhabited places in Canadian Territory, such as Wales Island, which must long have reached the saturation point, this practice should also be reviewed, as otherwise any agreement to prohibit clearances to United States ports would prove ineffective.

IV. Attitude of British Government to similar proposals.

Confidential

(1) Proposals rejected.

The British Government has considered it not to be advisable:

(a) to impose penalties on British subjects concerned in infringing United States laws;

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C 97859

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Confidential

(b) to require bonds on liquor exports to be forfeited if liquor did not reach the proper destination. It was held by the British Board of Trade that in the case of Great Britain at least such legislation would be ineffective since it could easily be evaded by taking clearances first to Hamburg or Antwerp and second, that if effective, it would simply result in transferring the trade to Continental ports without lessening the total amount of smuggling.

(2) Proposals made or accepted by the British Government, April, 1926.

(a) to take administrative action to prosecute Masters for infraction of the Customs Act, when reasonable grounds for suspicion are available to believe them guilty of making false declarations in regard to their destinations; the United States to supply evidence.

Made Public

(b) to take steps to remove rum running vessels from the British registry on production by the United States authorities of evidence that the vessel is really owned or controlled in the United States.

(c) to instruct West Indian authorities to take special care in preventing transfers to the British flag of vessels intended for the smuggling trade (following the procedure already in force in Canada for some time).

(d) to permit United States cutters to enter British territorial waters at Gun Cay in the Bahamas.

Confidential

British government is not making public the fact that (e) and (f) have been agreed to.

(e) the informal supply of information by British authorities in the West Indies to the United States authorities of clearance of vessels carrying "interesting cargoes".

(f) in a later despatch, June, 1926, similar information regarding clearance of vessels from ports in the United Kingdom, this offer to be regarded "as entirely unofficial and confidential".

Public

(g) an invitation to the United States Government to send representatives to London to discuss with the competent British authorities "the latter's powers and limitations and to acquaint them with the nature of the information and assistance which the United States authorities are in a position to supply". These representatives are at present in London.

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C 97861

(1)

Friday
January
21
1927

12.30 P.M.

MR. KING:

Re: Proposed Smuggling Conference
with United States.

In Dr. Skelton's absence en route to Washington, I have just received your memorandum endorsed on the papers referring to the above conference.

I have carried out your direction to communicate your explanation of the situation to Mr. Robb.

Mr. Euler has just telephoned me to say that the matter was brought up in Council yesterday but that the Members did nothing more than indicate that in their opinion it was something which had to do with the Prime Minister and the Minister of Customs and Excise. Mr. Euler, while still of the opinion that the conference could be quite appropriately held after the conclusion of our parliamentary session, is ready to arrange it as early as possible during the course of the session, but does not see that this can be done before some time in March.

As you are probably aware, Dr. Skelton does not expect to be back in Ottawa for a week.

LCM.

Jany 21 - 1.30 pm
I would suggest he both take matter up in Council with a view to having despatch sent on lines that will be satisfactory to Mr. Euler and other members of government. I think it important some despatch should be sent.
W.L.M.K.

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O.D. SKELTON TO WLMK C 97862 FEB. 7, 1929.

To

The Right Honourable

The Secretary of State for External Affairs.

The undersigned have the honour to present the following report of the proceedings of the Conference on Commercial Smuggling, held at Ottawa between representatives of Canada and the United States on 8th, 9th and 10th January, 1929.

The Conference was held as a result of proposals which were first made by the Government of the United States. Following a conference held in Ottawa on the 27th and 28th November, 1923, a treaty was signed on the 6th of June, 1924, and ratified on the 17th of July, 1925, which provided for the reciprocal interchange, upon request, of information regarding clearances of shipments across the international boundary of dutiable goods; for furnishing of information regarding clearances issued to vessels suspected of being engaged in an attempt to smuggle goods into the other country; for the refusal of clearances to vessels obviously unfit to carry their cargoes to the destination named in the application for clearance; for the interchange of witnesses and records, and for other related purposes. In August, 1925, a meeting was held in Washington at which regulations designed to implement the terms of the treaty were agreed upon by representatives of the two Governments. Within two months later, on the 1st of October, 1925, the United States Secretary of

State....

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State addressed a communication to the Canadian Government through the British Ambassador at Washington, suggesting the negotiation of a convention supplementary to the foregoing treaty, providing

(1) for the refusal of clearance to shipments of goods the importation of which was prohibited in the country of destination;

(2) for making offences against Customs laws extraditable;

(3) for transportation of liquor through Alaskan territory.

In July, 1926, an informal conference was held in London between representatives of the British Government and the Government of the United States to consider a similar problem. As the result of this discussion it was announced that the British Government had agreed to take the following steps:

(a) to prosecute masters for false declarations in regard to destination;

(b) to remove rum-running vessels from British registry, if shown to be really owned in the United States;

(c) to instruct the West Indian authorities to be careful to prevent transfers to the British flag of vessels engaged in the smuggling trade. (This procedure was already being enforced in Canada.)

(d) to permit United States cutters to enter British territorial waters at Gun Cay in the Bahamas, for observation purposes.

Following this London agreement, the suggestion of a conference between the Canadian and United States Governments was renewed. It was agreed in December, 1928, that a conference

would....

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would be held to consider any phase of the problem of commercial smuggling which either Government might desire to raise.

The United States Government appointed the following officials to take part in the conference:

Admiral F. C. Billard - Commandant, United States Coast Guard, head of group;

James M. Doran - Commissioner of Prohibition, Treasury Department;

E. W. Camp - Commissioner of Customs;

Ferdinand L. Mayer - Counsellor of United States Legation, Ottawa;

Irving N. Linnell - United States Consul General at Ottawa;

Francis Colt de Wolf - Assistant to Solicitor, State Department;

Harry J. Anslinger - Liaison Officer between State Department and Treasury Department;

Arthur W. Henderson - Special Assistant to the Attorney General;

Lynn W. Meekins - Commercial Attache at Ottawa;

F.J. Murphy) - Treasury Department,
Elmer J. Lewis) Technical Assistants;
Miss Clara Borjes-State Department, Secretary.

The Canadian representation was accordingly also constituted of officials, as follows:

Dr. O. D. Skelton - Under-Secretary of State for External Affairs (Chairman);

W. Stuart Edwards - Deputy Minister of Justice;

R. W. Breadner - Commissioner of Customs;
George W. Taylor - Commissioner of Excise;
C. P. Blair - Assistant Commissioner of Customs;

F. W. Cowan - Chief, Preventive Service;

William Ide - General Executive Assistant, Department of Customs;

E. Hawken - Assistant Deputy Minister, Marine Department;

C. H. L. Sharman - Chief, Narcotics Division, Department of Health;

H. L. Keenleyside - Third Secretary, Department of External Affairs.

The conference....

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The conference met in the Department of National Revenue at eleven a.m. on Tuesday, 8th of January, and held three subsequent sessions. Dr. O. D. Skelton acted as Chairman of the Conference.

The discussions in the conference were confined almost wholly to the question of the smuggling of liquor into the United States. No other phases of commercial smuggling were brought up by the United States representatives, and the Canadian representatives made no request for further assistance from the United States authorities in the prevention of commercial smuggling into Canada. It was announced that the United States Government did not propose to bring up the suggestion of extradition for Customs offences at present, but would raise the question at an appropriate time through diplomatic channels.

The discussion during the four sessions covered a wide range. For the sake of brevity, the points raised are here summarized without indicating the many repetitions and exchanges of opinion on minor points. It should be added that the Canadian representatives made it clear that as their delegation, in accordance with the proposals of the United States, consisted of officials rather than of members of the Government, they had no authority to determine matters of policy, and were called upon simply to bring out in discussion the implications of any proposals made from either section of the Conference and to report to their Government.

In considering the summary of the discussion set forth below, it must, therefore, be borne in mind that any criticisms made of the proposals of the United States representatives were advanced for the purpose of ensuring full consideration of all the angles to the question without prejudice to the final conclusions to be drawn. The discussion

made....

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made it clear that the representatives from each country appreciated in very considerable measure the force of the considerations, and the references to past experience, which were advanced.

Summary of Representations made by the United States Delegation

1... The United States representatives stated that the problem which they wished to bring to the attention of the Canadian authorities was the difficulty created by the large and growing importation of liquor from Canada into the United States, contrary to the law of the latter country. According to Canadian official statistics the export of liquor to the United States for the year ended 31st March, 1928, amounted in duty-paid value to over $18,000,000. It was estimated that the importations from Canada constituted three-fourths of all importations from outside countries. Quantities of liquor, seized at various points, and subjected to laboratory analysis, indicated that a large proportion of the available supply, particularly in the Great Lakes and New York and Philadelphia districts, consisted of importations from Canada. The illegal supply produced in the United States itself by diversion or reclaiming of industrial alcohol was decreasing; and a considerable percentage of the liquor used was now derived illicitly from primary sources in the United States such as grain, molasses, and sugars. The estimated made by United States commentators to the effect that not more than from two to five per cent of the total supply of liquor consumed in the United States was smuggled from abroad, were declared to be no longer representative

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of the facts, but no definite estimate of the proportion of imports to the total supply was given. The supply from Canada had a special importance in that United States consumers were encouraged to make purchases on the strength of the known existence of a reasonably authentic supply of liquor from Canada. Canadian stamps and labels were fraudulently imitated, and in this way imports from Canada had a much wider effect than the mere quantity actually imported would seem to indicate.

2... Contrary to statements appearing in the press, the United States officials were seriously attempting to solve the liquor smuggling problem. They had substantially succeeded in cutting off the smuggling of liquor from the high seas, but had not been able to lessen the flow across the Canadian border, particularly in the Detroit area. In the two fiscal years ended 30th of June, 1928, 634 boats, 964 automobiles (carrying liquor from boats on the United States side), 46,594 cases of beer, 6,644 barrels of beer, and 16,560 cases of whiskey were confiscated. This did not, however, constitute more than from five to ten per cent of the total smuggled in this area. In spite of the organization of a special patrol system, it had not been possible to prevent the entry of contraband in large quantities. Temptations for new men taken into the service were strong; a large proportion of them had succumbed and following investigation it had been necessary to dismiss and indict a large number; 140 men had been employed on the Detroit frontier when control of that district was taken over by the Customs Service in July, 1927, but at present

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there were only 87, as a result of dismissals; it was only necessary to bribe one picket for eight hours to open a wide gap. The prevalence of undesirable elements on the border, with the consequent growth of hijacking, racketeering and banditry, constituted a difficult problem.

3... In the solution of this problem the co-operation afforded by the Canadian authorities under the Treaty of June, 1924, had proved ineffective. The United States representatives emphasized the fact that Canada had fully and faithfully discharged her obligations under that Treaty, and that failure to curb smuggling was in no wise to be attributed to any failure on the part of the Canadian officials to perform their duties. The fact remained, however, that since the Treaty went into effect, between 1926 and 1928, the shipment of liquors to the United States, according to Canadian statistics, had increased 50%. The difficulty of seizing the rum-running vessels was increased by the fact that while clearances were issued during the day, the greater part of the rum-running was done under cover of night. If the vessels were caught the information given as to clearances was frequently not sufficient to permit identification. If cases were taken to court, great difficulty was experienced in obtaining witnesses and in securing favourable verdicts.

4... The only solution of the problem therefore appeared to be to ask the Canadian authorities to stop the traffic from the Canadian side. In proposing this action the United States was not asking Canada to assume responsibility for the enforcement of United States laws. The proposal merely meant that each country should refuse....

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refuse to allow its instrumentalities to be used by persons engaged in breaking the laws of the other country. This remedy could be afforded by treaty amendment to the following effect, or by corresponding legislative or administrative action:

> "The High contracting parties agree that clearances of shipments of merchandise by water, air or land from any of the ports of either country to a port of entrance of the other country shall be denied, if such shipments comprise articles the introduction of which is prohibited or restricted for whatever cause in the country to which such shipment is destined, provided, however, that such clearance shall not be denied on shipments or restricted merchandise when there has been complete compliance with the conditions or laws of both countries."

It was made clear, however, in subsequent discussion that in addition to refusal of clearances, the United States representatives considered it would be necessary, in order to check the flow, for the Canadian authorities to take steps to prevent the release from distilleries of duty-paid spirits for export to the United States.

5... This solution, it was considered, would not only be simple and effective, but was a logical consequence of the action taken under the Treaty of June, 1924. The object of that Treaty was stated to be the suppression of smuggling. Any supplementary steps necessary to carry out this purpose would seem to be a natural and logical development. Further, it appeared hardly consistent to prevent clearances of small boats from Canadian ports for Cuba or Mexico on mere suspicion that they were really destined for the United States, while at the same time permitting clearances to vessels which openly named the United States as their destination.

6....

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6... The proposal was believed to be in the interest of Canada as well as of the United States. The smugglers and gun-men and racketeers who were assembling in increasing numbers on the Detroit-Windsor border, chiefly citizens of the United States, were a danger to the peace and good government of both countries, and the traffic must, in the long run, have a corrupting and corroding effect in Canada, as was already the case in the United States. The activities of these lawless groups and the measures taken to repress them held a possibility of friction and troublesome incidents along the border. The smuggling into the United States, moreover, was accompanied by a certain amount of short-circuiting of liquor supplies in or into Canada itself, and the same gangs who smuggled spirits into the United States frequently smuggled silks, cigarettes and other dutiable articles into Canada.

7... It was further considered that the proposal of the United States was in accordance with responsible Canadian opinion, as evidenced by the report of the Special Parliamentary Committee submitted to the Canadian House of Commons on the 18th of June, 1926, and subsequently adopted by the House, which recommended that regulations should be made to prohibit the granting of clearances to vessels carrying liquor from Canadian to United States ports; and also by the Final Report of the Royal Commission on Customs and Excise, which expressed concurrence in the above recommendation as an effective method of carrying out the intent of the Treaty of June, 1924.

8... The proposal, moreover, was not unprecedented. Action along the lines suggested had been taken by other countries....

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countries. The United States had been officially informed that Great Britain was not clearing vessels carrying liquor cargoes to the United States. Mexico and Cuba by treaties with the United States had agreed to do precisely what was now being proposed as a solution of the difficulties on the Canada-United States border. Norway not only refused to clear shipments of liquor to the United States, but penalized Norwegian vessels engaged in smuggling into foreign countries. By a multilateral treaty signed in August, 1925, the Baltic States (Germany, Denmark, Estonia, Finland, Latvia, Lithuania, Norway, Poland, Sweden, Danzig, and the Union of Socialist Soviet Republics) agreed with one another to prohibit vessels of less than one hundred tons register from transporting alcoholic liquors from the territories of the signatory States and in addition provided for the exchange of information on a basis similar to that in effect between Canada and the United States. It also permitted the search and seizure of vessels engaged in contraband traffic beyond territorial waters.

9... The United States delegation stated that it was their well considered opinion that nothing short of a discontinuance of the existing practice of issuing clearances or other official documents permitting the legal exportation from Canada to the United States of goods which cannot be legally imported into the United States, would be of material assistance in dealing with the problem of the smuggling.

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In the discussion of the proposals advanced by the United States, the following points were brought forward by the Canadian representatives for the consideration of the Conference, in order to ensure an adequate survey of the whole problem involved.

Summary of Representations made by the Canadian Delegation.

1... The difficulty as to liquor smuggling into the United States was, of course, not of Canada's making, but was incidental to the fact that in the common endeavour to solve the problem of the control of intoxicating liquors the United States had adopted a system of national prohibition, whereas seven of the nine provinces of Canada had adopted a system of legalized sale for beverage purposes under provincial governmental control. The problem would practically disappear if the United States adopted a system of legalized sale for beverage purposes or if the Canadian provinces adopted complete prohibition. So long as the two countries maintained their different domestic policies, it was inevitable that along the three thousand mile boundary, with a legal supply on one side and an illegal but persistent demand on the other, smuggling would remain, though it might be shifted or lessened. At present the sale of liquor for beverage purposes in seven provinces of Canada was not illegal when conducted in accordance with provincial and federal regulations, and the traffic became illegal only when the shipments crossed the border into the United States.

2... It was considered desirable, in order that the problem might be seen in its proper perspective, to recall the fact that as far as could be gathered from estimates of United States authorities, the amount of liquor smuggled

from....

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from Canada - while substantial and publicly recorded - was apparently a very small fraction of the total supply available in the United States. General Andrews when in charge of prohibition enforcement in the United States in 1926 had estimated that the liquor smuggled into the United States from all countries did not exceed more than five or ten per cent of the total supply. A recent unofficial estimate by Major Chester P. Mills, formerly in charge of prohibition enforcement in New York City, was to the effect that 98 per cent of the supply in the United States was produced within its own borders. Precision in such estimates was from the nature of things impossible, but even assuming that the Canadian supply was double the estimate, it still remained a minor factor, so far as quantity was concerned.

3... The question was raised whether further steps could not be taken by the United States authorities for the better control of the traffic. It was pointed out that nearly 100% of the boats carrying liquor and of the people engaged in the traffic were from the United States and that the navigation laws of the United States appeared to call for the registering with the Collector of the district of all United States vessels before engaging in foreign trade, and also for making oath as to ownership upon return from a foreign port. It was stated by the United States representatives in reply that the present United States law regarding registration, enrollment or licensing does not apply to vessels under 5 tons which vessels are required to be officially numbered only and that proceedings cannot be taken against them if they return to United States ports without cargo. It was suggested to the United States members that if every vessel irrespective of size and whether carrying cargo or not, were obliged by law to report when leaving for a foreign port, and also when returning, under heavy penalty for failure to do so, as is....

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as is the requirement in Canada, there would be a control over the movements of such vessels which is now lacking. The United States representatives considered that to extend that requirement to small boats would involve undesirable interference with legitimate intercourse between the two countries; it was, however, stated in reply that this did not accord with Canadian experience.

Attention was also called by the Canadian representatives to the frequency of shipments in daylight along the Detroit and Niagara frontiers within sight of both shores.

4... The steps already taken by Canada which had the effect of assisting the United States control of smuggling, were, it was stated, much more extensive than was generally recognized.

(a) The treaty of January, 1924, between His Majesty and the President of the United States of America, permitting search and seizure of vessels attempting to smuggle liquor into the United States outside territorial waters and within an hour's distance from shore, was frequently referred to as a treaty between Great Britain and the United States alone. It was in fact a treaty applying to all parts of the British Empire; the conclusion of such a treaty had been strongly supported by Canadian representatives in London in 1923, and the treaty when concluded had been approved by the Canadian Parliament. It was recognized that this treaty had been highly effective in preventing smuggling from the high seas, and in fact one reason for the concentration of the traffic at present on the land border was the increased effectiveness of the control at sea. Reference was made to complaints received on various occasions of a

tendency....

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tendency of the enforcing authorities to go beyond the letter and spirit of the provisions of the treaty.

(b) The terms of the treaty of the 6th June, 1924, between Canada and the United States, and the regulations established thereunder, including variations as requested by the United States authorities, have been carried out as fully as possible. Where, in a few instances, reports have been received of failure of Canadian officers in this regard, the officers have been promptly disciplined and the practice corrected.

(c) By Chapter 50 of the Statutes of 1927, the requirement of a bond in double the duties of importation on exportations of liquor from Canadian Customs warehouses (subject to the production of foreign landing certificates) was extended to cover the cargoes of vessels coming into Canadian ports for provision, shelter or repairs and afterwards proceeding to sea. Such vessels were also put to the expense while in port of paying for a Customs officer on board. As a consequence vessels laden with liquor intended probably for United States consumption were no longer able to establish bases in Nova Scotia or other Canadian ports. The result was an enormous reduction in the difficulty of United States authorities in combatting liquor smuggling by sea in the North Atlantic.

(d) At the date of the treaty of 1924 there were established in Canada, principally in the provinces of British Columbia and Nova Scotia, a number of Customs warehouses in which imported liquors might be stored in bond pending entry ex-warehouse in bond for export or ex-warehouse upon payment of duty either for home consumption or for export. If exported in bond, the bond of a guarantee company was required for production of foreign landing certificates. If exported after

payment....

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payment of duty no bond and no proof of foreign landing were required. Early in 1928 the Minister of National Revenue withdrew the privilege granted to proprietors of such warehouses of further warehousing goods therein. No further importation of liquors for such warehouses is taking place or can take place, and stocks in warehouses at the date the privilege was withdrawn are required to be cleared not later than the 11th of June, 1930, and a number of these warehouses have already been closed. As the major portion of the liquors cleared from these warehouses after payment of duty were exported, the discontinuance of the warehouses will stop one source of smuggling into the United States. It was noted that there will still exist Customs bonded warehouses for storage of liquors imported by provincial authorities.

(e) By the Importation of Intoxicating Liquors Act, Chapter 31 of the Statutes of 1928, the Canadian Parliament prohibited the importation of intoxicating liquor into Canada, with minor exceptions, unless consigned to His Majesty for the Executive Government or governmental agency which by the law of the province is vested with the right of selling intoxicating liquor. One result of this will be to restrict transactions in liquor intended for smuggling into the United States.

(f) Heretofore, in localities such as the border from Lake Huron to Lake Erie, export has taken place from a considerable number of docks or places suiting the convenience of the exporters and consistent with compliance with Customs requirements.

By recent arrangement the docks in the district under the port of Windsor and outports including Walkerville, Riverside, Ford, Windsor, Sandwich and LaSalle, from which, and from which only, clearances will be....

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will be granted, have been reduced from about forty to ten. Arrangements are proceeding for similar limitation at Sarnia, Port Lambton, Sombra, Amherstburg and Kingsville. This will facilitate the furnishing of more detailed information under the Treaty to United States officers.

5... With regard to precedents afforded by other countries it was necessary to consider in each case whether the circumstances were substantially similar. The fact that Norway penalized Norwegian vessels engaged in smuggling abroad was not pertinent to the situation on the Canada-United States border, as practically all the boats engaged in this latter traffic, as well as the nationals, belonged to the United States. In all the Baltic countries participating in the Agreement of 1925 some form of sale of liquor was provided for under some system, and each country had the same direct interest in preventing smuggling into its own territory.

As regards the statement that Great Britain did not clear shipments of liquor to the United States, it was pointed out that while this information had been conveyed from official British sources to United States authorities some years ago, it was evidently erroneous. Enquiry had been made by cable during the Conference as to the present practice in this respect and information had been received from the British Government that it was not the practice in that country for clearance to be refused to vessels carrying liquor to the United States, since the Customs authorities had no power to refuse clearance to vessels whatever their destination. The agreement reached between the British and United States representatives at the conference held in London in 1926 did not include any provision for refusal of clearances.

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6... It was not considered that refusal of clearances was a necessary consequence of the Treaty of June, 1924. The treaty was indeed entitled "A Treaty for the Suppression of Smuggling", but, obviously, by the means detailed in the text, that is, by exchange of information regarding shipments, the suppression being left to the country into which the goods were imported. A request for refusal of clearances had been made prior to the 1923 conference and considered when the Treaty of 1924 was made. As to the inconsistency between granting clearances to United States points and refusing clearances to other countries on the ground that the cargoes were really destined for the United States, it was pointed out that the difference was that in one case the statements were false and that in the other they were presumably true, and the Canadian administration could not accept obviously false clearances. The Canadian regulations moreover, placed a check on the practice of short-circuiting.

7... As regards commercial smuggling into Canada, it was stated that it had been reduced to a negligible quantity in the past two years by the establishment of a patrol service along the frontier at strategic points, and the operation of a special preventive force on the coast. Certain difficulties remained as to under-valuation, but smuggling on a commercial scale into Canada had almost disappeared and little complaint was made as to unfair competition. As regards liquor imports the danger of short-circuiting had been largely obviated by arrangements made between the federal and provincial authorities.

8... The opinion was expressed that the stopping of open shipments along the Niagara and Detroit border would simply result in the diffusion of the traffic along the whole border by road, rail and unfrequented water routes. If the

Canadian....

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Canadian authorities sought to prevent the release of liquors for shipment or the clearance of vessels with such cargoes the result would be to increase greatly the expenditure falling upon Canada and responsibilities imposed upon Canadian officials, once the traffic which is now legal was made illegal. So far as the smuggling of Canadian liquor did continue, the blame for the non-enforcement would be shifted to Canadian shoulders.

9... The question was raised as to the effect of the comprehensive character of the proposed prohibition of export of any article whatever of which the importation was forbidden or restricted by the other country, which might be interpreted as covering a much wider range of articles than the liquors to which alone specific reference had been made in the discussion.

10... The United States Government had expressed its readiness to accede to a suggestion which had been made some years ago for the transportation of liquor for provincial government purposes through United States territory up the Stikine River to interior points in British Columbia. Attention was also called by Canadian representatives to the possibility of providing for transportation for provincial governments and liquor commissions across the State of Maine by the Canadian Pacific Railway from one Canadian point to another, under due safeguard. The United States representatives considered that such a proposal would be reasonable.

11... The Canadian representatives made it clear that careful and sympathetic consideration would be given to any proposals of the United States delegation having as their object the improvement of the present system for the

exchange....

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exchange of information under the terms of the treaty. By Memorandum No. 63, Supplement F, issued on the 30th of September 1926, the following additional instructions were given to all Canadian Collectors of Customs and Excise and others concerned in the enforcement of the Treaty:

> "When furnishing information with regard to vessels as provided in the above named Treaty and Regulations thereon, you are instructed to have such information include as far as possible the following:-
>
> 1. Name of vessel,
> 2. Nationality of vessel,
> 3. Name and residence of Master,
> 4. Registry or license number of vessel,
> 5. Kind of vessel,
> 6. Description of the vessel sufficiently correct to enable its identification,
> 7. Time of clearing."

It was felt by the Canadian representatives that the restriction in the number of export docks would enable the Canadian officials to afford still more detailed and precise information to the designated United States officials if the latter so desired. Such information, it was considered, would enable the United States authorities to deal effectively with offenders against their laws.

This Report should not be closed without reference to the spirit of cordiality which characterized the meetings of the two delegations. The full and frank discussion enabled the representatives of each country not only to appreciate the difficulties facing the other country but to secure

information....

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information which would be of value in their own tasks of administration.

The foregoing summary of the proposals brought before the Conference and the ensuing discussion is, herewith, respectfully submitted.

FILE → O. D. Skelton

Ottawa, 7th February, 1929.

W. Stewart Edwards
W. Fred Taylor
Chas. P. Blais
T. C. Casgrain
William Ide
Edwin Hawken
Hugh K. Kenley-side.

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O.D. SKELTON TO WLMK.
(Reg attached to signed copy)
JC.

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1.

Historical

FEB. 7, 1929

To

The Right Honourable

The Secretary of State for External Affairs.

The undersigned have the honour to present the following report of the proceedings of the Conference on Commercial Smuggling, held at Ottawa between representatives of Canada and the United States on 8th, 9th and 10th January, 1929.

The Conference was held as a result of proposals which were first made by the Government of the United States. Following a conference held in Ottawa on the 27th and 28th November, 1923, a treaty was signed on the 6th of June, 1924, and ratified on the 17th of July, 1925, which provided for the reciprocal interchange, upon request, of information regarding clearances of shipments across the international boundary of dutiable goods; for furnishing of information regarding clearances issued to vessels suspected of being engaged in an attempt to smuggle goods into the other country; for the refusal of clearances to vessels obviously unfit to carry their cargoes to the destination named in the application for clearance; for the interchange of witnesses and records, and for other related purposes. In August, 1925, a meeting was held in Washington at which regulations designed to implement the terms of the treaty were agreed upon by representatives of the two Governments. Within two months later, on the 1st of October, 1925, the United States Secretary of State addressed a communication to the Canadian Government through the British

Ambassador

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Ambassador at Washington, suggesting the negotiation of a convention supplementary to the foregoing treaty, providing

(1) for the refusal of clearance to shipments of goods the importation of which was prohibited in the country of destination;

(2) for making offences against Customs laws extraditable;

(3) for transportation of liquor through Alaskan territory;

In July, 1926, an informal conference was held in London between representatives of the British Government and the Government of the United States to consider a similar problem. As the result of this discussion it was announced that the British Government had agreed to take the following steps:

(a) to prosecute masters for false declarations in regard to destination;

(b) to remove rum-running vessels from British registry, if shown to be really owned in the United States

(c) to instruct the West Indian authorities to be careful to prevent transfers to the British flag of vessels engaged in the smuggling trade. (This procedure was already being enforced in Canada.)

(d) to permit United States cutters to enter British territorial waters at Gun Cay in the Bahamas, for observation purposes.

Following this London agreement, the suggestion of a conference between the Canadian and United States Governments was renewed. It was agreed in December, 1928, that a conference would .....

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would be held to consider any phase of the problem of commercial smuggling which either Government might desire to raise.

The United States Government appointed the following officials to take part in the conference:

Admiral F.C. Billard - Commandant, United States Coast Guard, head of group;

James M. Doran - Commissioner of Prohibition, Treasury Department;

E. W. Camp - Commissioner of Customs;

Ferdinand L. Mayer - Counsellor of United States Legation, Ottawa;

Irving N. Linnell - United States Consul General at Ottawa

Francis Colt de Wolf - Assistant to Solicitor, State Department;

Harry J. Anslinger - Liaison Officer between State and Treasury Departments;

Arthur W. Henderson - Special Assistant to the Attorney General;

Lynn W. Meekins - Commercial Attache at Ottawa;

F.J. Murphy) - Treasury Department,
Elmer J. Lewis) Technical Assistants;
Miss Clara Borjes - State Department, Secretary.

The Canadian representation was accordingly also constituted of officials, as follows:

Dr. O. D. Skelton - Under-Secretary of State for External Affairs (Chairman);

W. Stuart Edwards - Deputy Minister of Justice;

R.W. Breadner - Commissioner of Customs;
George W. Taylor Commissioner of Excise;
C. P. Blair - Assistant Commissioner of Customs;

F.W. Cowan - Chief, Preventive Service;

William Ide - General Executive Assistant, Department of Customs;

E. Hawken - Assistant Deputy Minister Marine Department;

C. H. L. Sharman - Chief, Narcotics Division, Department of Health.

H. L. Kennleyside - Third Secretary, Department of External Affairs.

The Conference

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The conference met in the Department of National Revenue at eleven a.m. on Tuesday, 8th of January, and held three subsequent sessions. Dr. O. D. Skelton acted as Chairman of the Conference.

The discussions in the conference were confined almost wholly to the question of the smuggling of liquor into the United States. No other phases of commercial smuggling were brought up by the United States representatives, and the Canadian representatiges made no request for further assistance from the United States authorities in the prevention of commercial smuggling into Canada. It was announced that the United States Government did not propose to bring up the suggestion of extradition for Customs offences at present, but would raise the question at an appropriate time through diplomatic channels.

The discussion during the four sessions covered a wide range. For the sake of brevity, the points raised are here summarized without indicating the many repetitions and exchanges of opinion on minor points. It should be added that the Canadian representatives made it clear that as their delegation, in accordance with the proposals of the United States, consisted of officials rather than of members of the Government, they had no authority to determine matters of policy, and were called upon simply to bring out in discussion the implications of any proposals made from either section of the Conference and to report to their Government.

In considering the summary of the discussion set forth below, it must, therefore, be borne in mind that any criticisms made of the proposals of the United States representatives were advanced for the purpose of ensuring full consideration of all the angles to the question without prejudice to the final conclusions to be drawn. The discussion

made .. .. ..

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made it clear that the representatives from each country appreciated in very considerable measure the force of the considerations, and the references to past experience, which were advanced.

Summary of Representations made by the United States Delegation

1... The United States representatives stated that the problem which they wished to bring to the attention of the Canadian authorities was the difficulty created by the large and growing importation of liquor from Canada into the United States, contrary to the law of the latter country. According to Canadian official statistics the export of liquor to the United States for the year ended 31st March, 1928, amounted in duty-paid value to over $18,000,000. It was estimated that the importations from Canada constituted three-fourths of all importations from outside countries. Quantities of liquor, seized at various points, and subjected to laboratory analysis, indicated that a large proportion of the available supply, particularly in the Great Lakes and New York and Philadelphia districts, considted of importations from Canada. The illegal supply produced in the United States itself by diversion or reclaiming of industrial alcohol was decreasing; and a considerable percentage of the liquor used was now derived illicitly from primary sources in the United States such as grain, molasses, and sugars. The estimates made by United States commentators to the effect that not more than from two to five per cent of the total supply of liquor consumed in the United States was smuggled from abroad, were declared to be no longer representative of the facts, but no definite estimate

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of the proportion of imports to the total supply was given. The supply from Canada had a special importance in that United States consumers were encouraged to make purchases on the strength of the known existence of a reasonably authentic supply of liquor from Canada. Canadian stamps and labels were fraudulently imitated, and in this way imports from Canada had a much wider effect than the mere quantity actually imported would seem to indicate.

2... Contrary to statements appearing in the press, the United States officials were seriously attempting to solve the liquor smuggling problem. They had substantially succeeded in cutting off the smuggling of liquor from the high seas, but had not been able to lessen the flow across the Canadian border, particularly in the Detroit area. In the two fiscal years ended 30th of June,1928, 634 boats, 964 automobiles (carrying liquor from boats on the United States side), 46,594 cases of beer, 6,644 barrels of beer, and 16,566 cases of whiskey were confiscated. This did not,however, constitute more than from five to ten per cent of the total smuggled in this area. In spite of the organization of a special patrol system, it had not been possible to prevent the entry of contraband in large quantities. Temptations for new men taken into the service were strong; a large proportion of them had succumbed and following investigation it had been necessary to dismiss and indict a large number; 140 men had been employed on the Detroit frontier when control of that district was taken over by the Customs Service in July,1927, but at present

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there were only 87, as a result of dismissals; it was only necessary to bribe one picket for eight hours to open a wide gap. The prevalence of undesirable elements on the border, with the consequent growth of hijacking, racketeering and banditry, constituted a difficult problem.

3... In the solution of this problem the co-operation afforded by the Canadian authorities under the Treaty of June,1924, had proved ineffective. The United States representatives emphasized the fact that Canada had fully and faithfully discharged her obligations under that Treaty, and that failure to curb smuggling was in no wise to be attributed to any failure on the part of the Canadian officials to perform their duties. The fact remained, however, that since the Treaty went into effect, between 1926 and 1928, the shipment of liquors to the United States, according to Canadian statistics, had increased 50%. The difficulty of seizing the rum-running vessels was increased by the fact that while clearances were issued during the day,the greater part of the rum-running was done under cover of night. If the vessels were caught the information given as to clearances was frequently not sufficient to permit identification. If cases were taken to court, great difficulty was experienced in obtaining witnesses and in securing favourable verdicts.

4... The only solution of the problem therefore appeared to be to ask the Canadian authorities to stop the traffic from the Canadian side. In proposing this action the United States was not asking Canada to assume repponsibility for the enforcement of United States laws. The proposal merely meant that each country should refuse to allow its

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instrumentalities to be used by persons engaged in breaking the laws of the other country. This remedy could be afforded by treaty amendment to the following effect, or by corresponding legislative or administrative action:

> "The high contracting parties agree that clearances of shipments of merchandise by water, air or land from any of the ports of either country to a port of entrance of the other country shall be denied, if such shipments comprise articles the introduction of which is prohibited or restricted for whatever cause in the country to which such shipment is destined, provided, however, that such clearance shall not be denied on shipments or restricted merchandise when there has been complete compliance with the conditions or laws of both countries".

It was made clear, however, in subsequent discussion that in addition to refusal of clearances, the United States representatives considered it would be necessary, in order to check the flow, for the Canadian authorities to take steps to prevent the release from distilleries of duty-paid spirits for export to the United States.

5... This solution, it was considered, would not only be simple and effective, but was a logical consequence of the action taken under the Treaty of June, 1924. The object of that Treaty was stated to be the suppression of smuggling. Any supplementary steps necessary to carry out this purpose would seem to be a natural and logical development. Further, it appeared hardly consistent to prevent clearances of small boats from Canadian ports for Cuba or Mexico on mere suspicion that they were really destined for the United States, while at the same time permitting clearances to vessels which openly named the United States as their destination.

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6... The proposal was believed to be in the interest of Canada as well as of the United States. The smugglers and gun-men and racketeers who were assembling in increasing numbers on the Detroit-Windsor border, chiefly citizens of the United States, were a danger to the peace and good government of both countries, and the traffic must, in the long run, have a corrupting and corroding effect in Canada, as was already the case in the United States. The activities of these lawless groups and the measures taken to repress them held a possibility of friction and troublesome incidents along the border. The smuggling into the United States, moreover, was accompanied by a certain amount of short-circuiting of liquor supplies in or into Canada itself, and the same gangs who smuggled spirits into the United States frequently smuggled silks, cigarettes and other dutiable articles into Canada.

7... It was further considered that the proposal of the United States was in accordance with responsible Canadian opinion, as evidenced by the report of the Special Parliamentary Committee submitted to the Canadian House of Commons on the 18th of June, 1926, and subsequently adopted by the House, which recommended that regulations should be made to prohibit the granting of clearances to vessels carrying liquor from Canadian to United States ports; and also by the Final Report of the Royal Commission on Customs and Excise, which expressed concurrence in the above recommendation as an effective method of carrying out the intent of the Treaty of June, 1924.

8... The proposal, moreover, was not unprecedented, Action along the lines suggested had been taken by other countries.

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The United States had been officially informed that Great Britain was not clearing vessels carrying liquor cargoes to the United States. Mexico and Cuba by treaties with the United States had agreed to do precisely what was now being proposed as a solution of the difficulties on the Canada-United States border. Norway not only refused to clear shipments of liquor to the United States, but penalized Norwegian vessels engaged in smuggling into foreign countries. By a multilateral treaty signed in August, 1925, the Baltic States (Germany, Denmark, Estonia, Finland, Latvia, Lithuania, Norway, Poland, Sweden, Danzig and the Union of Socialist Soviet Republics) agreed with one another to prohibit vessels of less than one hundred tons register from transporting alcoholic liquors from the territories of the signatory States and in addition provided for the exchange of information on a basis similar to that in effect between Canada and the United States. It also permitted the search and seizure of vessels engaged in contraband traffic beyond territorial waters.

9... The United States delegation stated that it was their well considered opinion that nothing short of a discontinuance of the existing practice of issuing clearances or other official documents permitting the legal exportation from Canada to the United States of goods which cannot be legally imported into the United States, would be of material assistance in dealing with the problem of the smuggling.

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In the discussion of the proposals advanced by the United States, the following points were brought forward by the Canadian representatives for the consideration of the Conference, in order to ensure an adequate survey of the whole problem involved.

Summary of Representations made by the Canadian Delegation.

1... The difficulty as to liquor smuggling into the United States was, of course, not of Canada's making, but was incidental to the fact that in the common endeavour to solve the problem of the control of intoxicating liquors the United States had adopted a system of national prohibition, whereas seven of the nine provinces of Canada had adopted a system of legalized sale for beverage purposes under provincial governmental control. The problem would practically disappear if the United States adopted a system of legalized sale for beverage purposes or if the Canadian provinces adopted complete prohibition. So long as the two countries maintained their different domestic policies, it was inevitable that along the three thousand mile boundary, with a legal supply on one side and an illegal but persistent demand on the other, smuggling would remain, though it might be shifted or lessened. At present the sale of liquor for beverage purposes in seven provinces of Canada was not illegal when conducted in accordance with provincial and federal regulations, and the traffic became illegal only when the shipments crossed the border into the United States.

2... It was considered desirable, in order that the problem might be seen in its proper perspective, to recall the fact that as far as could be gathered from estimates of United States authorities, the amount of liquor smuggled from....

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Canada - while substantial and publicly recorded -- was apparently a very small fraction of the total supply available in the United States. General Andrews when in charge of prohibition enforcement in the United States in 1926 had estimated that the liquor smuggled into the United States from all countries did not exceed more than five or ten per cent of the total supply. A recent unofficial estimate by Major Chester P. Mills, formerly in charge of prohibition enforcement in New York City, was to the effect that 98 per cent of the supply in the United States was produced within its own borders. Precision in such estimates was from the nature of things impossible, but even assuming that the Canadian supply was double the estimate, it still remained a minor factor, so far as quantity was concerned.

3.... The question was raised whether further steps could not be taken by the United States authorities for the better control of the traffic. It was pointed out that nearly 100% of the boats carrying liquor and of the people engaged in the traffic were from the United States and that the navigation laws of the United States appeared to call for the registering with the Collector of the district of all United States vessels before engaging in foreign trade, and also for making oath as to ownership upon return from a foreign port. It was stated by the United States representatives in reply that the present United States law regarding registration, enrollment or licensing does not apply to vessels under 5 tons which vessels are required to be officially numbered only and that proceedings cannot be taken against them if they return to United States ports without cargo. It was suggested to the United States members that if every vessel irrespective of size and

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whether carrying cargo or not, were obliged by law to report when leaving for a foreign port, and also when returning, under heavy penalty for failure to do so, as is the requirement in Canada, there would be a control over the movements of such vessels which is now lacking. The United States representatives considered that to extend that requirement to small boats would involve undesirable interference with legitimate intercourse between the two countries; it was, however, stated in reply that this did not accord with Canadian experience.

Attention was also called by the Canadian representatives to the frequency of shipments in daylight along the Detroit and Niagara frontiers within sight of both shores.

4... The steps already taken by Canada which had the effect of assisting the United States control of smuggling, were, it was stated, much more extensive than was generally recognized.

(a) The treaty of January, 1924, between His Majesty and the President of the United States of America, permitting search and seizure of vessels attempting to smuggle liquor into the United States outside territorial waters and within an hour's distance from shore, was frequently referred to as a treaty between Great Britain and the United States alone. It was in fact a treaty applying to all parts of the British Empire; the conclusion of such a treaty had been strongly supported by Canadian representatives in London in 1923, and the treaty when concluded had been approved by the Canadian Parliament. It was

recognized...

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recognized that this treaty had been highly effective in preventing smuggling from the high seas, and in fact one reason for the concentration of the traffic at present on the land border was the increased effectiveness of the control at sea. Reference was made to complaints received on various occasions of a tendency of the enforcing authorities to go beyond the letter and spirit of the provisions of the treaty.

(b) The terms of the treaty of the 6th June, 1924, between Canada and the United States, and the regulations established thereunder, including variations as requested by the United States authorities, have been carried out as fully as possible. Where, in a few instances, reports have been received of failure of Canadian officers in this regard, the officers have been promptly disciplined and the practice corrected.

(c) By Chapter 50 of the Statutes of 1927, the requirement of a bond in double the duties of importation on exportations of liquor from Canadian Customs warehouses (subject to the production of foreign landing certificates) was extended to cover the cargoes of vessels coming into Canadian ports for provision, shelter or repairs and afterwards proceeding to sea. Such vessels were also put to the expense while in port of paying for a Customs officer on board. As a consequence vessels laden with liquor intended probably for United States consumption were no longer able to establish bases in Nova Scotia or other Canadian ports. The result was an enormous reduction in the difficulty of United States authorities in combatting

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liquor smuggling by sea in the North Atlantic.

(d) At the date of the treaty of 1924 there were established in Canada, principally in the provinces of British Columbia and Nova Scotia, a number of Customs warehouses in which imported liquors might be stored in bond pending entry ex-warehouse in bond for export or ex-warehouse upon payment of duty either for home consumption or for export. If exported in bond, the bond of a guarantee company was required for production of foreign landing certificates. If exported after payment of duty no bond and no proof of foreign landing were required. Early in 1928 the Minister of National Revenue withdrew the privilege granted to proprietors of such warehouses of further warehousing goods therein. No further importation of liquors for such warehouses is taking place or can take place, and stocks in warehouses at the date the privilege was withdrawn are required to be cleared not later than the 11th of June, 1930, and a number of these warehouses have already been closed. As the major portion of the liquors cleared from these warehouses after payment of duty were exported, the discontinuance of the warehouses will stop one source of smuggling into the United States. It was noted that there will still exist Customs bonded warehouses for storage of liquors imported by provincial authorities.

(e) By the Importation of Intoxicating Liquors Act, Chapter 31 of the Statutes of 1928, the Canadian Parliament prohibited the importation of intoxicating liquor into Canada, with minor exceptions, unless consigned to His Majesty for the Executive Government or governmental agency which by the law of the province is vested with the right of selling intoxicating liquor. One result of this will be to restrict transactions in liquor intended for smuggling into

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the United States.

(f) Heretofore, in localities such as the border from Lake Huron to Lake Erie, export has taken place from a considerable number of docks or places suiting the convenience of the exporters and consistent with compliance with Customs requirements.

By recent arrangement the docks in the district under the port of Windsor and outports including Walkerville, Riverside, Ford, Windsor, Sandwich and LaSalle, from which, and from which only, clearances will be granted, have been reduced from about forty to ten. Arrangements are proceeding for similar limitation at Sarnia, Port Lambton, Sombra, Amherstburg and Kingsville. This will facilitate the furnishing of more detailed information under the Treaty to United States officers.

5... With regard to precedents afforded by other countries it was necessary to consider in each case whether the circumstances were substantially similar. The fact that Norway penalized Norwegian vessels engaged in smuggling abroad was not pertinent to the situation on the Canada-United States border, as practically all the boats engaged in this latter traffic, as well as the nationals, belonged to the United States. In practically all the Baltic countries participating in the Agreement of 1925 some form of sale of liquor was provided for under some system, and each country had the same direct interest in preventing smuggling into its own territory.

As regards the statement that Great Britain did not clear shipments of liquor to the United States, it was pointed out that while this information had been conveyed from official British sources to United States authorities some years ago, it was evidently erroneous. Enquiry had been made by cable during the Conference as to the present practice in this respect and information....

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information had been received from the British Government that it was not the practice in that country for clearance to be refused to vessels carrying liquor to the United States, since the Customs authorities had no power to refuse clearance to vessels whatever their destination. The agreement reached between the British and United States representatives at the conference held in London in 1926 did not include any provision for refusal of clearances.

6... It was not considered that refusal of clearances was a necessary consequence of the Treaty of June, 1924. The treaty was indeed entitled "A Treaty for the Suppression of Smuggling", but, obviously, by the means detailed in the text, that is, by exchange of information regarding shipments, the suppression being left to the country into which the goods were imported. A request for refusal of clearances had been made prior to the 1923 conference and considered when the Treaty of 1924 was made. As to the inconsistency between granting clearances to United States points and refusing clearances to other countries on the ground that the cargoes were really destined for the United States, it was pointed out that the difference was that in one case the statements were false and that in the other they were presumably true, and the Canadian administration could not accept obviously false clearances. The Canadian regulations moreover, placed a check on the practice of short-circuiting.

7... As regards commercial smuggling into Canada, it was stated that it had been reduced to a negligible quantity in the past two years by the establishment of a patrol service along the frontier at strategic points, and the operation of a special preventive force on the coast. Certain difficulties remained as to under-valuation, but smuggling on a commercial scale into Canada had almost disappeared and little complaint was made as to unfair competition. As regards liquor imports the danger of short-circuiting had been largely obviated by arrangements made between the federal and provincial authorities.

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C 97899

8... The opinion was expressed that the stopping of upon shipments along the Niagara and Detroit border would simply result in the diffusion of the traffic along the whole border by road, rail and unfrequented water routes. If the Canadian authorities sought to prevent the release of liquors for shipment or the clearance of vessels with such cargoes the result would be to increase greatly the expenditure falling upon Canada and responsibilities imposed upon Canadian officials, once the traffic which is now legal was made illegal. So far as the smuggling of Canadian liquor did continue, the blame for the non-enforcement would be shifted to Canadian shoulders.

9... The question was raised as to the effect of the comprehensive character of the proposed prohibition of export of any article whatever of which the importation was forbidden or restricted by the other country, which might be interpreted as covering a much wider range of articles than the liquors to which alone specific reference had been made in the discussion.

10... The United States Government had expressed its readiness to accede to a suggestion which had been made some years ago for the transportation of liquor for provincial government purposes through United States territory up the Stikine River to interior points in British Columbia. Attention was also called by Canadian representatives to the possibility of providing for transportation for provincial governments and liquor commissions across the State of Maine by the Canadian Pacific Railway from one Canadian point to another, under due safeguard. The

United States ....

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United States representatives considered that such a proposal would be reasonable.

11... The Canadian representatives made it clear that careful and sympathetic consideration would be given to any proposals of the United States delegation having as their object the improvement of the present system for the exchange of information under the terms of the treaty. By Memorandum No. 63, Supplement F, issued on the 30th of September 1926, the following additional instructions were given to all Canadian Collectors of Customs and Excise and others concerned in the enforcement of the Treaty:

> "When furnishing information with regard to vessels as provided in the above named Treaty and Regulations thereon, you are instructed to have such information include as far as possible the following:-
>
> 1. Name of vessel,
> 2. Nationality of vessel,
> 3. Name and residence of Master,
> 4. Registry or license number of vessel,
> 5, Kind of vessel,
> 6. Description of the vessel sufficiently correct to enable its identification,
> 7. Time of clearing."

It was felt by the Canadian representatives that the restriction in the number of export docks would enable the Canadian officials to afford still more detailed and precise information to the designated United States officials if the latter so desired. Such information, it was considered, would enable the United States authorities to deal effectively with offenders against their laws.

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C 97901

This Report should not be closed without reference to the spirit of cordiality which characterized the meetings of the two delegations. The full and frank discussion enabled the representatives of each country not only to appreciate the difficulties facing the other country but to secure information which would be of value in their own tasks of administration.

The foregoing summary of the proposals brought before the Conference and the ensuing discussion is, herewith, respectfully submitted.

FILE → O. D. Skelton - Chairman.

Ottawa, 7th February,

1929.

W. Stuart Edwards.

R. W. Breadner.
George W. Taylor.
C. P. Blair.

F. W. Jowan.

William Ide.

E. Hawken.

C.H. L. Sharman.

H.L. Keenleyside.

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(O. D. SKELTON) TO WLMK

C 97902

Memorandum for the Prime Minister: 9th February, 1929

Attached is a signed copy of the report of the Canadian members of the Smuggling Conference.

You will note that no formal recommendations are offered. The report consists essentially of a summary of the representations put forward by the United States and Canadian delegates. It is recorded that the Canadian representatives made it clear that they had no authority to determine matters of policy, and were called upon simply to bring out in discussion the implications of any proposals made, to report to their Government, and also that any criticisms made of the proposals of the United States representatives were advanced for the purpose of ensuring full consideration of all the angles to the question, without prejudice to the final conclusions to be drawn. At the same time the general impression which would be conveyed by reading the document, namely, that the Canadian representatives had not been personally convinced of the necessity of accepting the United States suggestion, is correct.

Mr. Massey states that there appears to be very little public demand in the United States for the concessions put forward for the refusal of clearances and the prohibition of export of liquor. Practically every United States newspaper

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which commented on the conference criticised the proposals. In Canada the situation is somewhat different. Press comment is divided - the majority of newspapers opposing the refusal of clearances, though the ones which favour such action, such as the "Victoria Times","Manitoba Free Press","Toronto Star", "Ottawa Citizen", include most of the English speaking press supporters of the Government. There have also been received from temperance organizations throughout the country a great many letters and petitions couched in almost identical words and evidently coming from a common source. I attach a letter from Professor C.B.Sissons of Victoria as carrying more weight than most of the formal petitions.

It will be necessary for the Government to consider how far the unanimous report of the House of Commons Customs Committee, accepted by the House itself, and of the Royal Commission, together with the Press and personal requests for favourable action on the United States proposals, will make it advisable to take some such step. The United States delegates took the view that no improvement in the present system of communication would be of any value. The Canadian delegation was not convinced of this and felt that with an improvement in the speed and precision of the information furnished, there was no excuse for a failure on the part of the United States authorities to seize the smugglers in the act or take steps against them later.

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It will presumably be necessary to inform the United States of the course the Government intends to follow. I do not think it would be advisable in any case to refuse definitely at the present time their proposal for clearances. We might forward a copy of the report and state that while not yet convinced of the necessity of the drastic step suggested, the matter would be given consideration, and that in the meantime we would be glad to carry out any feasible proposals for improving the information as to clearances afforded to the United States authorities. This would, however, not satisfy the prohibiton forces in Canada.

Mimeographed copies of the report are available.

(O.D. SKELTON)

For signed copy of report see
(Memorandum O. D. SKELTON to WLMK, FEB. 7th 1929 filed separately)
JC.

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C 97905

COPY

Victoria College, Toronto 5.

January 13, 1929.

My dear Skelton:-

I am pleased to notice that you are to have a principal part in advising the Government in reference to the question that has arisen over our liquor exports. It places on you a great responsibility, which you at all events will not shrink from facing squarely.

I hesitate to thrust an opinion on you when I know that you will be so occupied, but the gravity of the situation, not merely as affecting the Government, but also the country in the prospect of serious international difficulties, prompts me to say in a few words what is in my mind.

I do not know a Canadian in the university whose opinion on public policy I respect (I exclude British-born or others whose views and experiences are foreign) who does not feel that we cannot longer afford to give official sanction to this business by clearing craft destined, ostensibly or otherwise, to the United States, especially now that they have asked us to withhold clearance. Far better, we think, to outlaw the trade, and let the outlaws take their chances. Dr. Pidgeon, a moderate man of great influence, spoke definitely in Bloor Street Church this morning, against the continuance of the present system. You will have seen the two editorials in "The Star", our only Liberal paper in Toronto. The Manitoba Free Press also is sound, if less strong. I am one of a group of six farmers, the directorate of the Toronto Milk Producers Association. My colleagues, all leading farmers, hold the same view.

The public conscience has been disturbed by the fact that the traffic has gone on so long under Government sanction: it would be shocked, I believe, if it should be allowed to continue now that the protest has been raised. Personally I have rarely been more deeply grieved by any despatch than by that from Marchington's pen the other day, though I suspected it was inspired less by respect for truth than by something else.

I wish Mr. King could walk and talk incog. to the people I see every day in city and country. He would hear a different story from that which the Trade and its beneficiaries are no doubt sedulously presenting.

With all good wishes,

Yours sincerely,

(Sgd.) C.B. Sissons.

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C 97906

MEMORANDUM FOR THE PRIME MINISTER: 2nd March, 1929

Smuggling Conference.

In view of the various questions and petitions on this subject, it will probably be necessary to take some decision on this matter very soon.

Attached are extracts from recent references in the House of Commons to the question, and also a memorandum covering the report of the Canadian members of the Conference as submitted on February 9th.

(O.D. SKELTON)

(For memorandum, see O.D. SKELTON TO WLMK, FEB 9, 1929)
JE

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C 97907

NOTICES OF MOTIONS AND QUESTIONS

Mr. Spotton—On Monday next—INQUIRY OF MINISTRY—Does the Government contemplate any action at this session to stop the export of liquor to the United States as a result of the visit of the commission from the United States in regard to this matter?

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32 Petitions were laid on the Table.

The Clerk of the House laid upon the Table the Fourteenth Report of the Clerk of Petitions stating that he had examined the Petitions presented on the 28th ultimo, and finds that all the requirements of Standing Order 68 have been complied with in each case. The said Petitions were then read and received, and are as follows:—

Of Twenty-Five (25) Petitions submitted by the parties undernoted; praying that the House of Commons effect such regulation and enact such legislation as shall, in accordance with the recommendations of the Special Committee in the matter of the Customs Enquiry, and the Royal Commission on Customs and Excise, effectively prevent clearance being given to any vessel or vehicle of any kind carrying a cargo of intoxicating liquor to the United States contrary to the laws of that country:

Of the Session of the West United Church, Toronto, Ontario.—*Mr. Hocken.*

Of the Council of the Township of East Flamboro, County of Wentworth, Ontario.—*Mr. Wilson (Wentworth).*

Of the Lynden Branch of the North Wentworth Women's Institute, Lynden, Ontario.—*Mr. Wilson (Wentworth).*

Of Whiteman's Creek Women's Institute, County of Brant, Ontario.—*Mr. Smoke.*

Of the Shirley Women's Institute of South Ontario.—*Mr. Kaiser.*

Of the Kohler Women's Institute.—*Miss Macphail.*

Of the Lyttle W.C.T.U., Toronto, Ontario.—*Mr. Hocken.*

Of the Scotland Branch of the South Brant Women's Institute.—*Mr. Smoke.*

Of the Members of the Congregation of the North St. United Church, Westminster, Ontario.—*Mr. Edwards (Waterloo South).*

Of the Members of the Congregation of the Littlewood United Church, Westminster, Ontario.—*Mr. Edwards (Waterloo South).*

Of the Members of the Quinn Women's Institute of the Township of Tilbury East, County of Kent, Ontario.—*Miss Macphail.*

Of the Members of the Congregation of the Whiteoak United Church, Westminster, Ontario.—*Mr. Edwards (Waterloo South).*

Of the West Flamboro Branch of the Women's Institute of the County of Wentworth, Ontario.—*Mr. Wilson (Wentworth).*

Of the Altona Women's Institute of the Altona Branch of South Ontario.—*Mr. Kaiser.*

Of the Session of the Bell St. United Church, Ottawa, Ontario.—*Mr. Garland (Carleton).*

Of the Maple Branch of the Women's Institute of the West Riding of York, Ontario.—*Mr. Church.*

Of the Session of the Queen St. United Church, Fort Erie, Ontario.—*Mr. Pettit.*

Of the Danforth Avenue Baptist Church, Toronto, Ontario.—*Mr. Ryckman.*

Of the Women's Christian Temperance Union of the Counties of Ontario and Durham, Ontario.—*Mr. Kaiser.*

Of the Brooker Baptist Church, Township of Gosfield North, County of Essex, Ontario.—*Mr. Gott.*

Of the Municipal Council of the Township of Kingsville.—*Mr. Gott.*

Of the Congregation of the United Church of Canada, Malden.—*Mr. Gott.*

Of the Congregation of the United Church of Canada, Zion.—*Mr. Gott.*

Of the Congregation of the Wesley United Church, Amherstburg, Ontario.—*Mr. Gott.*

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EXPORT OF LIQUOR TO UNITED STATES

Mr. BARBER:

1. Has the government acted upon the recommendation of the special committee, appointed to investigate the administration of the Department of Customs and Excise, as contained in their third and final report on June 18, 1926, as follows:—

"The committee further recommends that as soon as possible regulations be made to prohibit clearance being granted to vessels carrying liquor as cargo sailing from a Canadian port to a United States port; such regulations to make an exception in favour of liquor being imported into the United States in accordance with the laws of that country."

and also as contained in the report of the judicial committee presented on October 15, 1927, as follows:—

"We also express our entire concurrence in the recommendation of the special committee of the House of Commons, as contained in paragraph 10 of the committee's report. An effective method of carrying out the treaty (Canada and the United States) would be to prohibit clearance to vessels of all kinds carrying a cargo of liquor to the United States, contrary to the laws of that country"?

2. If so, what action has been taken?

3. If not, why?

Mr. EULER: Prior to June 18, 1926, there had been a communication from the United States Secretary of State, through the British ambassador suggesting the negotiation of a treaty supplementary to the treaty of the 6th of June, 1924, providing for the refusal of clearance to shipments of merchandise from a port of either country to a port of the other country if such shipments comprised articles prohibited or restricted importation in the country of destination. These proposals were followed in April and May, 1926 by requests for a statement of opinion on the part of the Canadian government and at the date of the report of the special committee of the House of Commons negotiations for a conference on the subject were still pending. The royal commission appointed later instituted enquiries in respect of the same subject and the Canadian government expressed its willingness to hold a conference with the United States' authorities as suggested, but felt that the conference should not take place until the report of the royal commission was available. A conference was finally arranged between the representatives of Canada and the United States on the 8th, 9th and 10th of January, 1929 and the report of that conference is now receiving consideration.

[Mr. Woodsworth.]

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Coll - Smuggling
C 97910

DEPARTMENT OF STATE

FOR THE PRESS

May 15, 1929.

CONFIDENTIAL RELEASE FOR PUBLICATION IN NEWSPAPERS WHICH DO NOT APPEAR ON THE STREETS BEFORE 2:00 P.M., EASTERN STANDARD TIME, MAY 16, 1929, AND NOT TO BE PREVIOUSLY PUBLISHED, QUOTED FROM, OR USED IN ANY WAY.

Correspondence between

The Governments of Canada and the United States

SUBJECT: Commercial Smuggling across the Border.

1.	1st October, 1925	-	Mr. Kellogg to Mr. Chilton.
2.	13th October, 1925	-	Mr. Chilton to Mr. Kellogg.
3.	17th October, 1925	-	Mr. Kellogg to Mr. Chilton.
4.	6th October, 1925	-	Mr. Chilton to Mr. Kellogg.
5.	8th December, 1925	-	Mr. Kellogg to Sir Esme Howard.
6.	11th December, 1925	-	Sir Esme Howard to Mr. Kellogg.
7.	8th April, 1926	-	Sir Esme Howard to Mr. Kellogg.
8.	28th May, 1926	-	Sir Esme Howard to Mr. Kellogg.
9.	10th September, 1926	-	Mr. Kellogg to Sir Esme Howard.
10.	11th October, 1926	-	Mr. Thompson to Mr. Kellogg.
11.	22nd October, 1926	-	Mr. Chilton to Mr. Kellogg.
12.	10th November, 1926	-	Mr. Grew to Mr. Chilton.
13.	12th November, 1926	-	Mr. Grew to Mr. Chilton.
14.	7th December, 1926	-	Mr. Kellogg to Mr. Chilton.
15.	21st February, 1927	-	Sir Esme Howard to Mr. Kellogg.
16.	27th November, 1927	-	Mr. Phillips to Mr. King.
17.	12th December, 1927	-	Mr. Skelton to Mr. Phillips.
18.	15th March, 1928	-	Mr. King to Mr. Mayer.
19.	20th April, 1929	-	Mr. Phillips to Mr. King.
20.	21st January, 1929	-	Report of American Delegation to Anti-Smuggling Conference.

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Coll - Smuggling C97911

(FOR THE INFORMATION OF THE CORRESPONDENTS)

SUMMARY OF CORRESPONDENCE BETWEEN THE GOVERNMENTS OF CANADA AND THE UNITED STATES ON THE SUBJECT OF COMMERCIAL SMUGGLING ACROSS THE INTERNATIONAL BORDER.

On October 1, 1925, the Secretary of State addressed a note to the Chargé d'Affaires ad interim of Great Britain, at that time in charge of Canadian affairs, with reference to two Conventions between the United States and Great Britain in respect of Canada, one of which was signed on June 6, 1924, and provides for the suppression of smuggling operations, and the other, signed on January 8, 1925, provides for the extradition of persons charged with crimes and offenses against the narcotic laws of the respective Governments.

The Secretary of State pointed out that as the result of the consideration which had been given to these subjects since the Conventions were signed, it would seem to be desirable to make further provision for restricting and suppressing illicit smuggling operations, particularly in view of the fact that ships with cargoes of liquor on board were being cleared from Canadian ports for places in the United States when it was well known that the importation of such cargoes into the United States is prohibited by its laws. He expressed the hope that it would be found possible to take measures whereby clearances of ships with cargoes of liquor destined for the United States might be refused by the Canadian authorities, since it is evident when such clearances are requested that the object of the expedition is unlawful. He also stated that it would be helpful if provision might be made for extradition between the United States and Canada of persons guilty of violating the customs laws of either Government and seeking refuge within the territory of the other.

He therefore suggested that a Convention supplementary to the Convention of June 6, 1924, be concluded between the United States and Canada to provide for the refusal of clearances to shipments of prohibited merchandise by water, air or land from any of the ports of either country to a port of entrance of the other, unless there has been complete compliance with the conditions of the laws of both countries.

In order to provide for extradition in cases of persons charged with violations of the customs laws, the Secretary of State suggested that a Convention supplementary to the Extradition Convention of July 12, 1889, be concluded.

The receipt of this note was duly acknowledged by the British Embassy which stated that copies thereof had been forwarded to the Government of Canada.

On December 8, 1925, the Secretary of State again addressed a note to the British Embassy to inquire whether he might be furnished with the views of the Government of Canada regarding the proposals.

In the meantime, Mr. Chilton, the Chargé d'Affaires ad interim of the British Embassy, in a note dated October 13, 1925, transmitted copies of an Order-in-Council containing regulations governing the execution of the Convention of June 6, 1924, between the United States and Canada for the suppression of smuggling, to have effect in so far as they relate to Canada and to Government employees or officers of the Canadian Government. The receipt of this note was acknowledged with thanks by the

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Secretary of State in a communication dated October 17, 1925, forwarding at the same time copies of the Executive Order of September 19, 1925, containing the regulations on the subject to govern the acts of officers of the United States.

In a note dated December 11, 1925, the British Ambassador expressed regret that he had not as yet been furnished with the views of the Government of Canada on the contents of the note of the Secretary of State dated October 1, 1925, but stated that the matter was again being referred to the Dominion Government. Similar information was contained in a later note dated April 8, 1926, from the British Ambassador. On June 19, 1926, the matter was orally brought to the attention of a member of the staff of the British Embassy who promised to take it up urgently.

As a conference had taken place in London in July, 1926, between officials of the British and American Governments to discuss administrative measures to prevent smuggling, the Secretary of State in his note dated September 10, 1926, informed the British Embassy that it had been suggested by the British representatives at the conference that certain matters should be taken up separately with the Canadian authorities. As no Canadian representative was present at the conference, the Secretary of State suggested that it would be very helpful if such a conference with the Canadian authorities could be held at an early date and, if possible, provision made to put into effect between Canada and the United States the arrangements worked out in London. He stated that it was also desired to consider the interpretations of certain provisions of the Convention of June 6, 1924, between the United States and Canada and to ascertain whether amendments are necessary in order to make it effective in preventing smuggling operations between the two countries.

A reply to this note was received from the British Embassy dated October 11, 1926, in which it was stated that the Dominion Government would be pleased to take part in a joint conference, as suggested, but attention was called to the fact that a Royal Commission which was appointed to continue inquiries into the customs administration, had been instructed to make an inquiry into the operation of the Convention of June 6, 1924, and particularly as to whether the Convention is being carried out according to its declared intention and as to whether any amendment is necessary or desirable to insure the suppression of smuggling. The Canadian Government was therefore of the opinion that it would be desirable to await its findings before setting a date for the proposed conference between representatives of Canada and the United States.

Under date of October 22, 1926, a further communication was received from the British Embassy stating that it was the desire of the Canadian Government that Mr. N. W. Rowell, who had been appointed Counsel to the Royal Commission, should have an opportunity of conferring with a representative of the United States Government regarding the operation of the Convention of June 6, 1924, and inquiring whether the United States Government would be disposed to appoint a representative with authority to confer with Mr. Rowell.

In reply the Department stated on November 10, 1926, that a communication had been received from the appropriate authority of this Government suggesting that Mr. Rowell meet the heads of the various divisions dealing with the situation as well as certain officials of the Department of State and the Department of Justice who could furnish him with information as to the operation of the Convention. It was believed that this arrangement would in all probability be highly preferable to a conference with one representative, and it was suggested that the meeting be held in Washington on November 13, 1926.

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In a note dated November 12, 1926, the Secretary of State informed the British Ambassador with reference to his note of October 11, 1926, that the interested authorities of this Government concurred in the suggestion that the fixing of a date for the proposed conference should be deferred pending the findings of the Royal Commission. However, on account of the growth of smuggling operations it was considered desirable to suggest that the conference be held at the earliest practicable date following the submission of the report and recommendations of the Royal Commission.

Under date of December 7, 1926, the Secretary of State informed the British Embassy that as it appeared that the investigations being carried on by the Royal Commission would not be completed until February, 1927, and as this Government hoped that the Canadian Government would find it possible to enter into further treaty arrangements to prevent smuggling operations between the two countries supplementing those contained in the Convention of June 6, 1924, it was felt that the preliminary discussions should take place not later than January, 1927. He urged this in view of the fact that the session of the Congress of the United States which had convened on December 6, 1924, would adjourn on March 4, 1927, and a further regular session would not be held until December, 1927. The Secretary of State also suggested that some difficulties might be dealt with under existing laws and treaties and stated that this Government desired to discuss with the Canadian authorities the extent to which the arrangements worked out at London during July, 1926, could be applied to the smuggling operations being carried on from Canada.

To this the British Ambassador replied on February 21, 1927, that the Dominion Government concurred in the advisability of holding a conference to consider the various proposals put forward, but desired that the discussions should not be confined merely to the question of the illicit liquor trade but should cover all forms of commercial smuggling across the international border. It was also suggested that the conference should consider whether any of the recommendations which they may make to their respective Governments as a result of their discussions could be more appropriately carried out by a supplementary convention, by concurrent legislation, or by administrative regulations. It was added that as the Royal Commission had not yet made its report, the Government of Canada were of the opinion that the date of the proposed conference should not be settled until later.

The reports and recommendations of the Royal Commission having been completed, the American Minister to Ottawa addressed a communication on November 27, 1928, to the Prime Minister of Canada inquiring whether it would be agreeable to have the proposed informal conference take place at Ottawa during the first week of January, 1929, to which the Under Secretary of State for External Affairs of Canada replied on December 12, 1928, that the Canadian Government would be prepared to arrange for participation in a conference to discuss the advisability of taking further action for the prevention of commercial smuggling between the two countries.

It was decided not to discuss the matter of extradition during the Conference, in view of the fact that there was no connection whatever between the two proposals advanced in the note of the Secretary of State dated October 1, 1925, which formed the basis for the Conference. The amendment to the Extradition Treaty proposed therein would apply to actual customs offenses and would not cover cases involving conspiracy to violate the customs or other laws. The proposed amendment to the Smuggling Convention provided for the refusal of clearances to shipments of commodities from either country destined to the other, when the importation of the commodity was prohibited in the country of destination.

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The matter of the refusal of clearances to prohibited commodities is of a great deal of importance in combating smuggling and the informal conference was proposed primarily in order that United States officials might discuss the subject at length with the Canadian authorities. It was felt that the subject of extradition, being a separate matter, would doubtless be dealt with independently by the two Governments in due course.

An informal conference to discuss further measures for the prevention of smuggling between the two countries consequently took place in Ottawa January 8-10, 1929, which was attended by the following Canadian and American delegates:

American delegates:

Admiral F. C. Billard, Commandant, United States Coast Guard, head of group,
James M. Doran, Commissioner of Prohibition, Treasury Department,
E. W. Camp, Commissioner of Customs,
Ferdinand L. Mayer, Counselor of American Legation, Ottawa,
Irving N. Linnell, American Consul General at Ottawa,
Francis Colt deWolf, Assistant to Solicitor, State Department,
Harry J. Anslinger, Liaison Officer between State and Treasury Departments,
Arthur W. Henderson, Special Assistant to the Attorney General,
Lynn W. Meekins, Commercial Attaché, Ottawa,
Frank J. Murphy, Treasury Department, Technical Assistant,
Elmer J. Lewis, Treasury Department, Technical Assistant,
Miss Clara Borjes, Secretary to Delegation.

Canadian delegates:

Doctor O. D. Skelton, Under-Secretary of State for External Affairs,
W. Stuart Edwards, Deputy Minister of Justice,
R. W. Breadner, Commissioner of Customs,
G. W. Taylor, Commissioner of Excise;
C. P. Blair, Assistant Commissioner of Excise,
F. W. Cowan, Chief, Customs-Excise Preventive Service,
William Ide, Acting General Executive Assistant,
E. Hawken, Assistant Deputy Minister, Department of Marine,
C. H. L. Sharman, Narcotic Division, Department of Pensions and National Health,
H. L. Keenleyside, Third Secretary, Department of External Affairs.

Admiral Billard, the head of the American delegation, submitted his report of the Conference to the Secretary of State under date of January 21, 1929. The American delegation explained to the Canadians the importance of the Canadian Government's discontinuing the existing practice of clearing liquor direct from Canadian to American ports, and thus refusing to allow its instrumentalities to be used by persons engaged in breaking the laws of this country. They outlined what is being done in the United States for the enforcement of Prohibition and pointed out the physical impossibility of controlling the movement of small speedy craft across water only a mile in width. They asked the Canadian delegation to report to its Government that the opinion of the United States Government is that nothing short of the discontinuance of the existing practice of issuing clearances or other official documents permitting the exportation

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from Canada to the United States of goods, the importation of which into the United States is illegal, would be of material assistance to the United States in dealing with the problem of smuggling, or would be of material assistance in preventing further development of unfavorable conditions along the border, which affect both countries alike.

The Canadian delegates, on the other hand, explained the general system of control of exports of liquor from Canada and, while they evinced a readiness to issue more stringent regulations under the existing treaty, they were inclined to foresee difficulties in any attempt to refuse to alllow liquor to be cleared from Canada to the United States. They promised, however, to lay before their Government the proposal of the American delegation and to point out the importance attached by the United States to its acceptance by the Canadian Government.

On March 15, 1929, the Prime Minister of Canada addressed a note to the American Minister at Ottawa, forwarding a copy of the report of the Canadian delegation to the Anti-Smuggling Conference. In this note the Prime Minister stated, inter alia, that "without making at the present time a final decision on this proposal, the Canadian Government is in accord with the opinion expressed by the Canadian representatives that the problem of enforcement facing United States officials, particularly on the Detroit and Niagara border, might in large measure be solved by a further extension of the system of furnishing information of shipments of liquor provided by the Convention of June 1924." He then makes the following offer: "To cooperate with and assist further the Government of the United States in the effective enforcement of its laws, the Canadian Government is prepared to permit the United States officers to be stationed on the Canadian side of the border, at ports of clearance to be determined, in order to enable the United States officials themselves to transmit immediately to the appropriate authorities in the United States information to be furnished by the Canadian customs officials as clearances are obtained, as to the clearance of all vessels for the United States carrying liquor cargoes".

While the Government of the United States appreciated the graciousness of the offer made by the Canadian Government, it was the view of the competent authorities that the proposed arrangement would not be a solution of the problem, and the American Minister at Ottawa was accordingly instructed to inform the Canadian Government which he did under date of April 20, 1929, that the information provided for in Article I of the Convention of June 6, 1924, between the United States and Canada, has been promptly furnished by the Canadian officials, except in a very few cases which were speedily adjusted by the Canadian Government as soon as its attention was called to the matter. But the necessary information to identify the vessels engaged in liquor smuggling has not been available because the data furnished to the Canadian authorities and transmitted to the American officials, were in most cases fictitious. Mr. Phillips added that Canadian officials have faithfully discharged their duties under the Convention, and there is no reason to believe that the information would be more accurate or more helpful if transmitted through American officials stationed on the Canadian side of the border.

He concluded by saying that, "While the Government of the United States appreciates the gracious offer of the Canadian Government to permit American officials to transmit information

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of this kind from Canadian soil, it remains convinced that the only effective means of dealing with the smuggling problem along the border is the conclusion of a treaty amending the Convention of June 6, 1924, to the end that clearance be denied to shipments of commodities from either country when their importation is prohibited in the other."

* * *

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C 97917

October 1, 1925

Mr. Henry Chilton, C.M.G.,
Envoy Extraordinary and Minister Plenipotentiary,
Charge d'Affaires ad interim of Great Britain.

Sir:

As you are doubtless aware, the authorities of this Government have been giving considerable attention to means whereby the unlawful importation into the United States of narcotic drugs, alcoholic beverages and merchandise subject to duties through smuggling operations might be prevented and persons engaged in the illicit traffic prosecuted and punished. The first conference with this end in view was held at Ottawa in November, 1923, and it has resulted in the ratification of two conventions between the United States and Great Britain in respect of Canada, one of which was signed on June 6, 1924, and provides for the suppression of smuggling operations, and the other, signed on January 8, 1925, provides for the extradition of persons charged with crimes and offenses against the narcotic laws of the respective Governments.

A similar conference was held between representatives of the United States and of Mexico at El Paso, Texas, during May, 1925. The delegates at that conference recommended that the United States and Mexico conclude conventions containing, among others, provisions similar to those contained in the conventions above mentioned.

As a result of the consideration that has been given to these subjects since the conventions were signed on June 6, 1924, and January 8, 1925, it has been deemed desirable to make further provision for restricting and suppressing illicit smuggling operations. My attention has been particularly called to the fact that ships with cargoes of liquor on board are cleared from Canadian ports for places in the United States, although it is well known that the importation of such cargoes into the United States is prohibited by its laws. I hope that it will be found possible to take measures whereby clearances of ships with cargoes of liquor destined for the United States may be refused by the Canadian authorities, since it is evident when such clearances are requested that the object of the expedition is unlawful.

I am also of the opinion that it would be helpful if provision might be made for extradition between the United States and Canada of persons guilty of violating the customs laws of either Government and seeking refuge within the territory of the other. Violations of these laws are becoming more frequent and it is therefore of importance that the guilty parties should be punished.

During the conference between representatives of Canada and of the United States, held at Washington from August 19, to August 22, 1925, the representatives of the United States explained to the Canadian representatives the desirability of providing by treaty for these additional measures to aid in the suppression of illicit smuggling operations. The representatives of the Government of Canada, while expressing informally their appreciation of the advantages to be gained from such measures, were of the opinion that they could not properly be made the subject of discussions during the conference but should be submitted formally to the Canadian Government for consideration. The representatives of Canada also referred to the

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provisions of Chapter 39 of the laws of Canada, which is the Act to amend the Customs Act passed by the Canadian Parliament and assented to on June 27, 1925, which enacts penalties for violations of Canadian customs laws. Reference was also made to the provisions of Section 7 of the Act entitled "An Act to Amend the Criminal Code", passed by the Canadian Parliament and assented to on June 27, 1925, providing penalties for persons guilty of knowingly falsifying documents relating to shipments or assisting in such falsification.

I am informed that in the course of the Conference the Canadian representatives stated that the Government of Canada desired to transport intoxicating liquor for beverage purposes up the Stickine River, through Alaska, to British Columbia for sale at Telegraph Creek, where mining interests have recently been developed. Consideration of the provisions of Article VII of the Convention of June 6, 1924, made it evident that the proposed transportation across Alaska could not legally be carried on under the provisions of this Article and it seemed advisable to make provision that no penalties or forfeiture would attach to such transportation when the cargo was under guard and under seal, as provided in Article VII with respect to transit of alcoholic liquors through the territorial waters of the United States to Skagway, Alaska, and thence by the shortest route, via the White Pass and Yukon Railway, to Canadian territory.

In the circumstances I suggest that a convention, supplementary to the convention dated June 6, 1924, be concluded between the United States and Canada, containing two articles, the first of which shall provide for refusal of clearances to ships and read in substance as follows:

> "The High Contracting Parties agree that clearance of shipments of merchandise by water, air or land from any of the ports of either country to a port of entrance of the other country shall be denied if such shipment comprises articles the introduction of which is prohibited or restricted for whatever cause in the country to which such shipment is destined, provided, however, that such clearance shall not be denied on shipments of restricted merchandise when there has been complete compliance with the conditions of the laws of both countries."

The second of the articles in the convention, supplementary to the convention of June 6, 1924, would deal with the transportation of liquor across Alaska and it is suggested that this article might read as follows:

> "No penalty or forfeiture under the laws of the United States shall be applicable or attached to alcoholic liquors or to vessels, vehicles or persons by reason of the carriage of such liquors when they are in transit under guard by Canadian authorities through the territorial waters of the United States and through the Stickine River by the shortest route to Canadian territory, and such transit shall be as now provided by law with respect to the transit of alcoholic liquors through the Panama Canal or on the Panama Railroad, provided that such liquors shall be kept under seal continuously while the vessel or vehicle on which they are carried remains within the United States, its territories or possessions, and that no part of such liquors shall at any time or place be unladen

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within the United States, its territories or possessions."

In order to provide for extradition in cases of persons charged with violations of the customs laws of the respective governments, I suggest that a convention, supplementary to the extradition convention signed on July 12, 1889, should be agreed upon, and I enclose a draft for such a Convention.

I shall be grateful if you will be so good as to bring these proposed supplementary articles and the draft for a supplementary extradition convention to the attention of the Canadian Government and express the hope of this Government that it will be found possible to give favorable consideration to them.

Accept, Sir, the renewed assurances of my high consideration.

(signed) FRANK B. KELLOGG.

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BRITISH EMBASSY
Washington, D.C.
October 13th, 1925.

The Honourable
Frank B. Kellogg,
Secretary of State of the United States,
Washington, D.C.

Sir,

I have the honour to refer to the Convention between Canada and the United States which was signed at Washington on June 6th, 1924 for the suppression of smuggling operations along the border between the Dominion of Canada and the United States, and for other purposes.

At the request of the Governor General of Canada, I have the honour to transmit herewith copies of an Order in Council dated September 26th, 1925, containing regulations governing the execution of the Convention in question to have effect in so far only as they relate to Canada, and especially to govern officers or employees of the Government of Canada.

I have the honour to be, with the highest consideration, Sir, Your most obedient, humble servant,

(signed) H. S. CHILTON.

- - -

October 17, 1925.

Mr. Henry Chilton, C.M.G.,
Envoy Extraordinary and Minister Plenipotentiary,
Chargé d'Affaires ad interim of Great Britain.

Sir:

I beg to acknowledge the receipt of your note No. 902, dated October 13, 1925, transmitting, at the request of the Governor General of Canada, copies of an Order in Council dated

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September 26, 1925, containing regulations governing the execution of the Convention signed at Washington on June 6, 1924, for the suppression of smuggling operations along the border between the Dominion of Canada and the United States, and for other purposes.

I shall be grateful if you will be so good as to convey to the Government of Canada the thanks of this Government for the action taken with respect to this matter. I shall also appreciate it very much if you will transmit to the Governor General of Canada the enclosed copies of the Executive Order dated September 19, 1925, containing the regulations on the subject to govern the acts of officers of the United States.

Accept Sir, the renewed assurances of my high condideration.

(signed) FRANK B. KELLOGG.

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BRITISH EMBASSY,
WASHINGTON, D. C.
October 6th, 1925.

No. 868.

The Honourable
Frank B. Kellogg,
Secretary of State of the United States,
Washington, D. C.

Sir,

I have the honour to acknowledge receipt of your note No. 711.429/67 of the 1st instant suggesting certain further action to supplement the two Conventions already concluded between Great Britain in respect of Canada and the United States for the prevention of liquor and drug smuggling across the international border.

I have not failed to communicate copies of your note and its enclosure to the Government of Canada and will take pleasure in furnishing you in due course with their views thereon.

I have the honour to be,
with the highest consideration,
Sir,
Your most obedient,
humble servant,

H. S. CHILTON

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December 8, 1925.

His Excellency,
The Right Honorable,
Sir Esme Howard, G.C.M.G., K.C.B., C.V.O.
Ambassador of Great Britain.

Excellency:

I have the honor to refer to Mr. Chilton's note No. 868, dated October 6, 1925, concerning proposals contained in my note dated October 1, 1925, for conventions supplementary to those concluded on June 6, 1924, and January 8, 1925, relating to the prevention of smuggling and the extradition of persons charged with violating narcotic laws, and to inquire whether you are now in a position to furnish me the views of the Government of Canada regarding these proposals.

Accept, Excellency, the renewed assurances of my highest consideration.

FRANK B. KELLOGG

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BRITISH EMBASSY,
WASHINGTON, D.C.
December 11th, 1925.

No. 1061.

The Honourable
Frank B. Kellogg,
Secretary of State of the United States,
Washington, D. C.

Sir:

I have the honour to acknowledge the receipt of your note No. 711.429/79 of the 8th instant, regarding certain proposed action to supplement the two Conventions already concluded between Great Britain in respect of Canada and the United States, for the prevention of liquor and drug smuggling, and in reply to express my regret that I have not as yet been furnished with the views of the Government of Canada on the contents of your note of October 1st last.

The matter is, however, again being referred to the Dominion Government and as soon as a reply is received, I shall not fail to communicate further with you.

I have the honour to be,
with the highest consideration,
Sir,
Your most obedient,
humble servant,

ESME HOWARD

- - -

BRITISH EMBASSY,
WASHINGTON, D. C.
April 8th, 1926.

No. 249.
The Honourable
Frank B. Kellogg,
Secretary of State of the United States,
Washington, D. C.

Sir:

I have the honour to acknowledge receipt of your note of the 3rd instant, (No. 711.429/107), and to inform you that I have ad-

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dressed a further communication to His Excellency the Governor-General of Canada enquiring whether I may shortly expect to be notified of the views of the Dominion Government with regard to certain proposed action to supplement the two Conventions already concluded between Great Britain in respect of Canada and the United States for the prevention of liquor and drug smuggling.

I have the honour to be,
with the highest consideration,
Sir,
Your most obedient,
humble servant,

ESME HOWARD

- - -

BRITISH EMBASSY,
WASHINGTON, D. C.
May 28th, 1926.

No. 374.
The Honourable
Frank B. Kellogg,
Secretary of State of the United States,
Washington, D. C.

Sir,

I have the honour to acknowledge the receipt of your note No. 711.429/116 of the 26th instant and to inform you that I have again communicated with His Excellency, the Governor-General of Canada, enquiring whether I may shortly expect to be furnished with the views of the Dominion Government with regard to certain proposed action to supplement the two Conventions already concluded between Great Britain in respect of Canada and the United States for the prevention of liquor and drug smuggling.

I hope to have the pleasure of communicating to you at an early date the views of the Dominion Government upon the proposals advanced by the Government of the United States.

I have the honour to be,
with the highest consideration,
Sir,
Your most obedient,
humble servant,

ESME HOWARD

- - -

September 10, 1926.

His Excellency
The Right Honorable
Sir Esme Howard, G.C.M.G., K.C.B., C.V.O.,
Ambassador of Great Britain.

Excellency:

Referring to your aide memoire dated March 27, 1926, as a result of which officials of the British and American Governments met in London during July to discuss administrative measures to prevent smuggling, I have the honor to state that, as no Canadian representative was present at the conferences in London, it was suggested by the British representatives that certain matters should be taken up separately with the Canadian authorities who dealt regularly with them. It is felt that it would be very helpful if such a conference with the Canadian authorities could be held at an early date in order that those matters might be fully discussed and, if possible, provision made so that the arrange-

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mats worked out in London might also be put into effect between the United States and Canada. It is also desired to consider the interpretation of certain provisions of the Convention between the United States and Canada, signed on June 6, 1924, and to ascertain whether amendments to it are necessary in order to make it effective in preventing smuggling operations between the two countries.

I shall be grateful if you will be so good as to cause this matter to receive consideration and inform me whether the Government of Canada would be disposed to designate representatives to confer with officers of this Government on these subjects.

Accept, Excellency, the renewed assurance of my highest consideration.

FRANK B. KELLOGG

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BRITISH EMBASSY,
WASHINGTON, D. C.,
October 11th, 1926.

No. 562.
The Honourable
Frank B. Kellogg,
Secretary of State of the United States,
Washington, D. C.

Sir,

With reference to your note No. 711.429/146 of the 10th ultimo, suggesting a conference between the United States and Canadian authorities on administrative measures for the prevention of smuggling and for consideration of the working and possible extension of the Convention of June 6th, 1924, on this subject, I have the honour to inform you that the Dominion Government will be pleased to take part in a joint conference such as is suggested.

At the request of the Government of Canada I would, however, call attention to the fact that by Order-in-Council of the 28th September, 1926, a Royal Commission appointed to continue enquiries, which have been proceeding for some time, into customs administration, has been instructed by the Canadian Government to make an enquiry into the operation of the Convention of June 6th, 1924, and particularly as to whether the Convention is being carried out according to its declared intent, and as to whether any amendment is necessary or desirable to ensure the suppression of smuggling. The Honourable Sir Francois Xavier Lemieux, Chief Justice of the Superior Court of the Province of Quebec, The Honourable James Thomas Brown, Chief Justice of the Court of King's Bench of Saskatchewan, and The Honourable William Henry Wright, a Justice of the Supreme Court of Ontario, have been appointed Commissioners for the purposes of the enquiry. The Order-in-Council instructs the Commissioners "to continue and complete the said investigation into the Department of Customs and Excise and also to enquire into and report on the operation of the Treaty made between the Dominion of Canada and the United States of America dated June 6th, 1924, for the suppression of smuggling along the International Boundary between the Dominion of Canada and the United States of America, and as to whether the said Treaty is being carried out according to the declared intent thereof, and as to whether any amendment to the said Treaty is necessary or desirable to ensure the suppression of smuggling." It is also provided that the Commissioners "shall have as full and the like powers in that connection as were originally committed to such Committee of the House of Commons as aforesaid and that they

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C 97924

shall have power to make findings and recommendations from time to time during the enquiry and to report the same with the evidence taken before them at their direction to the Governor General in Council for submission to Parliament from time to time as received from the said Commission."

In view of the fact that the above enquiry has been initiated and that the reports and recommendations of the Royal Commission will be of great value in the discussion of the interpretation and possible amendment of the existing Convention and collateral questions, the Canadian Government are of the opinion that it would be desirable to await its findings before setting a date for the proposed conference between representatives of Canada and the United States.

I have the honour to be,
with the highest consideration,
Sir,
Your most obedient,
humble servant,
(For H. M. Charge d'Affaires)

THOMPSON

- - -

BRITISH EMBASSY,
WASHINGTON, D. C.
October 22nd, 1926.

No. 632.
The Honourable
Frank B. Kellogg,
Secretary of State of the United States,
Washington, D. C.

Sir;

I beg leave to refer to my unnumbered note of October 11th, regarding the proposed conference on liquor smuggling questions between the interested United States and Canadian authorities and to inform you that the Hon. N. W. Rowell has been appointed counsel to the Royal Commission mentioned in the second paragraph thereof.

It is the desire of the Dominion Government that Mr. Rowell should have an opportunity of conferring with a representative of the United States Government regarding the operation of the smuggling Convention of June 6th, 1924, in order that he may subsequently be in a position to furnish the Royal Commission abovementioned with the fullest possible information thereon. In these circumstances, I have the honour to enquire whether the United States Government would be disposed to cooperate with the Government of Canada in this matter and to appoint a representative with authority to confer with Mr. Rowell as outlined above.

I have the honour to be,
with the highest consideration,
Sir,
Your most obedient,
humble servant,

H. S. CHILTON

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November 10, 1926.

Mr. Henry Chilton,
Envoy Extraordinary and Minister Plenipotentiary,
Chargé d'Affaires ad interim of Great Britain.

Sir:

I have the honor to refer to your note No. 632, dated October 22, 1926, concerning the desire of the Canadian Government that the Honorable N. W. Rowell, who has been appointed counsel to the Royal Commission investigating smuggling, should have an opportunity of conferring with a representative of this Government regarding the operation of the smuggling Convention of June 6, 1924, in order that he may subsequently be in a position to furnish the Royal Commission with the fullest possible information thereon. A communication has now been received from the appropriate authority of this Government, reading in part as follows:

> I am of the opinion that Mr. Rowell should be invited to come to Washington as soon as possible in order that he may have first hand and accurate information in the premises. There are, in this Department, at least five Divisions that are dealing with this situation, and I feel sure that Mr. Rowell would obtain a very comprehensive picture of the whole situation through an informal conference with the heads of these Divisions. In addition thereto it would seem desirable for Mr. Rowell to interview certain officials of the Department of State and Department of Justice, who could also furnish him with full information as to the operation of the Convention referred to.
>
> The suggested arrangement would, in all probability, be highly preferable to a conference with one representative who might not be able to furnish the information on every angle of the question."

A telegram dated November 4, 1926, has been received from the American Consul General at Ottawa, from which it appears that the Honorable Mr. Rowell has discussed informally with the Consul General the date and place at which a meeting with a representative of this Government might be arranged. For the reasons above set forth, it has been suggested in a telegram to the Consul General that the Conference be held in Washington on November 13 next.

Accept, Sir, the renewed assurances of my high consideration.

For the Secretary of State:

JOSEPH C. GREW.

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C 97926

November 12, 1926.

Mr. Henry Chilton,
Envoy Extraordinary and Minister Plenipotentiary,
Chargé d'Affaires ad interim of Great Britain.

Sir:

Referring to your note No. 562, dated October 11, 1926, concerning the conference between representatives of the United States and of Canada on administrative measures for the prevention of smuggling and for consideration of the working and possible extension of the Convention of June 6, 1924, on this subject, I have the honor to state that the interested authorities of this Government concur in the suggestion that the fixing of a date for the proposed conference should be deferred to await the findings and recommendations of the Royal Commission mentioned in your note. However, on account of the growth of smuggling operations under present conditions, it is considered desirable to suggest that the conference be held at the earliest possible date following the submission of the report and recommendations of the Royal Commission.

Accept, Sir, the renewed assurances of my high consideration.

For the Secretary of State:

JOSEPH C. GREW.

December 7, 1926.

Mr. Henry Chilton,
Envoy Extraordinary and Minister Plenipotentiary,
Chargé d'Affaires ad interim of Great Britain.

Sir:

Referring to your note No. 562, dated October 11, 1926, and to this Department's note dated November 12, 1926, concerning the conference between representatives of the United States and of Canada on administrative measures for the prevention of smuggling and for consideration of the working and possible extension of the Convention of June 6, 1924, on this subject, I have the honor to state that this matter was discussed with the Honorable N.W. Rowell during his visit to Washington on November 13, 1926. In response to an inquiry Mr. Rowell expressed doubt whether the investigations being carried on by the Royal Commission would be completed before February.

As you know from previous correspondence on this subject, this Government hopes that the Canadian Government will find it possible to enter into further treaty arrangements to prevent smuggling operations between the two countries, supplementing those contained in the Convention

signed

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signed on June 6, 1924. The session of the Congress of the United States which convened on December 6, instant will terminate on March 4, 1927. A further regular session of the Congress will not be held until December, 1927. If any treaty arrangements on the subject are to be made effective without long delay, it is felt that the preliminary discussions should take place not later than January, next. It is also suggested that some of the difficulties might be dealt with under the existing laws and treaties. Reference is made in this connection to the arrangements which were made at the conference on this subject held in London during July, 1926. This Government desires to discuss with the Canadian authorities the extent to which the arrangements worked out at London can be appropriately applied to the smuggling operations being carried on from Canada.

As Mr. Rowell suggested that the situation be explained fully to the Canadian Government, I have the honor to inquire whether you will be so good as to ascertain whether the Canadian authorities would be disposed to arrange for the proposed conference at an early date, since it is felt that a discussion of the problems involved will be mutually advantageous to both Governments in preventing violations of their respective laws.

Asscept, Sir, the renewed assurances of my high consideration.

FRANK B. KELLOGG.

BRITISH EMBASSY,
WASHINGTON, D.C.

No. 133 February 21st, 1927.

The Honorable
Frank B. Kellogg,
Secretary of State of the United States,
Washington, D. C.

Sir:

With reference to your note No. 711.429/165 of December 7th last, and to previous correspondence concerning the proposed conference between representatives of the Governments of the United States and Canada for the further prevention of liquor smuggling and to consider the working and possible extension of the Convention of June 6th, 1924, on this subject, I have the honour to inform you that the Dominion Government concurs in the advisability of holding a conference to consider the various proposals which have been put forward for further action to ensure the prevention of smuggling. The Dominion Government desire that the discussions which are to take place should not be confined merely to the

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question of the illicit liquor trade, but should cover all forms of commercial smuggling across the international border from one country to the other. The Government of Canada are also of opinion that the delegates to the conference should take under consideration the question whether any of the recommendations which they may make their Governments as a result of their discussions would be most appropriately carried out by a supplementary convention, by concurrent legislation, or by administrative regulations.

You will be aware, from Mr. Chilton's note of October 11th last, that a Royal Commission is now conducting an enquiry in Canada into the administration of the Crown customs, and in that note you were also informed that the Dominion Government felt it would be advisable to postpone the actual holding of the conference until such time as the report of the above Commission was available. As the Commission has not yet made its report, the Government of Canada are of opinion that the date of the proposed conference should not be settled until later.

I have the honour to be,
with the highest consideration,
Sir,
Your most obedient,
humble servant,

ESME HOWARD.

Ottawa, Canada.
November 27, 1928.

No. 272.

The Right Honorable
William Lyon Mackenzie King, C.M.G., LL.B., LL.D.,
Secretary of State for External Affairs,
Ottawa.

Sir:

You will doubtless recall the correspondence exchanged during the year 1926 and 1927 between the British Embassy at Washington and the Department of State with regard to an informal conference with Canadian authorities to discuss administrative measures to prevent smuggling and to consider the interpretation of certain provisions of the Convention between Canada and the United States, signed on June 6, 1924, as well as to ascertain whether amendments to this Convention are necessary in order to make it effective in preventing smuggling operations between the two countries. You will also doubtless have in mind the fact that the Dominion Government felt it would be advisable to postpone the holding of such a conference until the report of a Royal Commission conducting an enquiry in Canada into the administration of the Crown customs should be available and that as the Department

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of State is informed the reports and recommendations of the Royal Commission are now completed.

I have the honor to confirm the Legation's verbal representations of yesterday and to state that I am instructed by my Government to take this matter up immediately with you and to ascertain whether it is agreeable to have the proposed informal conference take place at Ottawa during the first week of January 1929.

I avail myself of the occasion to renew to you, Sir, the assurances of my highest consideration.

WILLIAM PHILLIPS.

Office of
The Secretary of State for External Affairs
Canada

No. 77 Ottawa, 12th December, 1928.

The Honorable William Phillips,
Minister of the United States of America,
Ottawa.

Sir:

I have the honour to acknowledge your note No. 272 of November 27th, 1928, in which you refer to the correspondence previously exchanged on the subject of an informal conference between the United States and Canadian authorities on the control of smuggling operations.

I have pleasure in stating that the Canadian Government would be prepared to arrange for participation in a conference to discuss the advisability of taking further action for the prevention of commercial smuggling between the two countries. It would be convenient to hold the conference in Ottawa, but the second week in January would be preferable, from our standpoint, to the first week.

I should like to have your view as to the composition of the conference.

Accept, Sir, the renewed assurances of my highest consideration.

O. D. SKELTON

for the Secretary of State
for External Affairs.

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Office of
THE SECRETARY OF STATE FOR EXTERNAL AFFAIRS
CANADA

No. 24 Ottawa, 15th March, 1929.

Ferdinand Lathrop Mayer, Esquire,
Chargé d'Affaires,
United States Legation,
Ottawa.

Sir:

Referring to your note No. 272 of the 27th November, 1928, and to the discussions which took place at the Conference of officials on the subject of commercial smuggling held in Ottawa on the 7th-10th of January, 1929, I now have the honour to state that the Canadian Government has given careful consideration to all aspects of the existing situation, and has examined the Report of the Canadian representatives to the Conference, a copy of which is herewith enclosed for the information of your Government.

As you will observe from an examination of the Report, the Conference devoted its attention almost exclusively to discussion of the suggestion made by the United States representatives that the Canadian Government, in addition to the numerous steps already taken, which facilitate the enforcement of the United States laws against the importation of liquor and which are summarized in the Report, should prohibit the export of intoxicating liquors to the United States. Without making at the present time a final decision on this proposal, the Canadian Government is in accord with the opinion expressed by the Canadian representatives that the problem of enforcement facing United States officials, particularly on the Detroit and Niagara border, might in large measure be solved by a further extention of the system of furnishing information as to shipments of liquor provided by the Convention of June, 1924. It will be noted from the report that instructions have been issued to Canadian Customs officials to provide more detailed and exact information as to shipments, and that more recently steps have been taken to reduce the number of export docks, which will facilitate securing more complete and accurate data. To cooperate with and assist further the Government of the United States in the effective enforcement of its laws, the Canadian Government is prepared to permit United States officers to be stationed on the Canadian side of the border, at ports of clearance to be determined, in order to enable the United States officials themselves to transmit immediately to the appropriate authorities in the United States information to be furnished by the Canadian Customs officials as clearances are obtained as to the clearance of all vessels for the United States carrying liquor cargoes.

Any further suggestions which would make for increased speed, accuracy, or precision in the conveyance

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of information to the appropriate United States officials will be sympathetically considered.

Accept, Sir, the renewed assurances of my highest consideration.

W. L. MACKENZIE KING.
Secretary of State for
External Affairs.

To
The Right Honourable
The Secretary of State for External Affairs.

The undersigned have the honour to present the following report of the proceedings of the Conference on Commercial Smuggling, held at Ottawa between representatives of Canada and the United States on 8th, 9th and 10th January, 1929.

The Conference was held as a result of proposals which were first made by the Government of the United States. Following a conference held in Ottawa on the 27th and 28th November, 1923, a treaty was signed on the 6th of June, 1924, and ratified on the 17th of July, 1925, which provided for the reciprocal interchange, upon request, of information regarding clearances of shipments across the international boundary of dutiable goods; for furnishing of information regarding clearances issued to vessels suspected of being engaged in an attempt to smuggle goods into the other country for the refusal of clearances to vessels obviously unfit to carry their cargoes to the destination named in the application for clearance; for the interchange of witnesses and records, and for other related purposes. In August, 1925, a meeting was held in Washington at which regulations designed to implement the terms of the treaty were agreed upon by representatives of the two Governments. Within two months later, on the 1st of October, 1925, the United States Secretary of State addressed a communication to the Canadian Government through the British Ambassador at Washington, suggesting the negotiation of a convention supplementary to the foregoing treaty, providing

(1) for the refusal of clearance to shipments of goods the importation of which was prohibited in the country of destination;

(2) for making offences against Customs laws extraditable;

(3) for transportation of liquor through Alaskan territory.

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In July, 1926, an informal conference was held in London between representatives of the British Government and the Government of the United States to consider a similar problem. As the result of this discussion it was announced that the British Government had agreed to take the following steps:

(a) to prosecute masters for false declarations in regard to destination;

(b) to remove rum-running vessels from British registry, if shown to be really owned in the United States;

(c) to instruct the West Indian authorities to be careful to prevent transfers to the British flag of vessels engaged in the smuggling trade. (This procedure was already being enforced in Canada.)

(d) to permit United States cutters to enter British territorial waters at Gun Gay in the Bahamas, for observation purposes.

Following this London agreement, the suggestion of a conference between the Canadian and United States Governments was renewed. It was agreed in December, 1928, that a conference would be held to consider any phase of the problem of commercial smuggling which either Government might desire to raise.

The United States Government appointed the following officials to take part in the conference:

Admiral F.C. Billard - Commandant, United States Coast Guard, head of group;

James M. Doran - Commissioner of Prohibition, Treasury Department;

E. W. Camp - Commissioner of Customs;

Ferdinand L. Mayer - Counsellor of United States Legation, Ottawa;

Irving N. Linnell - United States Consul General at Ottawa;

Francis Colt de Wolf - Assistant to Solicitor, State Department;

Harry J. Anslinger - Liaison Office between State and Treasury Departments;

Arthur W. Henderson - Special Assistant to the Attorney General;

Lynn W. Meekins - Commercial Attache at Ottawa;

F.J. Murphy)- Treasury Department,
Elmer J. Lewis)- Technical Assistants;
Miss Clara Borjes)- State Department, Secretary.

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The Canadian representation was accordingly also constituted of officials, as follows:

Dr. O. D. Skelton - Under-Secretary of State for External Affairs (Chairman);

W. Stuart Edwards - Deputy Minister of Justice;

R.W. Breadner - Commissioner of Customs;
George W. Taylor - Commissioner of Excise;
C. P. Blair - Assistant Commissioner of Customs;

F. W. Cowan - Chief, Preventive Service;

William Ide - General Executive Assistant, Department of Customs;

E. Hawken - Assistant Deputy Minister, Marine Department;

C.H.L. Sharman - Chief, Narcotics Division, Department of Health;

H.L. Keenleyside - Third Secretary, Department of External Affairs.

The conference met in the Department of National Revenue at eleven a.m. on Tuesday, 8th of January, and held three subsequent sessions. Dr. O. D. Skelton acted as Chariman of the Conference.

The discussions in the conference were confined almost wholly to the question of the smuggling of liquor into the United States. No other phases of commercial smuggling were brought up by the United States representatives, and the Canadian representatives made no request for further assistance from the United States authorities in the prevention of commercial smuggling into Canada. It was announced that the United States Government did not propose to bring up the suggestion of extradition for Customs offences at present, but would raise the question at an appropriate time through diplomatic channels.

The discussion during the four sesssions covered a wide range. For the sake of brevity, the points raised are here summarized without indicating the many repetitions and exchanges of opinion on minor points. It should be added that the Canadian representatives made it clear that as their delegation, in accordance with the proposals of the United States, consisted of officials, rather than of members of the Government they had no authority to determine matters of policy, and were called upon simply to bring out in discussion the implications of any proposals made from either section of the Conference and to report to their Government.

A summary of the discussion is set forth below.

<u>Summary of Representations made by the United States Delegation</u>.

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1. The United States representatives stated that the problem which they wished to bring to the attention of the Canadian authorities was the difficulty created by the large and growing importation of liquor from Canada into the United States, contrary to the law of the latter country. According to Canadian official statistics the export of liquor to the United States for the year ended 31st March, 1928, amounted in duty-paid value to over $18,000,000. It was estimated that the importations from Canada formed the largest proportion of the supplies from outside. The illegal supply produced within the United States itself came, in decreasing proportion, from the diversion or reclaiming of industrial alcohol, and, in larger measure, from illicit manufacture from primary sources in the United States, such as grain, molasses and sugars. The estimates made by United States commentators to the effect that not more than from two to five per cent of the total supply of liquor consumed in the United States was smuggled from abroad, were declared to be no longer representative of the facts, but no definite estimate of the proportion of imports to the total supply was given. The supply from Canada had a special importance in that United States consumers were encouraged to make purchases on the strength of the known existence of a reasonably authentic supply of liquor from Canada. The fraudulent reproduction in the United States of Canadian stamps and labels led to the sale of a great deal of liquor which was ostensibly, but not actually, of Canadian origin.

2. Contrary to statements appearing in the press, the United States officials were seriously attempting to solve the liquor smuggling problem. They had substantially succeeded in cutting off the smuggling of liquor from the high seas, but had not been able to stop the flow across the Canadian border, particularly in the Detroit area. In the two fiscal years ended 30th of June, 1928, 634 boats, 964 automobiles (carrying liquor from boats on the United States side), 46,594 cases of beer, 6,644 barrels of beer, and 16,560 cases of whiskey were confiscated. This did not, however, constitute more than from five to ten per cent of the total smuggled in this area. In spite of the organization of a special patrol system, it had not been possible to prevent the entry of contraband in large quantities. Temptations for new men taken into the service were strong; a large proportion of them had succumbed, and following investigation it had been necessary to dismiss and indict a large number; 140 men had been employed on the Detroit frontier when control of that district was taken over by the Customs Service in July, 1927, but at present there were only 87, as a result of dismissals; it was only necessary to bribe one picket for eight hours to open a wide gap.

3. In the solution of this problem the cooperation afforded by the Canadian authorities under the Treaty of June, 1924, had proved ineffective. The United States representatives emphasized the fact that Canada had fully and faithfully discharged her obligations under that Treaty, and that failure to curb smuggling was in no wise to be

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attributed to any failure on the part of the Canadian officials to perform their duties. The fact remained, however, that since the Treaty went into effect, between 1926 and 1928, the shipment of liquors to the United States, according to Canadian statistics, had increased. The difficulty of seizing the rum-running vessels was increased by the fact that while clearances were issued during the day, the greater part of the rum-running was done under cover of night. If the vessels were caught the information given as to clearances was frequently not sufficient to permit identification. If cases were taken to court, great difficulty was experienced in obtaining witnesses and in securing favourable verdicts.

4. The only solution of the problem therefore appeared to be to ask the Canadian authorities to stop the traffic from the Canadian side. In proposing this action the United States representatives stated that they were not asking Canada to assume responsibility for the enforcement of United States laws. The proposal merely meant that each country should refuse to allow its instrumentatlities to be used by persons engaged in breaking the laws of the other country. This remedy could be afforded by treaty amendment to the following effect, or by corresponding legislative or administrative action:

> "The high contracting parties agree that clearances of shipments of merchandise by water, air or land from any of the ports of either country to a port of entrance of the other country shall be denied, if such shipments comprise articles the introduction of which is prohibited or restricted for whatever cuase in the country to which such shipment is destined, provided, however, that such clearance shall not be denied on shipments or restricted merchandise when there has been complete compliance with the conditions or laws of both countries."

It was made clear, however, in subsequent discussion that in addition to refusal of clearances, the United States representatives considered it would be necessary, in order to check the flow, for the Canadian authorities to take steps to prevent the release from distilleries of duty-paid spirits for export to the United States.

5. This solution, it was considered, would not only be simple and effective, but was a logical consequence of the action taken under the Treaty of June, 1924. The object of that Treaty was stated to be the suppression of smuggling. Any supplementary steps necessary to carry out this purpose would seem to be a natural and logical development. Further, it appeared hardly consistent to prevent clearances of small boats from Canadian ports for Cuba or Mexico on mere suspicion that they were really destined for the United States, while at the same time permitting clearances to vessels which openly named the United States as their destination.

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6. The proposal was believed to be in the interest of Canada as well as of the United States. The smugglers and gun-men and racketeers who were assembling in increasing numbers on the Detroit-Windsor border, chiefly citizens of the United States, were a danger to the peace and good government of both countries, and the traffic must, in the long run, have a corrupting effect in Canada, as was already the case in the United States. The smuggling into the United States, moreover, was accompanied by a certain amount of short-circuiting of liquor supplies in or into Canada itself, and the same gangs who smuggled spirits into the United States frequently smuggled silks, cigarettes and other dutiable articles into Canada.

7. It was further considered that the proposal of the United States was in accordance with responsible Canadian opinion, as evidenced by the report of the Special Parliamentary Committee submitted to the Canadian House of Commons on the 18th of June, 1926, and subsequently adopted by the House, which recommended that regulations should be made to prohibit the granting of clearances to vessels carrying liquor from Canadian to United States ports; and also by the Final Report of the Royal Commission on Customs and Excise, which expressed concurrence in the above recommendation as an effective method of carrying out the intent of the Treaty of June, 1924.

8. The proposal, moreover, was not unprecedented. Action along the lines suggested had been taken by other countries. The United States had been officially informed that Great Britain was not clearing vessels carrying liquor cargoes to the United States. (It was later pointed out by the Canadian representatives that the information thus furnished to the United States authorities was evidently based on a misunderstanding. (See section 5 below). Mexico and Cuba by treaties with the United States had agreed to do precisely what was now being proposed as a solution of the difficulties on the Canada-United States border. Norway not only refused to clear shipments of liquor to the United States, but penalized Norwegian vessels engaged in smuggling into foreign countries. By a multilateral treaty signed in August, 1925, the Baltic States (Germany, Denmark, Estonia, Finland, Latvia, Lithuania, Norway, Poland, Sweden, Danzig, and the Union of Socialist Soviet Republics) agreed with one another to prohibit vessels of less than one hundred tons register from transporting alcoholic liquors from the territories of the signatory States and in addition provided for the exchange of information on a basis similar to that in effect between Canada and the United States. It also permitted the search and seizure of vessels engaged in contraband traffic beyond territorial waters.

9. The United States delegation stated that it was their well considered opinion that nothing short of a discontinuance of the existing practice of issuing clearances or other official documents permitting the legal exportation from Canada to the United States of goods which can not be legally imported into the United States, would be of material assistance in dealing with the problem.

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In the discussion of the proposals advanced by the United States delegation, the following points were brought forward by the Canadian representatives for the consideration of the Conference, in order to present aspects of the situation which should not be ignored.

Summary of Representations made by the Canadian Delegation.

1. The difficulty as to liquor smuggling into the United States was, of course, not of Canada's making, but was incidental to the fact that the United States was following a different method of solving the problem of the control of intoxicating liquors. The United States had adopted a system of national prohibition, whereas seven of the nine provinces of Canada has adopted a system of legalized sale for beverage purposes under provincial governmental control. The problem would practically disappear if the United States adopted a system of legalized sale for beverage purposes or if the Canadian provinces adopted complete prohibition. So long as the two countries maintained their different domestic policies, it was inevitable that along the three thousand mile boundary, with a legal supply on one side and an illegal but persistent demand on the other, smuggling would remain, though it might be shifted or lessened. At present the sale of liquor for beverage purposes in seven provinces of Canada, when conducted in accordance with provincial and federal regulations, was entirely legal, and the traffic was illegal only under United States laws and only when the shipments crossed the border into the United States.

2. It was considered desirable, in order that the problem might be seen in its proper perspective, to recall the fact that as far as could be gathered from estimates of United States authorities, the amount of liquor smuggled from Canada - while substantial and publicly recorded - was apparently a very small fraction of the total supply available in the United States. General Andrews when in charge of prohibition enforcement in the United States in 1926 had estimated that the liquor smuggled into the United States from all countries did not exceed more than five or ten per cent of the total supply. A recent unofficial estimate by Major Chester P. Mills, formerly in charge of prohibition enforcement in New York City, was to the effect that 98 per cent of the supply in the United States war produced within its own borders. Precision in such estimates was from the nature of things impossible, but even assuming that the Canadian supply was double the estimate, it still remained a minor factor, so far as quantity was concerned. This was a consideration which it was necessary to take into account in deciding the extent of the measures which Canada might consider it reasonable to adopt in aiding the United States to solve its problem.

3. The question was raised whether further steps could not be taken by the United States authorities for the better control of the traffic. It was pointed out that nearly 100 per cent of the boats carrying liquor

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and of the people engaged in the traffic were from the United States and that the navigation laws of the United States appeared to call for the registering with the Collector of the district of all United States vessels before engaging in foreign trade, and also for making oath as to ownership upon return from a foreign port. It was stated by the United States representatives in reply that the present United States law regarding registration, enrollment or licensing does not apply to vessels under 5 tons, which vessels are required to be officially numbered only, and that proceedings can not be taken against them if they return to United States ports without cargo. It was suggested to the United States members that if every vessel irrespective of size and whether carrying cargo or not, were obliged by law to report when leaving for a foreign port, and also when returning under heavy penalty for failure to do so, as is the requirement in Canada, there would be a control over the movements of such vessels which is now lacking. The United States representatives considered that to extend that requirement to small boats would involve undesirable interference with legitimate intercourse between the two countries: It was, however, stated in reply that this did not accord with Canadian experience.

Attention was also called by the Canadian representatives to the frequency of shipments in daylight along the Detroit and Niagara frontiers within sight of both shores. Photographs had been taken showing boats with liquor cargoes crossing the river in open daylight.

4. The steps already taken by Canada which had the effect of assisting the United States control of smuggling, were, it was stated, much more extensive than was generally recognized.

(a) The Treaty of January, 1924, between His Majesty and the President of the United States of America, permitting search and seizure of vessels attempting to smuggle liquor into the United States outside territorial waters and within an hour's distance from shore, was frequently referred to as a treaty between Great Britain and the United States alone. It was in fact a treaty applying to all parts of the British Empire; the conclusion of such a treaty had been strongly supported by Canadian representatives in London in 1923, and the treaty when concluded had been approved by the Canadian Parliament. It was recognized that this treaty had been highly effective in preventing smuggling from the high seas, and in fact one reason for the concentration of the traffic at present on the land border was the increased effectiveness of the control at sea. Reference was made to complaints received on various occasions of a tendency of the enforcing authorities to go beyond the letter and spirit of the provisions of the treaty.

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(b) The terms of the treaty of the 6th June, 1924, between Canada and the United States, and the regulations established thereunder, including variations as requested by the United States authorities, have been carried out as fully as possible. Where, in a few instances, reports have been received of failure of Canadian officers in this regard, the officers have been promptly disciplined and the practice corrected.

(c) By Chapter 50 of the Statutes of 1927, the requirement of a bond in double the duties of importation on exportations of liquor from Canadian Customs warehouses (subject to the production of foreign landing certificates) was extended to cover the cargoes of vessels coming into Canadian ports for provision, shelter or repairs and afterwards proceeding to sea. Such vessels were also put to the expense while in port of paying for a Customs officer on board. As a consequence vessels laden with liquor intended probably for United States consumption were no longer able to establish bases in Nova Scotia or other Canadian ports. The result was an enormous reduction in the difficulty of United States authorities in combatting liquor smuggling by sea in the North Atlantic.

(d) At the date of the treaty of 1924 there were established in Canada, principally in the provinces of British Columbia and Nova Scotia, a number of Customs warehouses in which imported liquors might be stored in bond pending entry ex-warehouse in bond for export or ex-warehouse upon payment of duty either for home consumption or for export. If exported in bond, the bond of a guarantee company was required for production of foreign landing certificates. If exported after payment of duty no bond and no proof of foreign landing were required. Early in 1928 the Minister of National Revenue withdrew the privilege granted to proprietors of such warehouses of further warehousing goods therein. No further importation of liquors for such warehouses is taking place or can take place, and stocks in warehouses at the date the privilege was withdrawn are required to be cleared not later than the 11th of June, 1930, and a number of these warehouses have already been closed. As a major portion of the liquors cleared from these warehouses after payment of duty were exported, the discontinuance of the warehouses will stop one source of smuggling into the United States. It was noted that there will still exist Customs bonded warehouses for storage of liquors imported by provincial authorities.

(e) By the Importation of Intoxicating Liquors Act, Chapter 31 of the Statutes of 1928, the Canadian Parliament prohibited the importation of intoxicating liquor into Canada, with minor exceptions, unless consigned to His Majesty for the

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Executive Government or governmental agency which by the law of the province is vested with the right of selling intoxicating liquor. One result of this will be to restrict transactions in liquor intended for smuggling into the United States.

(f) Heretofore, in localities such as the border from Lake Huron to Lake Erie, export has taken place from a considerable number of docks or places suiting the convenience of the exporters and consistent with compliance with Customs requirements.

By recent arrangement the docks in the district under the port of Windsor and outports including Walkerville, Riverside, Ford, Windsor, Sandwich and LaSalle, from which, and from which only, clearances will be granted, have been reduced from about forty to ten. Arrangements are proceeding for similar limitation at Sarnia, Port Lambton, Sombra, Amherstburg and Kingsville. This will facilitate the furnishing of more detailed information under the Treaty to United States officers.

5. With regard to precedents afforded by other countries it was necessary to consider the whole situation as to each country, and not to compare the action taken by Canada with the action taken by all other countries collectively. While the steps taken by Canada were not identical with those taken by any other country, they covered, as set forth in the preceding summary, a wider range of cooperative effort than in any other case. It was also necessary to enquire in each case whether the the circumstances were substantially similar. The fact that Norway penalized Norwegian vessels engaged in smuggling abroad was not pertinent to the situation on the Canada-United States border, as practically all the boats engaged in this latter traffic, as well as the nationals, belonged to the United States. In practically all the Baltic countries participating in the Agreement of 1925 some form of sale of liquor was provided for under varying systems, and each country had the same direct interest in preventing smuggling into its own territory.

As regards the statement that Great Britain did not clear shipments of liquor to the United States, it was pointed out that while this information had been conveyed from official British sources to United States authorities some years ago, it was evidently erroneous. Enquiry had been made by cable during the Conference as to the present practice in this respect and information had been received from the British Government that it was not the practice in that country for clearance to be refused to vessels carrying liquor to the United States, since the Customs authorities had no power to refuse clearance to vessels whatever their destination. The agreement reached between the British and United States representatives at the conference held in London in 1926 did not include any provision for refusal of clearances.

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6. It was not considered that refusal of clearances was a necessary consequence of the Treaty of June, 1924. The treaty was indeed entitled "A Treaty for the Suppression of Smuggling", but, obviously, by the means detailed in the text, that is, by exchange of information regarding shipments, the suppression being left to the country into which the goods were imported. A request for refusal of clearances had been made prior to the 1923 conference and considered when the Treaty of 1924 was made. As to the inconsistency between granting clearances to United States points and refusing clearances to other countreis on the ground that the cargoes were really destined for the United States, it was pointed out that the difference was that in one case the statements were false and that in the other they were presumably true, and the Canadian administration could not accept obviously false clearances. The Canadian regulations, moreover, placed a check on the practice of short-circuiting.

7. As regards commercial smuggling into Canada, it was stated that the Canadian authorities had succeeded in reducing it to a negligible quantity in the past two years by the establishment of a patrol service along the frontier at strategic points, and the operation of a special preventive force on the coast. Certain difficulties remained as to under-valuation, but smuggling on a commercial scale into Canada had almost disappeared and little complaint was made as to unfair competition. As regards liquor shipments, the danger of short-circuiting had been largely obviated by arrangements made between the federal and provincial authorities.

8. The opinion was expressed that the stopping of open shipments along the Niagara and Detroit border would simply result in the diffusion of the traffic along the whole border by road, rail and unfrequented water routes. If the Canadian authorities sought to prevent the release of liquors for shipment or the clearance of vessels with such cargoes the result would be to increase greatly the expenditure falling upon Canada and responsibilities imposed upon Canadian officials, once the traffic which is now legal was made illegal. So far as the smuggling of Canadian liquor did continue, the blame for the non-enforcement would be shifted to Canadian shoulders.

9. The question was raised as to the effect of the comprehensive character of the proposed prohibition of export of any article whatever of which the importation was forbidden or restricted by the other country, which might be interpreted as covering a much wider range of articles than the liquors to which alone specific reference had been made in the discussion.

10. The United States Government had expressed its readiness to accede to a suggestion which had been made some years ago for the transportation of liquor for provincial government purposes through United States territory up the Stikine River to interior points in British Columbia. Attention was also called by Canadian

representatives

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representatives to the possibility of providing for transportation for provincial governments and liquor commissions across the State of Maine by the Canadian Pacific Railway from one Canadian point to another, under due safeguard. The United States representatives considered that such a proposal would be reasonable.

11. The Canadian representatives made it clear that careful and sympathetic consideration would be given to any proposals of the United States delegation having as their object the improvement of the present system for the exchange of information under the terms of the treaty. By Memorandum No. 63, Supplement F, issued on the 30th of September, 1926, the following additional instructions were given to all Canadian Collectors of Customs and Excise and others concerned in the enforcement of the Treaty.

> "When furnishing information with regard to vessels as provided in the above named Treaty and Regulations thereon, you are instructed to have such information include as far as possible the following:
>
> 1. Name of vessel,
> 2. Nationality of vessel,
> 3. Name and residence of Master,
> 4. Registry or license number of vessel,
> 5. Kind of vessel,
> 6. Description of the vessel sufficiently correct to enable its identification,
> 7. Time of clearing."

It was felt by the Canadian representatives that the restriction in the number of export docks would enable the Canadian officials to afford still more detailed and precise information to the designated United States officials if the latter so desired. Such information, it was considered, would enable the United States authorities to deal effectively with offenders against their laws.

This Report should not be closed without reference to the spirit of cordiality which characterized the meetings of the two delegations. The full and frank discussion enabled the representatives of each country not only to appreciate the difficulties facing the other country but to secure information which would be of value in their own tasks of administration.

The foregoing summary of the proposals brought before the Conference and the ensuing discussion is, herewith, respectfully submitted.

O. D. Skelton -Chariman.
W. Stuart Edwards.
F.W.Cowan
William Ide
E.Hawken
H.L.Keenleyside.

Ottawa, 7th February, 1929.
R.W. Breadner
George W.Taylor
C.P. Blair.
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Ottawa, Canada.
April 20, 1929.

No. 349

The Right Honorable
William Lyon Mackenzie King, C.M.G., LL.B., LL.D.,
Secretary of State for External Affairs,
Ottawa.

Sir:

I have the honor to refer to your note No. 24 of March 15th, relative to discussions which took place at the anti-smuggling conference at Ottawa in January last.

In the above communication you were good enough to state that in order to cooperate with and further assist my Government in the effective enforcement of its laws the Canadian Government was prepared to permit United States officers to be stationed on the Canadian side of the border, at ports of clearance to be determined, in order to enable the United States officials themselves to transmit immediately to the appropriate authorities in their country information concerning clearances of all vessels carrying liquor cargoes to the United States.

I now have the honor, under instructions of my Government to inform you that it is the view of its competent authorities that the proposed arrangement would not be a solution of the problem.

Article I of the Convention of June 6, 1924, between the United States and Canada for the suppression of smuggling operations provides for the exchange of information between the appropriate officers of the respective Governments concerning clearances of vessels to any ports when there is ground to suspect that the cargo is intended for smuggling into the territory of either country. Such information has been promptly furnished by the Canadian officials to the designated American authorities, except in a very few cases which were speedily adjusted by the Canadian Government as soon as its attention was called to the matter. But the necessary information to identify the vessels engaged in liquor smuggling has not been available because the data furnished to the Canadian authorities and transmitted to the American officials, were in most cases fictitious.

Canadian officials have faithfully discharged their duties under the Convention, and there is no reason to believe that the information would be more accurate or more helpful if transmitted through American officials stationed on the Canadian side of the border.

While

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While the Government of the United States appreciates the gracious offer of the Canadian Government to permit American officials to transmit information of this kind from Canadian soil, it remains convinced that the only effective means of dealing with the smuggling problem along the border is the conclusion of a treaty amending the Convention of June 6, 1924, to the end that clearance be denied to shipments of commodities from either country when their importation is prohibited in the other.

I avail myself of the occasion to renew to you, Sir, the assurances of my highest consideration.

WILLIAM PHILLIPS.

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C 97945

[1929?]

THE STATUS OF THE UNION

AND

THE LOCARNO TREATY

The speech of General Smuts, delivered at Pretoria on the 11th November last, dealing with the Locarno Treaty created a widespread impression, if not a sensation, both in official and unofficial circles. This is not surprising.

According to General Smuts, the signing of this Treaty by the United Kingdom leaving it optional to the Dominions to subscribe to it or not, is an epoch-making event for the continued existence of the British Empire. In his opinion, the future existence of the Empire can be assured only by an unswerving allegiance to the principle of formal unity in regard to foreign relations, at any rate those of a more important nature.

He complains, that, during the negotiations in connection with and at the conclusion of the Locarno Treaty, this unity of action was not observed, and he sees therein the abandonment of the only principle whereby the unity of the Empire can be guaranteed - namely the principle of group unity of the Empire in international matters.

The full significance of this principle, with all that it implies will, I think, be better understood by looking back over the struggle for international freedom by the self-governing Dominions of Great Britain, more particularly the Union of South Africa.

With the grant of self-government, from time to time to one or other of the Dominions, the question has repeatedly arisen as to its scope, i.e. as to what is

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implied under self-government? It is obvious that the Dominion concerned, continually striving for freedom and the satisfaction of its national aspirations, had to put the widest and, for itself, the most favourable construction on its powers and authority.

In almost every case, therefore, the grant of self-government has been regarded by influential leaders of public opinion in the Dominions as an emancipation from hitherto existing bond of subordination to the United Kingdom, coupled with a definite grant to that Dominion of autonomous power and authority, also in regard to hhe outside world and its relations with Foreign Powers.

According to this opinion, each Dominion is, by virtue of its self-governing constitution, created a free, independent State, with the right to international recognition by Foreign Powers; but with a common connecting link, between itself and Great Britain, centred in the King. This mutual connection link should, therefore, be regarded as no more than an actual - de facto - personal bond, without any legal or constitutional subservience to any authority other than that of the sovereign will of the people of the Dominion concerned. According to that opinion, therefore, each Dominion, by virtue of the self-government granted it, would be on the same footing with Great Britain, as a sovereign, free international State; and, apart from the personal bond of their common sovereign, there would be no bonds between them other than those which may from time to time be agreed upon. Therefore, all unity among the Dominions themselves, and between hhe Dominions and Great Britain, must originate in agreement and co-operation.

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This doctrine, to which I have subscribed ever since the establishment of the Union, has not been without its opponents wither here or elsewhere in the Dominions. Some of you will remember how, in 1918, after my address to the students here in support of this doctrine, the Government of the day, through one of its Ministers, hurried hither to refute my contention in that respect as constitutional heresy; and how, shortly afterwards, in consequence of an expression used by me assigning <u>independence</u> to the Union, another Minister pointed out in the House of Assembly that there was such a thing as a prison for crimes of this description!

From this it is sufficiently clear, not only that there has been difference of opinion with regard to that doctrine, but also that this difference has at times been strong and vehement. The reason for this vehemence, no matter how much it has been toned down by time and is bound eventually to be regarded as unreasonable, if not ridiculous, originated in a sense of fear, from which we have not emerged even to-day.

That fear, was, that if this doctrine of a purely personal bond were accepted, the Dominions, as well as Great Britain, would go too much their separate ways by entering into foreign relations with other States, and that in that way a conflict of interests would arise, which would ultimately lead to a discontinuance of mutual cooperation.

That that fear is not entirely without foundation may be freely admitted. But let us now examine in what way opponents, who could not identify themselves with this doctrine, tried to evade this fear.

Here we must distinguish between the period preceding the signature of the Versailles Treaty, and that from

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1919 to date.

So far as I am aware, the principle of independence of the Dominions, binding themselves to Great Britain by means of the personal bond of the King, was never accepted by any of the Dominion Governments as such before 1919. Whatever may have been the opinion of individual Ministers, in this or that Dominion, Governments, like that of the Union, carefully avoided advocating it, and never endeavoured to put it to practical test; excepting in a few instances where, under force of circumstances, they were compelled to move in that direction and act in accordance therewith.

They were constantly possessed by the fear, to which I have just drawn attention, of the disruption of the Empire, and they knew of no means of avoiding this danger other than by the acceptance, and even the defence (as was the case with the Government here) of a status of subordination to and dependence on the United Kingdom. Not everywhere did this fear lead to the acceptance of the doctrine of subordination to such an extravagant degree as with us. But fundamentally, the attitude taken up by the various Dominion Governments has been the same, viz; rejection of individual State-independence.

One of the consequences of this has been, that nowhere has any attempt been made by any of the Dominions to obtain formal recognition of its international status by Foreign Powers.

Also, that no encouragement has been given thereto by Great Britain, is a matter of course. What is more natural than that she should likewise harbour the fear which the

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Dominions and Dominion Statesmen so obviously allowed themselves to be influenced by? If these men considered it undesirable to accept the full consequences of their new status, as self-governing States, by what right could he expect that any recommendation would be made, or even encouragement given, in that direction by the British Government? Not only did the British Government abstain therefrom, but some of its leading Statesmen did not hesitate to discourage any attempt in that direction.

In all fairness we should admit that, considering the opinion of the majority in the Dominions themselves, the British Government in general took up a correct attitude towards the Dominions and acted patriotically towards Great Britain. Where justice has not been done in this respect to the Dominions, the responsibility rests with the Dominions themselves and with their responsible leaders, who sometimes, as here in South Africa, took it upon themselves to declare that we were not entitled to a measure of freedom expressly assigned to us by eminent British Statesmen.

The result was that until the conclusion of the Versailles Treaty in 1919, it was in practice as well as in theory the general opinion in Government circles that the Dominions, notwithstanding the possession of self-government, were nevertheless subordinate to Great Britain, and had no rights in regard to matters of foreign policy.

It speaks for itself, that there was no lack of experts and others to show that on legal and theoretical grounds this was exactly as it should be; that self-government to the Dominions did not in any way create these Dominions independent States, and that they could therefore have no right to an in-

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ternational status.

Meanwhile this subordination of the Dominions to Great Britain drew more and more attention, and disclosed to an ever increasing extent the disatisfaction of the people of the various Dominions. When thus at the outbreak of the great world war, the Dominions suddenly appeared on the battlefields as belligerents, fully armed, the international significance thereof could not be concealed, either from the Dominions themselves or from the outside world; and as the full significance thereof increased, it necessarily led to an awakening of the people and no less of responsible Statesmen, to a measure of international self-consciousness, such as never had been the case before.

That it was therefore no longer possible to continue to accept the doctrine of Dominion subordination to Great Britain, was generally felt and accepted when the time arrived for the conclusion of peace. The Dominions, by what they had achieved during the war, had not only become fully conscious of their international status, but they had also been put on their guard, by their bitter experience and sacrifices, against being compelled to repeat these sacrifices, in the matter of a dispute to which they had been no party, and between Powers with whom they, as presumed subordinates of Great Britain, had no voice and enjoyed no right of expressing their views.

When therefore the war was at an end and peace had to be concluded, the Dominions had to decide whether dominated by the fear of disruption of the Empire in case they accepted the Status of Sovereign States, they should continued to adhere to the position of subordination, or whether they should accept the independent status of international States. Urged on by the additional fear which they had felt during the course of

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the war, namely that their position of subordination might again plunge them into a war in the prevention of which they had no say, and spurred on by their awakening to national self-consciousness, the Dominions could no longer be satisfied with their former Status, as hitherto exercised.

To satisfy this new insistence on more right of action in matters of foreign policy, they had necessarily to take up their stand onthe basis of international freedom and independence. This was in fact done by the Statesmen who represented them at the Peace Conference.

The course adopted by these statesmen is peculiar and deserves our attention.

This brings us to the second period - the conclusion of Peace in 1919 and thereafter.

It is clear to me that the unabiguous and sound course which our Statesmen should have followed there, should have been that of the recognition of the personal bond of a common King with Great Britain, without any other legal ties, but strengthened by such further ties as historical contact, common interests and mutual agreements, as the will of the peopl of each separate Dominion might have been prepared to approve of The leaders of the Dominions at the Peace Conference were, however, not able to carry their convictions as far as that. The furthest they would go was to effect a compromise between the viewpoint of Dominion independenne and that of Dominion subordination.

To obtain this, the idea of the unity of the Empire group was created, according to which the Dominions, in foreign affairs, would be on the same footing as Great Britain; while

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at the same time no one, not even Great Britain, should have the right to act as a separate State-entity in international affairs. In order to arrive at any decision in international matters, or to take any action, it would be necessary that the group should discuss the matter as a single unit, and as such arrive at a decision. A doctrine was, therefore, created according to which each of the Dominions, as well as Great Britain, would be individually subordinate to the group as a fictitious State Super-Power or supreme State authority.

The question might be asked whether, according to that doctrine, the decision of the majority of the group was to be binding on the minority? There is no reference made to this anywhere. It seems to have been simply assumed that there would and could be no minority. The argument appears to have been; the group must decide as one unity therefore, the group will be unanimous;

On this basis the Dominion Statesmen after consultation with those of Great Britain arrived at an agreement during the Peace Conference, and accepted the doctrine of a free and equal status; and when the Peace Treaty itself had to be signed an endeavour was made to give expression thereto, in different ways, one of which at once strikes the attention. This was the manner in which the Treaty was signed by the Dominions.

The idea of the Unity of the Group with subordination of the Dominions to the group, had of course to replace the old theory of unity by subordination to Great Britain, which had to be sacrificed as obsolete; and, as in the case of the rejected theory, the impelling motive for the adoption of this idea was, the fear of disintegration, accompanied by the all too anxious desire to find a preventative in what must necessarily, if

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adhered to, result in nothing less than a quasi federal Empire, with the highest authority vested in the Imperial Conference; where in case of difference Great Britain would of necessity, by virtue of her powerful world influence and world interests, be the decisive voice; while in international affairs she would be considered as the only internationally recognized State of the Group.

Let us now consider whether in practice the idea of the Unity of the Group has answered its original purpose, or whether matters followed a different course, as just indicated.

The main objects it was intended to achieve were originally two:-

1. The recognition of the Dominions as independent international States.

2. The assurance of the continued existence of the Empire by united action in Foreign Policy.

What has become of these objects? I think that I am not saying too much if I maintain that so far nothing more has been attained along the fresh path than a further obscuring ofthe Status of the Dominions, and an endangering of any desirable co-operation between the Dominions and Great Britain.

In order to give you an opportunity of judging how far I am right, I may cite in the first place the following:

Firstly concerning our Status:-

We are informed in the Press that in the Portuguese Senate a question was asked on the 4th instant concerning our international Status, as the result of a statement on the subject which I had recently made in Parliament. After a certain Senator had expressed the opinion that "the Union could not be

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considered an independent Country", the Minister for the Colonies stated that South Africa is"a colony with large autonomy but dependent on British Sovereignty". Portugal is an independent State, and one of the foreign Powers with whom, we, as neighbours, come in most frequent contact on international matters.

This is her opinion as to our international Status. We may take it for granted, therefore, that opinion is not more favourable for us in the case of other foreign Powers. In other words, notwithstanding our free and equal status with Great Britain, we remain in the eyes of the outside world subject to British sovereignty, i.e. a subordinate of Great Britain.

This also applies to all the other Dominions.

Is the Portuguese Minister correct in his statement or not? Whether he be right or wrong, it is clear that his view does not agree with the theory of our equality of Status with Great Britain.

It will be seen therefore from the foregoing that I am justified in saying that one of the two main objects of the idea of the Unity of the Group, namely the recognition by foreign Powers of the Dominions as independent international States has not been attained, and that our real Status has thereby only been obscured.

The idea of the Unity of the Group has not, as regards the conception of our international status by foreign Powers, brought us any further than we were before 1919, To-day as then, they repudiated our claim to an independent international Status.

In the second place I wish to examine with you the question, in how far the group unity idea proves to be conducive to the continued existence of the Empire, and therefore,

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to what extent it answers its purpose as a remedy against disruption. Let me first of all refer to a contribution to the March number of the "Round Table" by a prominent Canadian Politician, by whom in all seriousness the following question is put:-

> "Is there a place in the British Commonwealth of Nations for Canada, if she becomes a Sovereign State precisely as Great Britain is a sovereign State?

To which question the writer answers as follows:-

> "This is the question to which Canadian nationalists want an answer. Obviously if there is room in the British Commonwealth of Nations for Great Britain as an independent nation, but no room for any other independent nation, Canada and the other Dominions are not nations, are not equal to Great Britain, but are in fact glorified colonies pretending in the face of the world to be something which they are not."

I feel convinced that when a public man of authority in a country such as Canada feels and speaks like this, all that can be said is that the principle upon which we have been engaged in building up the Empire since 1919 is more calculated to bring about its fall than to serve as a foundation for its future existence.

It is clear that a Dominion such as Canada wishes to see in its <u>equal status real international independence</u>, and that if it is prevented under the regime of the existing group-unity idea from obtaining that independence, it will be compelled to obtain it along a different way. The national aspirations of the peoples of the young Dominions are too forceful to be satisfied with mere appearance, where the reality has become a necessity.

But apart from the question in how far the theory of the Unity of the Group satisfies the national demands of the Dominions, I wish to answer the question briefly as to what extent that theory has proved to be feasible in practice.

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The main idea of that theory is the United action of the group, - i.e. of all the Dominions together with Great Britain - in treating with foreign Powers. No conference with a foreign Power, in which the group may be interested, may therefore take place unless all the members of the group, at least if they so desire, are represented thereon.

But it has happened more than once that the most important international Conferences have been held without proper representations thereat being granted to the Dominions.

I do not wish here to examine the reasons for this. My intention is only to state that in actual practice the two main objects of the idea of the Unity of the Group have proved to be failures.

The most convincing proof thereof we find in the Treaty of Locarno, which was recently concluded. This Treaty has been entered into by the British Government in such direct conflict with the principles on which the group-unity idea is based, that is has been found necessary to exempt the Dominions from any responsibility resulting therefrom, and also to give each of the Dominions separately the option of ratifying the Treaty or not.

This Treaty is, for the reasons I have already stated, of such uncommon interest that nobody will be surprised that General Smuts, as an enthusiastic supporter of the group unity idea, found it necessary to utter the protest of which I have made mention in the beginning of my speech.

General Smuts is one of those with whom the idea of the Unity ofthe Group originated, and according to him this idea must serve the purpose of maintaining the unity of the Empire, and the observance of this idea in practice is to

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his mind an essential condition for the continued existence of the Empire.

Unfortunately for those who hold as General Smuts does, it has been impossible for the British Government, in this very important case of the Locarno Conference and the Locarno Treaty, to give effect to the essential condition of that idea - joint representation and joint decision - that is: Unity of action.

But of much more importance still is the fact that the British Government, by acting as it has done, not only has for good rejected the idea of group unity as being impracticable, but has also, by leaving it optional to each separate Dominion to be a party to the Treaty or not, recognized that the Dominions cannot be prevented from acting in international matters as independent States.

Thereby it has finally broken with the idea of the Unity of the Group and group sovereignty, and we have fortunately returned to the recognition of the Dominions as international States.

That this idea has had to be rejected as a constitutional principle, was unavoidable, - because, it has proved unfeasible in practice, and because the Dominions are not prepared any longer to remain in the position of subordinates in international matters.

In international matters it is only the really independent State that counts, and under the group unity idea none of us, not even Great Britain, could lay claim to sovereign independence.

So long, therefore, as the Dominions and Great Britain have not arrived at establishing some kind of super-

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authority either by means of federation or by way of unification (both of which are out of the question) the idea of group unity, if strictly carried out, can bring us, inclusive of Great Britain, to nothing but impotence and inactivity in respect of international matters.

From that position Great Britain has had to save herself at the Locarno Conference, and she has saved herself in the same manner as she had done at the time of the Lausanne Conference, and afterwards again in connection with the Dawes Conference, and at Washington, namely, by going her own way independently where her interests required her to do so, notwithstanding at times the threats of Dominions that they were not prepared to enter by the back-door.

Unfortunately according to international law the group unity idea allows of no other entrance for the Dominions but by the back-door!

Instead of questioning, with General Smuts, the action of the British Government in regard to the Locarno Treaty, we ought to be thankful to Great Britain for having rejected once and for all such an ineffective safeguard as group unity.

This alleged safeguard has not secured to the Dominions any freedom, equality or a higher Status, which they did not already possess by virtue of their right to and power of self-government. On the contrary, it has destroyed in practice the international recognition of the Dominions, obtained by them through the signature of the Versailles Treaty. The recognition granted to them on that occasion by all the foreign Powers of the World, has at the same time been rendered nugatory by those who initiated this group unity idea.

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If we wish to return to a sound basis, it will be necessary for us to go back to Versailles and once more resume our recognition by the Powers of the world, as independent international States. The fear that scared us from following this road to independence, has been an idle fear, But not only idle. Dominated by that fear, we have taken recourse to a preventative against mutual conflict, which to-day proves to be a Nessus shirt, and which will tend more to wreck than to save the Empire.

If we are called upon, in our own interest, to preserve the good and intimate friendly co-operation between the Dominions and Great Britain, we are equally bound to maintain our international independence. There is, however, no reason whatever why the possession and maintenance of the one, should occasion less guarantee for the safe preservation of the other. I maintain that just the revense is the case. According as the Dominions realise to a greater extent their international obligations, responsibilities and dangers, the feeling of the necessity for closer and more cordial co-operation between the Dominions and Great Britain will grow and convert itself into practice.

I have therefore no doubt that, if we have to return to a sound basis, we can accomplish this only by accepting the doctrine of Dominion independence, based on our rights under the consitution and recognized at Versailles by the Foreign Powers of the world and by developing on that basis any further relations between Great Britain and the Dominions, so as to give every guarantee that can be expected for permanent co-operation.

In order to act for the future in conformity with this point of view and with full international effect,

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something more will be required from Great Britain and the Dominions, than a more declaration of constitutional rights among themselves. That declaration will have to be formally communicated by them to the outside world.

Should any of the Dominions not be prepared to give adherence to the principle of Dominion independence, they will, of course, be free to remain constitutionally where they are, or where they desire to be. But their fearfulness should not be an obstacle to those Dominions to which international independence has become an unavoidable national necessity.

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PRIME MINISTER'S OFFICE

MEMORANDUM

Tuesday
Dec. 31
1929

MR. KING:

I attach a few notes on General Smuts, together with some newspaper articles which appeal to me as being the best on our fyle. These include the report of the London Times of November 11th of General Smuts second Rhodes Memorial lecture at Oxford on world peace.

H.R.L.H.
Henry

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SMUTS, General Rt. Hon. Jan Christiaan

P.C. 1917; Companion of Honour, 1917; Commander Legion of Honour; K.C., M.L.A.

Born - 24th May, 1870; son of J. A. Smuts, M.L.A.

Married - 1897, Sibylla Margareta, daughter of J. Krige, Stellenbosch.

Education - Victoria College, Stellenbosch; Christ's College, Cambridge (Hon. Fellow); Double first Law Tripos; Bencher of the Middle Temple.

Practised at Cape Town Bar; Johannesburg, 1896; State Attorney, S. African Republic, 1898; served Boer War; given supreme command Republican Forces in Cape Colony, 1901; Colonial Secretary, Trasvaal, 1907; commanded troops in British East Africa, 1916-17 (Promoted Hon. Lieut.-General); Minister of Interior and Minister of Mines, Union of South Africa, 1910-12; Minister of Defence, 1910-20; Minister of Finance, 1912-1913; Prime Minister and Minister for Native Affairs, Union of South Africa, 1919-24; South African Representative Imperial War Cabinet, 1917 and 1918; Plenipotentiary (with General Botha) for South Africa at Peace Conference in Paris, 1919; Rhodes Memorial Lecturer, Oxford University, 1929-30; Freeman of Cities of London, Manchester, Edinburgh, Glasgow, Cardiff, Newcastle-on-Tyne, Sheffield.

Publication - Holism and Evolution, 1926.

Address - Doornkloof, Irene, near Pretoria.

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This is General Smuts first visit to Canada. He is accompanied by Mr. Phillip Kell, former Secretary to the Right Honourable David Lloyd George, and at present Secretary to the Rhodes Trust, and one Secretary.

General Smuts has had a brilliant career as student, warrior and statesman. He began life, as so many men who have risen to eminence in public affairs, on the farm. His father, Jacobus Abraham Smuts, was at one time a member of the Legislative Assembly of the Cape of Good Hope. After passing through the experiences of life on the South African farm, and attending school, General Smuts went to Victoria College at Stellenbosch in 1886. His career there was brilliant and the Cape Times of September 23rd, 1891, stated that "Mr. Jan Smuts, B.A., Ebden scholar of the Cape University, leaves today.....for Europe. .....Mr. Smuts holds the unique distinction of having sat for the B.A. examination both in literature and science and of having been recommended by the examiners in both departments as worthy of a scholarship.

In July, 1892, a Cape Town paper announced - "Mr. Smuts, who having gained the Ebden scholarship last year,

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thanks to his double B.A., passed first in law at Cambridge." Regarding this achievement, the Cape Times stated - "Smuts' success is unprecedented in Cambridge annals. He took both parts one and two of the Law Tripos at the same time; was placed first in the first class of each and has been awarded the George Long prize in Roman law and jurisprudence, a prize only awarded in cases of special merit. On referring to the Cambridge calendar you will find that this is quite unparalleled."

General Smuts was one of the outstanding Boer leaders in the South African war. Fourteen years later he was on the side of the British putting down the rebellion in South Africa and assisting in the overthrow of German power in South West Africa; later also in German East Africa. He was a member of the Imperial War Cabinet under Mr. Lloyd George. In 1918 he went to Palestine as representative of the War Cabinet, to assist General Allenby in working out the plans for the great advance there, which ended in so signal a victory.

His war record revealed General Smuts as a man of a great organizing and constructive mind. In spite of his more or less ruthless methods in warfare, General Smuts has revealed himself throughout his life as a friend of peace.

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At the close of the South African war, when peace was being discussed, it was General Smuts who overcame the opposition of other Boer officers and made the conclusion of peace possible. His speech on that occasion was one of great distinction, in which he made clear that all other considerations should give way to that which was purely national.

Later, it was General Smuts who visited London and made possible the gift of responsible government for the Transvaal and Orange Free State in 1906, and in the negotiations which led up to the granting in 1910 to South Africa of an autonomous federated Dominion of the same status as Canada, General Smuts took a most prominent part. In 1908, in the Transvaal Assembly, in dealing with the question of union, he said - "When we are young and inexperienced we think that intellect solves world problems, but as we get older we see that while intellect does much it is really the spirit of union, of friendship, and of comradeship among men that forms the strongest impelling force. If we wish to solve our problems let us avail ourselves of this tremendous force of South African patriotism and South African comradeship - and the sooner the better, Mr. Speaker."

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It is also well known that General Smuts had worked out a plan for a League of Nations after the war. Indeed, the title, it has been suggested, originated with him. At the Versailles Conference in 1919 he was one of the South African representatives and his suggestions helped to mould the charter upon which the League of Nations is based.

General Smuts' whole career, since the South African war, has been marked by loyalty to the Crown and the endeavour to bring about in South Africa unity between races, creeds and classes.

POOR
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WLMK

C 97967 MARCH 26, 1926

1926

Pensions - Old Age

Old Age Pensions

Part of Social Insurance Scheme

MR. KING: (Mar. 26, 1926, Revised Hansard p. 1977)

Old age pension first part of social insurance Scheme

In this country, I should like to see the annuities plan which, as my hon. friend has said, was inaugurated by Sir Richard Cartwright, developed into a comprehensive system of social insurance. But I do not believe that this can be accomplished solely by the federal government; it would have to receive the co-operation of the provinces. We must in some way establish that link between the provinces and the dominion which will conduce to the working out of a great social insurance scheme along these lines. That will not be achieved in a year; as in other countries it will require time. The old age pension phase of the question is one that has an immediate bearing in respect of people of advanced years. Surely, then, we shall not be running any great risk so far as future generations are concerned if we put upon the statutes this year legislation which will hold out an inducement to the provinces to come together in conference for the purpose of discussing social legislation generally.

(Mar. 26, 1926, Revised Hansard p. 1978)

So far as the purpose of the immediate legislation is concerned, it looks to providing a pension for men and women of the generation that is passing away, or will have passed away in the course of a very few years. That is primarily what we are considering at this moment, and in considering men and women of that category we will, I think, be taking the first necessary step to bring about that larger measure of contributory social insurance which is one of the great needs of our time.

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C.R. McINTOSH C 97968

(11)

Unemployment Insurance

Findings contained in Final Report of

The Select Standing Committee on Industrial and International Relations

April 30, 1929

~~Dr. Grant Fleming and Dr. Fitzgerald gave evidence dealing specially with sickness insurance.~~

1. Your Committee would reaffirm the position taken in the final report adopted on June 6th of last session, namely:

That your Committee accept and endorse the principle of unemployment insurance, based on compulsory contributions derived from the State, employer and employees.

2. Your Committee recognizes that, while it is highly desirable that such legislation should be uniform in all the provinces, and while social insurance has a federal aspect, nevertheless, according to the Department of Justice, under our constitution legislative jurisdiction in relation to the establishment of a compulsory system of unemployment insurance is vested exclusively in the provincial legislatures.

3. Your Committee finds that the provinces, on being consulted by the Department of Labour with regard to their attitude towards the establishment of a general scheme, do not appear to be prepared to take immediate action.

4. Under these circumstances, your Committee submits the following recommendations:

(a) That with regard to sickness insurance, the Department of Pensions and National Health be requested to initiate a comprehensive survey of the field of public health, with special reference to a national health program. In this, it is believed that it would be possible to secure the co-operation of the provincial and municipal health departments, as well as the organized medical profession.

(b) That in the forthcoming census, provision should be made for the securing of the fullest possible data regarding the extent of unemployment and sickness, and that this should be compiled and published at as early a date as possible.

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(c) That the Federal Government be requested to bring the subject matter of this reference before the next Federal-Provincial conference; and your Committee suggests, when the agenda for such a conference is being arranged that the provincial governments be invited to send representatives of the Employer and Employee to discuss the subject matter of this report.

Your Committee further recommends that 750 copies in English and 200 copies in French of this report, and the evidence upon which it is based, be printed in blue book form, and that Standing Order No. 64 be suspended in relation thereto.

All of which is respectfully submitted.

C. R. McIntosh,
Chairman.

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Coll - Social Security
C 97970

THE SELECT STANDING COMMITTEE ON INDUSTRIAL AND INTERNATIONAL RELATIONS, 1929.

The Report on Insurance against unemployment, sickness and invalidity

RESOLVED, - That the following be the report of the Committee on the subject of insurance against unemployment, sickness and invalidity.

Your Committee has had under consideration a resolution adopted by the House on February 14th, 1929, as follows:-

That the Committee on Industrial and International Relations be authorized to investigate and report on insurance against unemployment, sickness and invalidity.

Exhibit no 5 Set up as Exhibit no. 4 with date 1929 instead of 1928

1. Your Committee would reaffirm the position taken in the final report adopted on June 6th of last session, namely:-

That your Committee accept and endorse the principle of unemployment insurance, based on compulsory contributions derived from the State, employer and employees.

2. Your Committee recognizes that, while it is highly desirable that such legislation should be uniform in all the provinces, and while social insurance has a federal aspect,

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nevertheless, according to the Department of Justice, under our constitution legislative jurisdiction in relation to the establishment of a compulsory system of unemployment insurance is vested exclusively in the provincial legislatures.

3. Your Committee finds that the provinces, on being consulted by the Department of Labour with regard to their attitude towards the establishment of a general scheme, do not appear to be prepared to take immediate action.

4. Under these circumstances, your Committee submits the following recommendations:-

(a) That with regard to sickness insurance, the Department of Pensions and National Health be requested to initiate a comprehensive survey of the field of public health, with special reference to a national health program. In this, it is believed that it would be possible to secure the co-operation of the provincial and municipal health Departments, as well as the organized medical profession.

(b) That in the forthcoming census, provision should be made for the securing of the fullest possible data regarding the extent of unemployment and sickness, and that this should be compiled and published at as early a date as possible.

(c) That the Federal Government be requested to bring

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the subject matter of this reference before the next Federal Provincial conference; and your Committee suggests, when the agenda for such a conference is being arranged that the provincial governments be invited to send representatives of the Employer and Employee to discuss the subject matter of this report.

End of Extract

April 30th, 1929.

The Report on Family Allowances

The Select Standing Committee on Industrial and International Relations begs leave to present the following as their Final Report:-

Your Committee has had under consideration a resolution which was adopted by the House on February 13, 1929, as follows:

That the question of granting family allowances should be studied, taking into consideration the respective jurisdiction of both Federal and Provincial Parliaments in the matter, and that the said question should be referred to the Committee on Industrial and International Relations,

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with instructions to enquire into and make report.

Your Committee begs to submit the evidence of these witnesses on the subject matter of investigation, and recommends that (a) as this proposal is new in Canada, and requires more careful consideration, no immediate action shall be taken; and

(b) That before the next session of Parliament the question of jurisdiction in matters of this nature as between the Dominion and the Provinces be considered by the Government.

May 31st, 1929.

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Coll - Social Security
C 97974
Statement re National-wide Scheme of Social Insurance
Nov. 22 - 1932

SOCIAL INSURANCE

Mr. Mackenzie King:

I believe the day is rapidly coming when, so far as practically all forms of social insurance are concerned, it will be recognized as in the interests of the country in every way that whatever scheme there may be should be national in its scope. A national social insurance scheme, which would take care of matters of this kind on a nation-wide scale, would be much more in the interests of the country as a whole than a series of measures carried out in different ways by each of the nine provinces, to all of which the federal government would be contributing either in whole or in part.

(Revised Hansard, Nov. 22, 1932 - p. 1461.)

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C 97975

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[A 6379/48/6] No. 1.

Sir J. Tilley to the Marquess Curzon of Kedleston.—(*Received October* 17.)

(No. 257.)

My Lord, *Rio de Janeiro, September* 21, 1922.

I SHALL have the honour in another despatch to describe at some length the centenary celebrations, which are still not quite over, but it seems worth while to notice separately one feature in particular, namely, the great effort made by Mexico.

2. The Mexican Government sent here a large special mission headed by Dr. José Vasconcellos, their Minister of Education, who is, I am told, a great orator. They also sent what I believe is their only war vessel; they sent an exceedingly smart corps of cadets who won great admiration, and a first-rate military band which played all over the city. They presented to Rio de Janeiro a statue of an Indian chief named Cuauhtemoc, the unveiling of which was made the occasion for a great ceremony at which the President of the Republic made a notably eloquent speech. They have had receptions and operatic performances, and have been in fact unwearying in their efforts to acquire popularity.

3. Senhor Lauro Müller spoke to me about these demonstrations which he thought very remarkable, but whose object he had not fathomed. Elsewhere it has been suggested to me that the object of the Mexican Government is to form a Central and South American League, with Brazil as its chief and Mexico as second in command, for defence against the undue assumption of authority by the United States.

4. Whether this is possible I doubt, but Mexico certainly has a good press here and the United States Mission has, one might say as usual, failed so far as I can see to have made much impression.

5. Mr. Hughes's visit was a very brief one, he speaks no foreign language and his manner is somewhat formal. The "Maryland" and "Nevada" were not only completely outshone in appearance by the "Hood" and "Repulse," but they did very little in the way of entertainment, and the officers as well as the men distinguished themselves by their misconduct on shore, ten of the former being arrested and imprisoned one night for being drunk and riotous. The American reception was a very dull affair. The American Exhibition pavilion, which is to be their permanent Embassy, is still far from finished and there were disagreeable and unexplained incidents about the conduct of their Commissioner, Colonel Collier, which led to some kind of judicial proceedings in the United States.

6. Consequently, Mexico may be said to have won a popular victory over the United States of America, just as, I believe, serious people would say that Great Britain had eclipsed the United States in a rather different fashion during the celebrations.

I have, &c.
JOHN TILLEY.

NOV 22 Rec'd

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C 97976

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[A 6378/6271/6] No. 1.

Sir J. Tilley to the Marquess Curzon of Kedleston.—(*Received Octob* 17.)

(No. 261.)

My Lord, *Rio de Janeiro, September* 24, 1922.

IN my despatches Nos. 254 and 256 of the 19th and 21st instant, I had the honour to report briefly on the visit of the President of the Portuguese Republic. In my first despatch I spoke of his Excellency with no great interest (incidentally I omitted to mention the strong language which he used to me against Germany as responsible for the war): I left the despatch as it stood, since it recorded my actual impression. In my second despatch I reported on the President's speech to the Brazilian Congress, which to me was a revelation. Since then, Dr. Almeida has gone from one oratorical triumph to another, and has undoubtedly excited immense enthusiasm in the capital. He speaks as a man of the people, as an old Republican, but also as a man inspired by burning patriotism and love of Portugal and the Portuguese race, who knows how to place patriotism before party. He thus appeals to every class in this country, for the old monarchist families are also enthusiastic in their Portuguese as well as their Brazilian patriotism.

2. I begin to wonder whether the delay in His Excellency's arrival was not due rather to design than to accident. The principal centenary celebrations being over, and the United States Ambassador actually gone and most of the others on the point of going before the President's arrival, he has occupied the stage alone. From his point of view, if he had arrived on the 6th instead of the 17th, the first ten days of his visit would have been wasted.

3. What the precise effect of his visit will be I do not yet see. The Portuguese Government may think that the growing power, the assumed growing power, of Brazil may soon prove adequate to make Portugal, with Brazil behind her, a force in Europe. Brazil may feel so greatly inspired by increased pride of race as to claim with even greater confidence the first place in South America. It remains to be seen whether the mind of Brazil will in future work in the direction of independence of the United States. If so, these are sentiments which will redound to our benefit. Great Britain is the oldest ally of Portugal and the oldest friend of Brazil, and Brazil may realise that from us she can have friendship without fear of attempts at dictation. My instinct at present is that the United States have weakened rather than strengthened their position. We were told that the United States were to play a prominent part in the exhibition and the celebrations generally, whereas they played a secondary part. The officers and men of their ships left a disagreeable impression, and the encampment of an American guard in a prominent part of the city for an undefined period is liable to misconstruction. The development of the situation should prove profoundly interesting.

I have, &c.

JOHN TILLEY.

NOV 10 Recd

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C 97977 E-1313

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[A 6380/48/6] No. 1.

Sir J. Tilley to the Marquess Curzon of Kedleston.—(*Received October* 17.)

(No. 262.)

My Lord, *Rio de Janeiro, September* 27, 1922.

I HAVE the honour to report that the British squadron, consisting of H.M.S. "Hood" and H.M.S. "Repulse," under the command of Rear-Admiral Sir Walter Cowan, entered Guanabara Bay on the 3rd September, and remained here until the 13th, when it left for Santos. The squadron left Santos on the 20th instant.

2. I believe that the impression made by its visit was great. In the first place it was obvious that the British ships were far superior to any others. It needed no expert eye to recognise that the "Hood" was not only bigger, but more beautiful than any other ship in the bay. At the naval review the President and members of the Brazilian Government, as well as the special Ambassadors, had every opportunity of drawing comparisons while they passed four times down the line. The admiral entertained many leading Brazilians; a ball was given on board, and on certain days the ships were open for inspection, so that everyone had a chance of admiring them.

3. At the military review the marching of the British contingent was generally admired, and admitted to be easily the best. General Caviglia observed to Dom Pedro of Braganza that they were the only men there who knew how to march.

4. Apart from this, both officers and men made themselves extremely popular, and their conduct was admirable and universally praised. All the more attention was called to it because of the trouble given by the American officers and men. Ten of their officers were arrested and imprisoned one night for riotous behaviour. They failed absolutely in society in comparison with ours; for instance, a large number forced their way into the ball given by Burgomaster Max, after being told that he was unable to give them invitations. His Excellency, who was standing by my wife when they arrived, supposed that he must receive them, but he said a good deal about the incident later. Their men were constantly seen drunk in the streets, and had some serious trouble.

5. What is regrettable is that this visit could not have taken place before instead of after the question of the naval mission was settled, although the Americans were probably too strongly entrenched in the Ministry of Marine to have been dislodged. Nevertheless, for our general prestige and the prestige of the navy, on which everything else ultimately depends, I believe that the visit has done great good.

I have, &c.

JOHN TILLEY.

NOV 10 Recd

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C 97978 E-2000.

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SOUTH AND CENTRAL AMERICA. [October 26.]

CONFIDENTIAL. SECTION 1.

[A 6540/48/6] No. 1.

Sir J. Tilley to the Marquess Curzon of Kedleston.—(*Received October* 26.)

(No. 270.)

My Lord, *Rio de Janeiro, October* 3, 1922.

NOW that the centenary celebrations are concluded, I have the honour to offer the following report upon them:—

2. The official ceremonies began with the presentation of credentials by the special representatives on the 6th September. Special Ambassadors had been sent by nearly all the American and many European States. The Papal See was well represented by Mgr. Cherubini, who made himself very popular; he was accompanied by a large staff of Monsignori and two imposing members of the Noble Guard. Belgium sent Burgomaster Max, who was much liked, but did not seem to me to be much noticed; he came with an attaché. The French Government appointed M. Conty, the resident Ambassador, to act as special Ambassador, but sent a large special mission of Deputies and professors, one of the Deputies being M. Fonck, the aviator, and some of them being accompanied by their wives and children. Italy sent General Caviglia, a highly distinguished but very modest representative. He was on excellent terms with our Embassy; he was accompanied only by an aide-de-camp. Czechoslovakia sent M. Mastny, who is well known to your Lordship. Bulgaria created astonishment by sending a special mission of three persons. The Ambassador could speak nothing but Bulgarian and Russian, and was never seen to speak even them; of his colleagues I saw nothing. The Argentine Government sent a M. Loza, who came with his wife and family. I gather that this choice was considered rather as an insult, M. Loza being a person of no position in his own country. He and his family made a bad impression, and began ill by arriving late. Brazil is always on the watch for insults from Argentina, and all this was carefully noted, as was the fact that the Argentine pavilion in the exhibition was about the last to be begun. M. Loza was accompanied by a very large mission, as also were the Uruguayan and Chilean special Ambassadors Of the highly successful Mexican mission I have spoken in another despatch. The other Central and South American missions were unimportant, but most of them sent special representatives for the occasion. The other European countries were content with their existing representatives. There remains the United States mission to be described. Headed by Mr. Hughes, and including many imposing names, it should have made a great impression, but my feeling is that it made very little. Mr. Hughes gave me—and probably therefore others—the idea of being conscientiously civil to people whom he despised, and he stayed a very short time. Mr. Morgan (the United States Ambassador) sees no use in special missions. The Portuguese President came later, and I have written much already on the subject of his visit. The whole number of persons included in the special missions approached 300.

3. It occurs to me that I ought also to say a word of our own mission, which I took the liberty of inventing, as I assumed that your Lordship would wish me to have a special staff. I had heard casually from Mr. Chilton that General Bethell, the military attaché at Washington, was coming here to represent the British army, and I thefore described him to the Brazilian Government as military attaché to the mission; the permanent staff, including Captain Bailey, and with the addition of Colonel Cole and Lieutenant Sanceau, made up the number. For the purpose of the formal receptions of the mission I took with me Admiral Sir Walter Cowan and two attendant officers, as the United States Embassy included their admiral in the special mission; nobody made any objection, though the Japanese special Ambassador, to whom the idea had not occurred, was annoyed. The effect of describing General Bethell and Captain and Mrs. Bailey as members of the special mission was that they were lodged and fed at the expense of the Brazilian Government.

4. General Bethell has made himself very useful and popular by giving Brazilian officers instructions in polo; he has now, I hear, proceeded on an official visit to São Paulo. He and Captain Bailey unfortunately elected to come here not on a British ship, but on an American vessel with Mr. Hughes, and Captain Bailey was therefore

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too late to take any part in the arrangements for the visit of His Majesty's ships. He has, however, made good use of his time while here.

5. Three Brazilian naval officers and a flying officer were attached to us, so that our whole numbers were formidable. In addition, I was given the services of a police agent, who sometimes sat on the box of my car, with what object I do not know. I believe that this luxury was not accorded to more than one other Ambassador.

6. Lord Dundonald and Lady Elizabeth Cochrane, who were invited by the Brazilian Government, at the instance, I am told, of Mme. da Gama, had no connection with the mission. Lord Dundonald arrived on the 10th September only in a 150-ton yacht, and his own feats excited considerable interest. I cannot say that those of his distinguished grandfather were given any very prominent notice. Both he and his sister were very popular with the South American special missions.

7. I ought to mention also the presence of the Imperial family. In spite of the lamented death of the Count d'Eu at sea only a few days before their arrival, Dom Pedro and Princess Elizabeth were present at the review of the troops, and later on a small party was given in their honour by some of their special friends. They came from the first requiem for the Count d'Eu to join us in a visit to the "Hood." Princess Maria Pia spent most of her time at São Paulo. They are all exceedingly and justly popular with their friends, and were on the most friendly terms with the republican authorities.

8. Of the visiting squadrons the British was by far the most imposing. The United States sent two ships, the "Maryland" and the "Nevada." The "Maryland," though a fine ship, was overshadowed by the "Hood," and she did not stay very long, arriving three days later and leaving three days earlier than our ships. The Japanese sent three ships; the Argentine, Uruguay, Mexico and Portugal each one. The United States have also a marine guard camped on shore, much to the annoyance of the Brazilians. The Japanese crews behaved very well on shore and were popular.

9. At the presentation of credentials we were instructed to address to the President "quelques paroles de circonstance." I began, in my turn, to deliver some platitude, when the President cut me short and said: "Oui, vous avez raison, et j'ai un engagement envers vous, M. l'Ambassadeur." Here he stopped to draw the Minister for Foreign Affairs into the conversation, and continued with words to the effect that he had to give some proof of his friendship. Knowing the President as I do, I cannot but believe that these words had some definite meaning, relating possibly to the Porto Militar.

10. On the afternoon of the 6th the missions, with the ladies belonging to them, were received by Mme. Pessoa. On the 7th all the missions, both special and permanent, were received by the President. In the morning there had been a successful military review. The British corps were admittedly the best. Of the foreign troops the Japanese were good, and, according to Dom Pedro, the Mexican cadet corps would have been very good if they had not had "such silly little feet." In the afternoon, after the reception of missions, the President formally opened the exhibition. Owing to the absence of any special arrangements for facilitating the arrival of distinguished visitors, a large number of the foreign representatives never reached the hall, and owing to perseverance, on which we congratulated ourselves, all the foremost rows on one side were occupied by the British Embassy and British naval officers. Subsequently, having escaped from the hall, in spite of the fact that ordinary visitors were admitted just at the moment that the special guests were leaving, so that the aged Cardinal Archbishop was in danger of being crushed, the representatives whose pavilions were more or less ready repaired to them in order to receive the President there; those visited were the Danish, Belgian, French and British. We alone had a guard of honour of marines, which made a very good effect. It was on this occasion that the President, taking into consideration all that we had done to contribute to the celebrations, whispered to me in English, "You take the first prize." In the evening there was a tiresome gala performance at the opera with much local colour. Before the end of it the house must have been quite empty, except possibly for some visitors in the front row of the stalls, who slept so soundly that even a volley of rifle-fire on the stage failed to wake them. On the 8th the Historical Congress was formally opened by the President. On the 9th there was a naval review, and in the evening a banquet and reception at the Palace. These were quite well arranged, except that M. Max was placed next to the wife of the German Minister, which caused some comment. For the 10th there was a specially organised race meeting, and for the 11th a Venetian fête. On the 12th there was a ball at the Foreign Office, spoiled by overcrowding. After 3,000 persons had been invited, who were expected to fill the building to its utmost

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capacity, the Chamber of Deputies insisted on being asked *en masse* with all their families; eventually there must have been between 4,000 and 5,000 guests. On the 15th the Naval Club gave a ball in honour of the foreign naval officers; this was well organised, and it was regrettable that the British and Japanese ships, as well as the "Maryland," had already left, so that the *raison d'être* of the ball was rather lost. There was an aviation meeting on the 13th.

11. On the whole, in spite of overcrowding, the celebrations were successful, and those at the Palace quite dignified. Amongst private entertainments the British contribution figured largely. The British community gave a most successful ball in honour of the squadron on the 5th; there was a ball at the Embassy on the 10th, the only one given by an Ambassador at his own house, except one at the Uruguayan Legation; a ball on board H.M.S. "Hood" on the 12th, and a very beautiful garden party given by Mr. Lynch on the 13th. The United States Embassy gave an afternoon party at a club (it is remarkable that the conscience which prevents Americans from offering alcohol to their Brazilian guests is so far from preventing them from accepting it when they are themselves guests); the Belgians gave a ball at the same club; the Chileans, Argentines and Colombians gave parties at the new hotel, the former having 2,000 to 3,000 and the latter 3,000 to 4,000 guests, many of them, I believe, unwanted; the French gave a successful ball at their pavilion; the Uruguayan Ambassador and the Uruguayan Jockey Club both gave balls at the Uruguayan Legation. A ball given by the Jockey Club was crowded beyond belief. The Dutch gave a huge luncheon on board the Dutch mail-steamer "Gelria." I mention all these festivities, which, with a good many minor gatherings, were all attended by all the special missions, to give some idea of the strenuous period of rejoicing through which we have passed. The round began again with the arrival of the Portuguese President.

12. Of the international sports which have taken place I have not had time to take much heed. The Chileans disgraced themselves by their behaviour in a football match, an American naval rating by his behaviour in a boxing match and a Brazilian jockey in a race in which he knocked a dangerous rival off his horse. I have not heard of any striking successes.

13. The exhibition has been remarkable, so far, chiefly for the illuminations, which are beautiful. The Danish pavilion contains some fine silver, porcelain and faience; the Belgians have a great show of machinery and engines; the French (not yet complete) some fine tapestry and furniture, as well as a hall of industrial exhibits; the Japanese, cheap articles. No other large pavilions are yet open, nor are any of the shows and amusements; the United States and Argentine pavilions are still building.

14. Foreign visitors are scarce again, although for the centenary there were a considerable number of South Americans.

I have, &c.
JOHN TILLEY.

25-XI-22.

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E C 97981

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[A 6904/121/2] No. 1.

Sir C. Mallet to the Marquess Curzon of Kedleston.—(*Received November* 14.)

(No. 253.)

My Lord, *Buenos Aires, October* 18, 1922.

I HAVE the honour to report to your Lordship that Dr. Marcelo Torcuato de Alvear and Señor Elpidio González, elected President and Vice-President, respectively, of the Argentine Republic, for six years, were formally installed in those high offices on the 12th instant, in accordance with the simple but impressive ceremonial prescribed for those occasions.

After taking the oath of office in the Chamber of Deputies, President Alvear ignored the State coach waiting outside for him, and walked to Government House through a compact mass of people who lined the streets, and who accorded him a popular demonstration along the route.

On arriving at Government House the new President was met by the out-going President, and the second part of the ceremony, transferring the mandate (a sash of the national colours, worn by the President on State occasions, and a gold-headed cane) was performed. Immediately this was over, Dr. Irigoyen left the Chamber abruptly, walked through the main entrance into the street, a private citizen again going back to the people of his party, who were there in large numbers to give him a stirring ovation as they accompanied him to his residence.

In this unceremonious way the leader of the ultra-Radicals, who has risen from cowboy to the highest position in the country, ruling over its destinies with an iron will, closeted in a small room in Government House, into which only his most intimate friends had access, and rarely seen in public, left the Presidency with the same undiminished popularity of his numerous admirers as when he entered it six years previously.

President Alvear's advent to office, after a long period of commercial depression, has given rise to a feeling of optimism among all ranks. The idea prevails that the turning point has been reached, and there will be a gradual return to more prosperous conditions.

His connection by birth with several of the influential and rich families in Buenos Aires is likely to reconcile the Conservative elements who were bitterly opposed to the ex-President, and he has the advantage of entering office unhampered by promises of any sort or kind through the fortunate circumstance of his candidature and election having been effected while he resided abroad.

The " Prensa," one of the two large dailies in Buenos Aires, in referring to the inauguration in an editorial, states :—

> " Although political questions were naturally involved in the change made in the Federal Executive Power, party politics did not obtrude themselves in all that overflowing mass of the city's population.
>
> " Many, no doubt, turned out to celebrate the advent to power of the new chief magistrate on whom they are founding many hopes, while others, though perhaps fewer in number, attended as a mark of respect to the out-going President, in spite of his having done little else during his term of office but to impose his will and exalt his own personality. But there were unquestionably many others, who had nothing to do with such considerations, yet joined in the celebrations from a desire not to stand aloof from the Republic's rejoicings, but rather to aid in according a pleasant welcome to the honoured guests who had come here for the purpose of paying respect to the institutional event that was about to take place in Argentina."

These comments are from a newspaper of independent standing that is opposed to Radicalism.

Although a week has not yet elapsed since President Alvear entered office, there are many rumours current of disharmony between him and Dr. Irigoyen regarding the persons selected to form the Cabinet. The Minister of Marine, Admiral Manuel

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Domecq Garcia; of Finance, Señor Herrera Vegas; and of Justice, Señor Celestino Marco, are those particularly mentioned as being objected to.

The ex-President spent the last days of his power in signing thousands of decrees assigning positions to his political friends, which President Alvear will have either to accept or reject. If he rejects them the much talked of break in their friendly relations will become a fact, and a split between the two men now would be followed by a state of chaos in the country.

I am reliably informed that at a dinner party several nights ago, at which the former Under-Secretary of State for Foreign Affairs, Dr. Diego Molinari, was present, he used most violent language against President Alvear, saying that if he did not change his tactics there would be a revolution.

The inauguration ceremonies on the 12th October ended with a parade of troops and contingents from the Brazilian, Japanese and Uruguayan warships, which came here specially for the occasion.

I have, &c.
C. MALLET.

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SOUTH AND CENTRAL AMERICA. [January 23.]

CONFIDENTIAL. SECTION 2.

[A 428/57/51] No. 1.

Sir J. Tilley to the Marquess Curzon of Kedleston.—(*Received January* 23, 1923.)

(No. 372. Confidential.)

My Lord, *Petropolis, December* 22, 1922.

I HAVE the honour to inform your Lordship that in the course of my interview yesterday the conversation turned on the Brazilian proposal for a preliminary conference with the Argentine and Chile about disarmament. His Excellency seemed to me to be in a state of nervous excitement when speaking on the subject. He ridiculed the idea that the limitation of Brazilian armaments should be left to the vote of a general conference of South American States, seeing the poor state of preparation in which Brazil now finds herself. He ridiculed also the extravagant language of the Argentine press. I confined myself to general expressions of sympathy. I did also refer to the approaching visit of Señor Edwards, who will be at Rio for a few hours on his way to Santiago. I thought, perhaps, his Excellency might consider Señor Edwards a possible unofficial mediator, but he expressed so little enthusiam about Señor Edwards that I dropped the subject.

2. The general attitude of the press has been in support of the Government, but Dr. Pacheco is much criticised elsewhere for the want of skill displayed and for not finding out how his proposal would be received in Buenos Aires before he made it public. I still think, however, that the attitude of the Argentine press was ridiculous.

3. Dr. Pacheco said that negotiations were not at an end, but he did not see how the Santiago Conference could now take place. I gather that the United States come in for some of his displeasure.

4. In the course of the conversation his Excellency showed me the telegram from Bahia, which forms the subject of my telegram No. 164 of yesterday's date, and a paraphrase of which by the Brazilian Government is enclosed herewith.* His Excellency said that it showed that the German Government by clandestine sales were trying to evade the clear provisions of the Treaty of Versailles, and it was also evidence of the bad faith of the Argentine Government, who, while talking about disarmament, were busily doing the other thing.

5. I have sent a copy of this despatch to His Majesty's Minister at Buenos Aires.

I have, &c.

JOHN TILLEY.

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* Not printed.

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SOUTH AND CENTRAL AMERICA. [January 22.]

CONFIDENTIAL. SECTION 2.

[A 403/403/2] No. 1.

Sir C. Mallet to the Marquess Curzon of Kedleston.—(*Received January* 22, 1923.)

(No. 272. Very Confidential.)

My Lord, *Montevideo, December* 22, 1922.

IN the course of private conversations with the Acting Minister for Foreign Affairs, on the eve of my departure from Buenos Aires, Dr. Le Bretón stated that Mr. Riddle, the United States Ambassador, went to the Foreign Office to present Mr. Willing Spencer, the new Counsellor, and said: "Willing, you will have much pleasure in knowing Dr. Le Bretón because he is a great friend of America." Whereupon Dr. Le Bretón answered: "Yes, Mr. Riddle, but I do not always understand you; for instance, I do not understand what you mean by sending your naval officers to Brazil to train the Brazilian navy, and, at the same time, you are talking of disarming and reducing your navy." "Oh," said Mr. Riddle, "the reason is that the Brazilian navy is untrained, so we have offered to train it, because if we don't Great Britain will do it, and our policy is to keep out of the Continent of America all European influence, and we have not made a similar offer to Argentina as the Argentine navy is already well trained." To this Dr. Le Bretón observed that in order to train a navy equipment is needed in the shape of cannons, submarines, &c., and that if Brazil was to be supplied with all these things, so that she should learn to use them, the Argentine would be forced to supply her navy in the same proportion, which would give rise to a large expenditure the country can ill afford at present.

Dr. Le Bretón then asked Mr. Riddle to find a more comprehensible explanation, and informed him that he has telegraphed to the Argentine Ambassador at Washington to let Mr. Hughes and others know that the Argentine Government is perplexed and does not understand the action of the United States Government in this matter; and, as a parting shot, he said to Mr. Riddle that if the United States undertake to train the Brazilian navy, Argentina will be obliged to bring instructors for her navy from England or from Japan, and as the latter are not to be trusted England would have to be asked to render this service.

Mr. Riddle showed his displeasure and left in a huff, and on that account Dr. Le Bretón purposely omitted the American Ambassador's name from the list of those he invited to a farewell banquet given to me on my departure for Montevideo.

I have forwarded a copy of this despatch to His Majesty's representatives at Rio de Janeiro and Buenos Aires.

I have, &c.
C. MALLET.

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[A 577/57/51] No. 1.

Sir J. Tilley to the Marquess Curzon of Kedleston.—(*Received January* 30.)

(No. 10.)

My Lord, *Petropolis, January* 9, 1923.

WITH reference to my despatch No. 372 of the 20th December last, I have the honour to inform your Lordship that the Brazilian proposal for a preliminary disarmament conference appears to have died a natural death.

2. The Minister for Foreign Affairs told me that at his meeting with the Argentine Minister for Foreign Affairs the latter was very friendly and polite, but Dr. Felix Pacheco was evidently very sore about the whole matter. The general opinion is that he made a *gaffe*, due to inexperience of diplomatic methods, but, from the conversation mentioned in my despatch No. 342 of the 28th November last, the real responsibility seems to be with Dr. José Carlos Rodrigues. Dr. Pacheco anticipated that if the Santiago Conference is ever held, it will have no result. This, I believe, is usually the case with pan-American conferences; nevertheless, this particular conference does seem likely to have a result in the shape of increased ill-feeling between Brazil and the Argentine.

3. There has been, as reported in Sir C. Mallet's despatch No. 272, Very Confidential, of the 22nd December last, some communication between the United States and Argentine Governments about the United States Naval Mission to Brazil, and the explanations given have been published in the Brazilian press. I do not think that any serious attention was paid to the matter.

4. I have forwarded copies of this despatch to His Majesty's representatives at Buenos Aires and Santiago.

I have, &c.
JOHN TILLEY.

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SOUTH AND CENTRAL AMERICA. [July 30.]

CONFIDENTIAL. SECTION 1.

[A 4519/582/8] No. 1.

Acting Vice-Consul Easton to the Marquess Curzon of Kedleston.—(*Received July* 30.)

(No. 19.)

My Lord, *Guatemala, July* 9, 1923.

I HAVE the honour to transmit herewith to your Lordship copy furnished to me by courtesy of the American Minister of the original of a statement issued by his Excellency in translation to the local press, and defining, with regard to impending revolution in the Republic of Honduras, the attitude of the United States towards Central American Governments in respect of their mode of achieving power.

One newspaper alone commented on this statement in a leading article complaining of it as interference with sovereign rights. The people generally are apathetic, merely regarding it as one more display of the domineering spirit to which they attribute every action of the Americans, who are detested and feared throughout Central America.

I have, &c.
B. J. EASTON.

Enclosure in No. 1.

Statement issued in Translation to the Press of Guatemala.

THERE have been conflicting reports regarding the attitude of the Government of the United States, in view of possible disturbances which it is thought might develop in the Republic of Honduras, in connection with the campaign for the Presidency. Since Guatemala naturally feels an intimate interest in everything pertaining to the situation in the neighbouring republic, Arthur H. Geissler, the American Minister, has authorised the following clarifying statement :—

"The American Legation in Guatemala has been informed by the Depart-
" ment of State of the United States that the American Minister in Tegucigalpa,
" Honduras, has been instructed to communicate to President Lopez Gutierrez and
" to other interested parties in the Republic of Honduras, including Carlos Lagos,
" an outline of the attitude of the Government at Washington, substantially as
" follows :—

" The Government of the United States regrets reports of impending
" revolution in Honduras, and is extremely sorry that efforts to effect, between
" opposing candidates for the Presidency, such an agreement as would be likely to
" avert disturbances have thus far been fruitless. The Government of the United
" States, after having repeatedly, but without avail, counselled such an agree-
" ment as would avert revolution and its resultant disruption, desires once
" more to emphasise the grave situation in which Honduras will be placed if some
" satisfactory settlement is not reached. The economic condition of the country,
" which is already very difficult, would naturally be rendered even more precarious.
" The credit of Honduras, which is already low, would be further depressed if
" revolutionary disturbances occur. The resources and income of that republic
" would be greatly diminished and commercial and industrial activity would be
" paralysed. Under such circumstances, any Government would find it difficult, if
" not impossible, to maintain itself in office. The efforts of the delegates at
" the recent Central American Conference held in Washington to bring about
" a stable and prosperous condition in all of Central America would be largely
" neutralised so far as Honduras is concerned. The Government of the United
" States is at all times ready to assist along constructive lines of development. It
" is now ready to render all possible and proper assistance in the present crisis. It
" is of the firm opinion that improvement in the economic situation in Honduras,
" which both countries so ardently desire, can only be brought about on the basis

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" of political peace and quiet in that country and attained by the agreement of all " parties to abide by the results of free and fair elections. Therefore, the Govern- " ment of the United States bespeaks the most honest attention to those political " and economic considerations which are of paramount importance. It entertains " no preference as between parties or candidates, and is not disposed to exert " influence for or against any candidate. But it is ready to afford co-operation, " assistance and support to any Government elected as the result of the will of the " Honduras electorate, through the medium of free and fair elections. If this " appeal proves unavailing, the Government of the United States will have no " alternative other than to consider that the responsibility for resulting disorgani- " sation, misery and sacrifice of economic stability must be borne by those who are " unwilling to reach an amicable settlement of their political differences.

" The attitude of the Government of the United States with regard to the " recognition of new Governments, in the five Central American republics whose " representatives signed at Washington in February 1923 a general Treaty of Peace " and Amity, to which the United States was not a party, but with the provisions " of which it was in the most hearty accord, will be guided by the provisions of " article 2 thereof, which stipulates that—

" (Translation.)

" ' The Governments of the high contracting parties shall not recognise anyone who " ' rises in any one of the five republics whatsoever by a *coup d'État* or a revolution " ' against a recognised Government until the representatives of the people, freely " ' elected, have reorganised the country in constitutional form. And even in the " ' latter case they bind themselves not to concede recognition if any of the persons " ' elected President, Vice-President or substitute (" designado ") have been " ' comprised in any whatsoever of the following cases :—

" ' 1. If he have been the leader, or one of the leaders, in the *coup d'État* or " ' revolution ; or if he be by consanguinity or affinity ancestor, descendant or " ' brother of one of them.

" ' 2. If he have been Secretary of State or have held high military command " ' when the *coup d'État* or revolution took place or when the elections were held, " ' or have held that office or command six months previous to the *coup d'État*, " ' revolution or election.' "

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[A 4751/2776/47] No. 1.

Mr. Morris to the Marquess Curzon of Kedleston.—(Received August 8.)

(No. 55. Confidential.)

My Lord, *Carácas, July* 20, 1923.

WITH reference to my confidential despatch No. 48 of the 6th July and my telegram of the 10th July relating to the present political situation, I now have the honour to report more fully to your Lordship on the subject. The position assumes importance in view of the possibility that the assassination of the President's brother may be taken advantage of to foment another revolution in the country.

The last revolutionary movement—and it may be useful briefly to recall the circumstances of that movement—was in 1921. It was organised in Europe, chiefly in Paris, by two political exiles, Señor Ortega Martínez and Señor F. L. Alcantara, assisted by Señor Carabano, a Venezuelan general, and William Henry Quilliam, a British subject, of 33, Gordon Square, London. Assistance was also obtained—and without this assistance the development of the plot might not have been possible—of Señor Charles Villanueva, a Venezuelan subject, who was formerly in the Venezuelan Legation in Paris and before that Venezuelan consul-general in London, but was dismissed from the service of the Venezuelan Government and afterwards became Nicaraguan Chargé d'Affaires in Paris. As such he supplied the conspirators with Nicaraguan diplomatic passports with visas for England and France.

The revolutionaries purchased the steamship "Odin," and took her to Amsterdam to be fitted out with arms and ammunition from Germany. The ex-British gunboat "Harrier" was also acquired for the sum of 42,000*l.*, and these two boats were intended to co-operate with land forces to be organised on the Colombian frontier. Owing to the plot being discovered through the efforts of the Venezuelan Minister at The Hague, the "Odin" was sequestered at Amsterdam and the "Harrier" at Swansea. Notwithstanding the capture of these two ships, however, the revolution started on the Colombian frontier, and it was only after some fighting that the rebels were forced to capitulate. For a time the revolutionary movement was checked, but the promoters of the movement remain at liberty, and from all accounts are merely awaiting another opportunity to move again. The natural corollary of any weakening of the Government will be to raise the hopes of these men to the possibilities of a fresh attempt.

It may now be of interest to review the position of the Government. Though nominally a representative Government, it is in reality an oligarchy. The President, who entirely dominates the Government, is a rough peasant, without education and almost inarticulate, but gifted with great force of character, much natural shrewdness and the power to govern. About a year ago to strengthen his position, he arranged for his brother and son to be elected vice-presidents, investing them with the right of succession. Now the brother has been assassinated, this precautionary measure, owing to the unpopularity of the son, seems likely to prove a menace to the strength of the President's position. With advancing years, ill health, the unsleeping vigilance of his enemies, and the loss of his brother, the strain may at any time become too much for him. It is these circumstances that give rise to the apprehension that prevails of a fresh revolutionary movement. In certain well-informed quarters it is thought that some such movement may occur at any moment, and to some extent this opinion would seem to be held by the Government. People are being arrested on the slightest suspicion for political reasons, and, without trial, being cast into prison, with the prospect possibly, of not being heard of again.

The American Minister called on me a few days ago. His visit was purely a friendly one and ostensibly for no special reason, but it left very clearly on my mind the impression that he was greatly concerned with the outlook. He said that though a revolution had often been hinted at, this was the first time he had ever regarded the possibility seriously His military attaché has just returned from the Colombian frontier, where the revolutionary spirit is most active, and his reports are probably not reassuring. The American Minister, however, though a man of affairs and wide

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experience, is, I think, inclined to be easily alarmed, and this point must be taken into account in valuing his estimate of the situation. I enquired if he had thought of notifying his Government and perhaps asking for a warship to be sent. He replied that he had not. Yesterday, however, he informed me that one of the warships of their special service fleet was coming here on a friendly visit about the end of this month. The arrival of this warship, belonging as it does to the special service squadron, is of interest in view of his admitted apprehensions.

If a revolution should occur, it seems improbable that it will follow the lines of the last effort. The leaders are more likely to pursue a policy of intrigue culminating in some bold *coup d État*. Their plans may also include the winning over of the army, since the soldiers are generally known to be discontented and are probably indifferent as to whom they serve. Any rising on the Colombian frontier or in remote parts of the interior would stand less chance of success than on the former occasion since the Government have now taken the precautionary measure of forbidding the possession of arms and ammunition in the country, and the army is well equipped with supplies recently obtained from France.

We have considerable commercial interests at stake in the country, and its value as a petroleum producing area now makes it of increasing importance both to the United States and to ourselves, but in the event of a disturbance occurring, it seems unlikely that these will be in any immediate danger. Any change that may occur seems more likely to result from success in intrigue than success in arms.

I have, &c.

T. J. MORRIS.

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C 97990 E-1800

CANADA.

Dominions No. 379.

DOWNING STREET,

8th October, 1923.

My Lord,

With reference to my despatch Dominions No. 341 of the 10th of September, I have the honour to transmit to Your Excellency for the information of your Ministers, copies of Letters Patent, dated the 1st of September, 1923, providing for the constitution of Responsible Government in the Colony of Southern Rhodesia.

I have the honour to be,

My Lord,

Your Lordship's most obedient,

humble servant,

(Signed) DEVONSHIRE.

GOVERNOR GENERAL

HIS EXCELLENCY,

GENERAL, THE RIGHT HONOURABLE,

LORD BYNG OF VIMY, G.C.B., G.C.M.G., M.V.O.,

etc., etc., etc.

Referred to: Oct 22nd

Premier (for information),
Customs & Excise,
Justice,
Finance.

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SOUTHERN RHODESIA CONSTITUTION.

LETTERS PATENT providing for the constitution of Responsible Government in the Colony of Southern Rhodesia.

Dated 1st *September* 1923.

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, unto all to whom these presents shall come Greeting.

Recites Southern Rhodesia Order in Council 1898 and Amending Orders.

WHEREAS by the Southern Rhodesia Order in Council 1898, as added to altered or amended by divers further Orders in Council provision was made for the administration of the government of certain territories of Africa under Our protection and known as Southern Rhodesia :

Recites Southern Rhodesia (Annexation) Order in Council 1923.

And whereas by an Order in Our Privy Council bearing date the 30th day of July 1923, and known as the Southern Rhodesia (Annexation) Order in Council 1923 it is provided that the territories within the limits of the Southern Rhodesia Order in Council 1898 and known as Southern Rhodesia, shall, from and after the coming into operation of the said Order, be annexed to and form part of Our Dominions, and shall be known as the Colony of Southern Rhodesia :

And whereas We are minded to provide for the establishment of Responsible Government, subject to certain limitations hereinafter set forth, in Our said Colony :

Now know ye that We do declare Our will and pleasure to be as follows :—

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C 27102

THE LEGISLATURE.

The Legislature.

1. In place of the Legislative Council now subsisting there shall be a Legislature consisting of a Legislative Council and Legislative Assembly, constituted as hereinafter provided.

Subject to the provisos hereinafter contained, the constitution, appointment, and powers of the Legislative Council now subsisting shall continue in force and the duration of the said Council shall extend until the date of the nomination of Members for election to the Legislative Assembly, and no longer :

Provided however that until the said date—

(*a*) The persons other than the Administrator who at the commencement of these Our Letters Patent are Members of the said Legislative Council now subsisting shall continue to be Members thereof;

(*b*) The Governor of the Colony shall be a Member of the said Council in place of the Administrator, and shall preside at the meetings thereof, and in his absence such other Member of the said Council as may be appointed in writing by the Governor shall preside ;

(*c*) The power of the British South Africa Company to remove or suspend nominated Members of the said Council shall be vested in the Governor, and whenever the seat of a nominated Member becomes vacant by death, resignation or removal, the Governor shall appoint a successor.

THE LEGISLATIVE COUNCIL.

Legislative Council. Constitution.

2. It shall be lawful at any time after the commencement of these Our Letters Patent for the Legislative Assembly to pass a law, subject as hereinafter provided, constituting the Legislative Council, and until any such law shall have been passed and brought into operation the Legislative Assembly shall be for all purposes the Legislature within the meaning of these Our Letters Patent.

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C 97993

THE LEGISLATIVE ASSEMBLY.

Legislative Assembly. Constitution.

3. The Legislative Assembly shall consist of thirty Members who shall be elected by the voters in and for the several electoral districts as hereinafter defined, and for the purpose of constituting the Legislative Assembly the Governor, before the time appointed for the first meeting thereof, and thereafter from time to time as occasion shall require, and without undue delay, may in Our name issue writs under the Public Seal of the Colony for the general election of Members to serve in the Legislative Assembly.

Election of Members.

Qualifications and disqualifications of voters.

4. The qualifications and disqualifications of persons to be voters at any election of Members of the Legislative Assembly to be held under the provisions of these Our Letters Patent shall be those prescribed by the existing electoral laws of the Colony, as hereinafter defined, or by any laws amending or substituted for the same hereafter to be passed by the Legislature constituted by these Our Letters Patent.

First elections.

5.—(1) For the purpose of the first election of Members of the Legislative Assembly, to be held under the provisions of these Our Letters Patent, the voters shall be the persons whose names appear on the register hereinafter mentioned.

(2) For the purpose of the said first election the electoral districts shall be those constituted under the High Commissioner's Proclamation No. 28 of 1923 entitled The Electoral Districts Delimitation Proclamation 1923, as amended by Proclamation No. 35 of 1923. It shall be lawful for the Governor by Proclamation published in the Gazette to declare what number of Members shall be elected to the Legislative Assembly for each district, and where more than one Member is to be returned for any district to make any necessary amendments in the existing electoral laws of the Colony with regard to the method of voting and the general conduct of the election.

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(3) For the purpose of the said first election the Governor shall as soon as practicable after the date of the commencement of these Our Letters Patent cause lists of voters resident in each such electoral district at that date to be compiled in accordance with the existing electoral laws of the Colony, and the lists so compiled shall constitute the register of voters for the said first election.

Application of existing electoral laws for purposes of elections generally.

6. Subject to the provisions of the last preceding section the registration of voters, the preparation of lists of voters, the nomination of candidates, the conduct of elections and the hearing of election petitions shall be carried out in accordance with the existing electoral laws of the Colony, or any laws amending or substituted for the same hereafter to be passed by the Legislature constituted by these Our Letters Patent.

Biennial registration of voters.

7. There shall be a biennial registration of voters in every electoral district commencing not later than the last day of December in the year next but one after the commencement of the last preceding registration, and so on during each successive biennial period.

Redivision of Colony into electoral districts.

8. Upon the completion of the voters' lists made in pursuance of the first biennial, and thereafter of every alternate biennial, registration it shall be lawful for the Legislature by an Act to be passed for that purpose if required by the growth or distribution of the population to redivide Southern Rhodesia into electoral districts for the purpose of the election of Members of the Legislative Assembly, and by such Act to determine the number of Members to be returned for each such electoral district.

When redivision of Colony to come into operation.

9. Any redivision of the Colony made as aforesaid shall come into operation at the next general election held after the completion of the redivision, and not earlier.

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Qualification of Members of Legislative Assembly.

10. Until otherwise provided by the Legislature constituted by these Our Letters Patent, persons qualified under the existing electoral laws of the Colony to become Members of the Legislative Council now subsisting shall be qualified to become Members of the Legislative Assembly.

Speaker and Deputy Speaker of Legislative Assembly.

11.—(1) The Legislative Assembly shall, on their first meeting, before proceeding to the dispatch of any other business, elect one of their Members to be Speaker and another to be Deputy Speaker and Chairman of Committees (hereinafter called the Deputy Speaker) of the said Assembly (subject in both cases to confirmation by the Governor) until the dissolution thereof, and in case of vacancy in either office another Speaker or Deputy Speaker, as the case may be, shall be elected in like manner and subject to such confirmation as aforesaid.

(2) Notwithstanding the provisions of the preceding sub-section it shall be lawful for the Legislative Assembly, if they see fit, to elect any suitable person other than one of their Members to be Speaker, and any person so elected shall be entitled to exercise and perform all the powers and duties by these Our Letters Patent, including the power and duty to exercise a casting vote as provided in Section 21 thereof, or by any Standing Rules and Orders from time to time in force under the provisions of Section 23 thereof, or otherwise howsoever, vested in the Speaker of the Legislative Assembly.

Speaker to preside.

12. The Speaker, or in his absence the Deputy Speaker, and in the absence of both Speaker and Deputy Speaker some Member elected by the Legislative Assembly, shall preside at the Meetings thereof.

Quorum.

13. The Legislative Assembly shall not be disqualified from the transaction of business on account of any vacancies among the Members thereof, but the said Assembly shall not be competent to proceed to the despatch of business unless ten Members be present.

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Resignation of seat in Legislative Assembly.

14. Any Member of the Legislative Assembly may resign his seat therein by writing under his hand addressed to the Speaker, and upon the receipt of such resignation by the Speaker the seat of such Member shall become vacant:

Provided that no Member shall, without the permission of the Legislative Assembly, resign his seat while any proceedings are pending in respect of his election if it is alleged in those proceedings that any corrupt or illegal practices took place at that election, or while any proceedings are contemplated or pending in respect of his conduct in, or as a Member of, the Legislative Assembly.

Writs for filling vacancies.

15.—(1) Whenever a vacancy occurs in the Legislative Assembly from any cause, other than as the result of an election petition, the Speaker shall, upon a resolution of the said Assembly declaring such vacancy, inform the Governor thereof.

(2) Provided that if such vacancy occurs when the Legislative Assembly is not in session, the Speaker, or in the case of the death, incapacity, or absence from the Colony of the Speaker, the Clerk to the Assembly, shall, on a certificate under the hands of two Members of the Assembly, stating that such vacancy has occurred and the cause thereof, inform the Governor thereof.

(3) The Governor on receiving such information shall without delay cause the necessary steps to be taken for filling such vacancy in accordance with the Law for the time being in force in the Colony under the provisions of Section 6 of these Our Letters Patent.

LEGISLATIVE COUNCIL AND LEGISLATIVE ASSEMBLY.

Sessions of Legislature.

16.—(1) There shall be a Session of the Legislature once at least in every year, so that a period of twelve months shall not intervene between the last sitting of the Legislature in one Session and the first sitting thereof in the next Session.

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(2) The first Session shall be held within eight months of the date when these Our Letters Patent shall commence to take effect.

Place and time of holding Sessions of Legislature.

17. The first and every other Session of the Legislature shall be held in such place and at such time as may be notified by the Governor by Proclamation in the Gazette.

Prorogation and dissolution of Legislative Council and Legislative Assembly.

18.—(1) The Governor may from time to time prorogue the Legislature by Proclamation, which shall be published in the Gazette, and may in like manner, whenever he shall think fit, dissolve the Legislative Council and the Legislative Assembly simultaneously, or the Legislative Assembly alone.

(2) The Governor shall dissolve the Legislative Council and the Legislative Assembly at the expiration of five years from the date of the first meeting thereof.

Governor may transmit Bills to Legislature.

19. The Governor may transmit by Message to the Legislative Council and the Legislative Assembly the draft of any Bill which it may appear to him desirable to introduce, and all such drafts shall be taken into consideration by the said Council and Assembly, as the case may be, in such convenient manner as shall be provided in that behalf by Rules of Procedure.

Oath to be taken by Members of Legislature.

20.—(1) Every Member of the Legislative Council and Legislative Assembly shall, before being permitted to sit or vote therein, take and subscribe the following oath before the President or Speaker respectively, or before such person as may be appointed thereto by the Governor should such oath be required to be taken before the appointment or election of a President or Speaker as the case may be :—

"I, *A,B.*, do swear that I will be faithful and bear true allegiance to His Majesty King George the Fifth, his heirs and successors, according to Law So help me God."

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(2) Provided that any person authorized by law to make a solemn affirmation or declaration instead of taking an oath, may make such affirmation or declaration in lieu of such oath.

Questions to be decided by majority of votes.

21. Subject to the provisions contained in Section 26 of these Our Letters Patent, all questions in the Legislative Council or Legislative Assembly shall be determined by a majority of the votes of Members present, other than the President, Speaker, or presiding Member, who shall, however, have and exercise a casting vote in case of an equality of votes.

Member's seat in Legislature, how vacated.

22. If any Member of the Legislative Council or Legislative Assembly—

(1) shall be absent, except on the ground of illness, from the sittings of the Legislative Council or the Legislative Assembly, as the case may be, for a period of one month during any session without the leave of the Legislative Council or the Legislative Assembly, as the case may be; or

(2) shall have any direct or indirect pecuniary interest in any contract with the Government of the Colony for or on account of the public service otherwise than as a member and in common with the other members of an incorporated company consisting of more than twenty-five persons; or

(3) shall take any oath, or make any declaration or acknowledgment of allegiance, obedience, or adherence to any foreign State or Power; or

(4) shall do, concur in, or adopt any act whereby he may become the subject or citizen of any such State or Power; or

(5) shall become an insolvent or take advantage of any Law for the relief of insolvent debtors; or

(6) shall be attainted of treason, or be sentenced to imprisonment without the option of a fine for a term of not less than twelve months; or

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(7) shall become of unsound mind ; or

(8) shall accept any office of profit under the Crown other than that of a Minister, or that of an officer of Our naval and military forces on retired or half-pay ;

his seat shall become vacant, and if any person under any of the disqualifications herein mentioned shall, whilst so disqualified, knowingly sit or vote as a Member of the said Council or Assembly, such person shall forfeit the sum of one hundred pounds, to be recovered by the Attorney-General for the benefit of the Treasury by action in the High Court :

Saving of pensioners.

Provided that a person in receipt of pension from the Crown shall not be deemed to hold an office of profit under the Crown within the meaning of this section.

Standing Rules and Orders.

23.—(1) The Legislative Council and Legislative Assembly in their first Session, and from time to time afterwards as there shall be occasion, shall each adopt Standing Rules and Orders, joint as well as otherwise, for the regulation and orderly conduct of their proceedings and the despatch of business, and for the order in which the said Council and Assembly shall confer, correspond, and communicate with each other, and for the passing, intituling, and numbering of Bills, and for the presentation of the same to the Governor for Our assent.

(2) All such Rules and Orders shall by the said Council and Assembly respectively be laid before the Governor in Council, and being by him approved shall become binding and of force.

(3) Provided that the Standing Rules and Orders of the Legislative Council as now subsisting shall, until altered, added to, or amended, be the Standing Rules and Orders of the Legislative Council and of the Legislative Assembly.

Officers of Legislature.

24. The salary of the President of the Legislative Council and of the Speaker of the Legislative Assembly shall be such as may be prescribed by

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any Law of the Colony; and the Chief Clerk for the time being of the Legislative Council and of the Legislative Assembly shall respectively be removable from office only in accordance with a vote of the House of which he is an officer.

Privileges, &c., of Members.

25.—(1) It shall be lawful for the Legislature of the Colony by any Law to define the privileges, immunities, and powers to be held, enjoyed, and exercised by the Legislative Council and Legislative Assembly, and by the Members thereof respectively:

Provided that no such privileges, immunities, or powers shall exceed those for the time being held, enjoyed, and exercised by the Commons House of Parliament of Our United Kingdom, or the Members thereof.

(2) Until the Legislature shall so define the privileges, immunities, and powers of its Members those which are now held, enjoyed, and exercised by the Members of the subsisting Legislative Council shall be held, enjoyed and exercised by the Members of the Legislative Council and Legislative Assembly.

LEGISLATION.

Power to make Laws.

26.—(1) It shall be lawful for Us and Our successors, by and with the advice and consent of the Legislature, subject to the provisions of these Our Letters Patent, to make all Laws, to be entitled "Acts," which shall be required for the peace, order, and good government of the Colony:

(2) A Law passed by the Legislature may repeal or alter any of the provisions of these Our Letters Patent, save those contained in this section, and those contained in Section 28 (relating to the reservation of Bills), Sections 39–47 (relating to Native Administration), and Section 55 (relating to the Salary of the Governor), and may likewise repeal

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or alter any of the provisions of any Order in Our Privy Council extending to Southern Rhodesia other than provisions affecting any matter mentioned in this sub-section:

Provided however that no proposed Law for the constitution of a Legislative Council in pursuance of Section 2 of these Our Letters Patent shall repeal or alter any of the provisions relating to the Legislative Council contained in these Our Letters Patent, and such provisions shall not be repealed or altered save by a Law passed by both Houses of the Legislature, after the constitution of a Legislative Council as aforesaid:

Provided further that no proposed Law for the repeal or alteration of any such provisions of these Our Letters Patent as may be repealed or altered by the Legislature as aforesaid shall be valid unless it shall be affirmed by not less than two-thirds of the total number of Members of each House of the Legislature, or, pending the constitution of a Legislative Council, of the Legislative Assembly.

(3) Any Law made in contravention of the limitations imposed by sub-section 2 of this section shall to the extent of such contravention but not otherwise be and remain absolutely void and inoperative.

Presentation of Laws for Governor's assent.

27. When any Law has been passed by the Legislature it shall be presented for Our assent to the Governor, who shall declare according to his discretion, but subject to this Constitution and any instructions in that behalf given him, under Our Sign manual and Signet, or through a Secretary of State, that he assents in Our name, or that he withholds assent, or that he reserves the Law for the signification of Our pleasure.

Description of Bills to be reserved.

28. Unless he shall have previously obtained Our instructions upon such Law through a Secretary of State, or unless such Law shall contain a clause suspending the operation thereof until the signifi-

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cation in the Colony of Our pleasure thereupon, the Governor shall reserve :—

(*a*) any Law, save in respect of the supply of arms, ammunition, or liquor to natives, whereby natives may be subjected or made liable to any conditions, disabilities or restrictions to which persons of European descent are not also subjected or made liable.

(*b*) any Law which may repeal alter or amend, or is in any way repugnant to or inconsistent with such provisions of these Our Letters Patent, as may under these Our Letters Patent be repealed or altered by the Legislature.

(*c*) any Law constituting the Legislative Council passed in pursuance of Section 2 of these Our Letters Patent.

(*d*) any Law altering or amending the arrangements relating to the collection and allocation of mining revenues in force at the commencement of these Our Letters Patent under any existing Law of the Colony or otherwise, or any Law imposing any special rate tax or duty on minerals in or under land within the Colony.

(*e*) until legislation shall have come into force in Southern Rhodesia adopting, so far as may be applicable, the provisions of the law in force in Our United Kingdom relating to the Railway and Canal Commissioners and to the Rates Tribunal provided for by the Railways Act, 1921, any law dealing with railways within the Colony.

Return of Bills by Governor to the Legislature.

29. The Governor may return to the Legislative Council and Legislative Assembly any proposed Law so presented to him, and may transmit therewith any amendments which he may recommend, and the Legislative Council and Legislative Assembly may deal with the recommendation.

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Assent to Laws and time from which they take effect.

30. No Law passed by the Legislature shall take effect until either the Governor shall have assented thereto in Our name and on Our behalf, and shall have signed the same in token of such assent, or until We shall have given Our assent thereto by Our Order in Our Privy Council.

Disallowance by the King.

31. It shall be lawful for Us, Our heirs and successors, to disallow any Law within one year from the date of the Governor's assent thereto, and such disallowance, on being made known by the Governor by Speech or Message to the Legislative Council and the Legislative Assembly, or by Proclamation in the Gazette, shall annul the Law from the day when the disallowance is so made known.

Signification of King's pleasure on Bills reserved.

32. A proposed Law reserved for Our pleasure shall not have any force unless and until, within one year from the day on which it was presented to the Governor for Our assent, the Governor makes known, by Speech or Message to the Legislative Council and the Legislative Assembly, or by Proclamation in the Gazette, that it has received Our assent.

Record to be made of King's assent to Bills reserved.

33. Whenever any Law has been reserved for the signification of Our pleasure thereon, and the Governor shall signify, either by Speech or Message to the Legislature or by Proclamation in the Gazette, that such Law has been laid before Us in Our Privy Council, and that We have been pleased to assent to the same, an entry shall be made in the journals of the Legislative Council and Legislative Assembly of every such Speech, Message or Proclamation, and a duplicate thereof duly attested shall be delivered to the proper officer, to be kept amongst the records of the Colony.

Laws to be printed in Gazette.

34. The Governor shall cause every Law to which he shall have assented in Our name or to which We shall have given Our assent as aforesaid to be printed in the Gazette for general information.

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Copies of Laws to be enrolled.

35. As soon as may be after any Law shall have been assented to in Our name by the Governor or, having been reserved for the signification of Our pleasure, Our assent thereto shall, in the manner aforesaid, have been signified by the Governor, the Clerk of the Legislative Assembly shall cause a fair copy of such Law signed by the Governor to be enrolled on record in the office of the Registrar of the High Court, and such copy shall be conclusive evidence as to the provisions of every such Law: provided however, that the validity of any such Law shall not depend upon the enrolment thereof.

Disallowance to be notified in Gazette and certificates of disallowance to be enrolled.

36. Whenever any Law assented to by the Governor in Our name as aforesaid has been disallowed by Us, the Governor shall cause notice of such disallowance to be published in the Gazette and a certificate of such disallowance, certified under the Public Seal of the Colony, to be enrolled in the office of the Registrar of the High Court.

THE MINISTRY.

Ministers.

37.—(1) The Governor may appoint such officers as he thinks fit, not exceeding six in number, to be Ministers, one of whom he shall designate as Head of the Ministry, who shall be styled the Premier, and may assign to each Minister the Headship of such Department or Departments as he shall think fit.

(2) Appointments to the office of Minister shall be made by the Governor in Our name, and such offices shall be held during Our pleasure.

(3) After the first general election of Members of the Legislative Assembly no Minister shall hold office for a longer period than four months unless he is or becomes a Member of either House of the Legislature.

(4) No Minister shall vacate his seat in the Legislative Council or Legislative Assembly by reason of his appointment to or retention of an office in the Ministry.

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(5) Every Minister shall have the right to sit and speak both in the Legislative Council and Legislative Assembly, but shall vote only in the House of which he is a Member.

JUDGES.

Judges' appointment, tenure and remuneration.

38. The Judges of the High Court—

(1) shall be appointed by the Governor in Council;

(2) shall not be removed except by the Governor in Council on an Address from the Legislative Council and Legislative Assembly in the same Session praying for such removal on the ground of proved misbehaviour or incapacity;

(3) shall receive such remuneration as shall from time to time be prescribed by Law, but the remuneration of a Judge shall not be diminished during his tenure of office, and the remuneration of the present Judges shall not be diminished, and their commissions shall continue as heretofore.

NATIVE ADMINISTRATION.

Native Department and Appointment, &c., of officers of Department.

39.—(1) There shall be a Native Department, the permanent head of which shall be appointed by the Governor in Council with the approval of the High Commissioner, and all Chief Native Commissioners, Superintendents of Natives, Native Commissioners and Assistant Native Commissioners, or any officers appointed to exercise the functions now exercised by the aforesaid officers or any of them shall be appointed in the like manner and subject to the like approval, and the said officers shall continue to perform the duties at present assigned to them subject to any alterations or additions which the Governor in Council may from time to time, with the approval of the High Commissioner, prescribe by notice in the Gazette.

(2) The salaries of the officers mentioned in the preceding sub-section shall be fixed by the

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Governor in Council with the approval of the High Commissioner, and shall not be increased or diminished without his approval.

(3) The officers mentioned in this section may at any time be removed from office by the Governor in Council, with the approval of the High Commissioner, but not otherwise.

Suspension and removal of officers of Native Department.

40.—(1) The Governor in Council may, and if so requested by the High Commissioner shall, suspend any of the officers referred to in the last preceding section for misconduct; but shall first cause him to be furnished with a written statement of the acts of misconduct alleged against him, and cause him to be called on to state in writing by a given day (which shall allow a reasonable interval) any grounds upon which he relies to exculpate himself.

(2) If the suspension takes place, the Governor shall forthwith transmit a full report of the matter, and the proofs of the alleged misconduct to the High Commissioner, who may confirm or disallow the suspension.

(3) If the suspension is confirmed, the suspended officer is thereby removed from office; if it is disallowed, the suspended officer is thereby restored to office, and is entitled to any salary that has been withheld during his suspension.

(4) If the High Commissioner is of opinion that the officer deserves punishment, but not the extreme penalty of removal from office, he may, instead of disallowing the suspension, direct that the officer be restored to office, but be required to serve at a reduced salary, either permanently or for a stated period; or that a specific sum be deducted from any salary due or to become due to the officer; or that he be transferred to a lower office.

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Restrictive Regulations, &c., as regards natives.

41. No conditions, disabilities, or restrictions which do not equally apply to persons of European descent shall, without the previous consent of the High Commissioner, be imposed upon natives (save in respect of the supply of arms, ammunition and liquor), by any Proclamation, Regulation or other instrument issued under the provisions of any Law, unless such conditions, disabilities, or restrictions shall have been explicitly prescribed, defined and limited in such Law.

Native Reserves.

42.—(1) The Southern Rhodesia Order in Council, 1920, whereby the lands known as the Native Reserves were vested in the High Commissioner and set apart for the sole and exclusive use of the native inhabitants of Southern Rhodesia, shall continue in full force and effect as if it formed part of these Our Letters Patent, and no portion of the land comprised within the said Reserves shall be alienated except for the purposes authorized by the said Order, and then only in exchange for other suitable land.

(2) The power reserved to the High Commissioner by the Water Ordinance, 1913, Further Amendment Ordinance, 1921, shall remain of full force and effect.

Acquisition of land by natives.

43. A native may acquire, hold, encumber, and dispose of land on the same conditions as a person who is not a native, but no contract for encumbering or alienating land the property of a native shall be valid unless the contract is made in the presence of a Magistrate, is attested by him, and bears a certificate signed by him stating that the consideration for the contract is fair and reasonable, and that he has satisfied himself that the native understands the transaction.

Information as to native affairs to be given to High Commissioner.

44. The Governor shall furnish to the High Commissioner any information relating to native affairs which the High Commissioner may request.

Reference of questions relating to natives to a Judge.

45. The Governor in Council shall, if so requested by the High Commissioner, refer any question

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relating to natives for report to any Judge of the High Court. and the Judge shall thereupon make such enquiry as he thinks fit, and shall report to the Governor in Council the result of such enquiry. The Governor shall transmit such report to the High Commissioner with a statement of the action which the Governor in Council proposes to take in the matter.

Offences by chiefs or tribes.

46. In case of a revolt against the Government, or other misconduct committed by a native chief or tribe, the Governor in Council may, with the approval of the High Commissioner, impose a reasonable fine upon the offender.

Native Councils.

47.—(1) It shall be lawful for the Governor in Council, subject to the approval of the High Commissioner, at any time after the commencement of these Our Letters Patent, to establish by Proclamation in any Native Reserve or Reserves such Council or Councils of indigenous natives representative of the local chiefs and other native residents as may seem to him expedient, for the discussion from time to time of any matters upon which, as being of direct interest or concern to the native population generally or to any portion thereof, he may desire to ascertain, or they may desire to submit, their views; and, subject to the like approval, to make regulations for the constitution of such Council or Councils, for the appointment of the places and times of meeting, for the manner of conducting the proceedings, and for all other matters incidental or properly appertaining to the establishment and periodical meetings of such Council or Councils, including, if he think fit, the occasional or regular meeting of any two or greater number of such Councils in joint session.

(2) It shall also be lawful for the Governor in Council, subject to the like approval, to make regulations conferring on any such Council such powers of management in connection with local matters affecting the indigenous natives as can in his opinion be safely and satisfactorily undertaken by them,

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and by such regulations or by any subsequent regulations to make all such provisions as may be necessary in order to give effect to such powers.

LANDS, LAND REVENUES AND OTHER ASSETS.

Certain payments to be made to the Imperial Treasury.

48. The Governor in Council shall pay to the Lords Commissioners of Our Treasury not later than the 1st day of January, 1924, the sum of £2,000,000 together with interest thereon at the rate of 5 per cent per annum from the 1st day of October, 1923, to the date of payment, and shall further repay to the Lords Commissioners of Our Treasury on the same date a sum representing the two amounts of £150,000 each advanced from Our Exchequer to the Administration of Southern Rhodesia in the years 1922 and 1923 in accordance with the provisions of the Southern Rhodesia Loan Ordinance No. 13 of 1922, together with the interest thereon at the rates fixed by the Lords Commissioners of Our Treasury which shall have accrued to the date of payment.

Rights of the Crown in and in relation to lands alienated before commencement of Letters Patent vested in Governor.

49. In consideration of the payments referred to in the preceding section of these Our Letters Patent, the following provisions shall take effect:—

(1) All rights reserved by the British South Africa Company in or in relation to any lands within the Colony which shall, before the commencement of these Our Letters Patent, have been alienated by the Company, whether by grant or by permit of occupation or by lease giving option of purchase or by any other instrument whatsoever, shall, save and except the Company's rights to minerals therein, vest in the Governor for the purposes of the Public Service of the Colony together with all other rights and interests in such lands to Us belonging and he shall have the right to receive in Our name and on Our behalf for such

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purposes all purchase money remaining unpaid, all rents of any description remaining unpaid and to become payable, and all interest remaining unpaid and to become payable on mortgage-bonds held by the Company as security for unpaid purchase money, in respect of any such lands, and all other revenue whatsoever that may be derived therefrom, and it shall be lawful for him to exercise and perform in Our name and on Our behalf all such powers and functions with regard to such lands and the instruments relating thereto as might have been exercised and performed by the Company if these Our Letters Patents had not been made.

Unalienated lands other than Native Reserves vested in Governor.

(2) All lands and rights or interests in any lands within the Colony other than the Native Reserves which, at the commencement of these Our Letters Patent, are unalienated and any lands and rights or interests in any lands reverting to Us under any instrument referred to in the preceding sub-section or otherwise shall, save and except the Company's rights to minerals therein, vest in the Governor together with any revenues accruing therefrom, for the purposes of the Public Service of the Colony:

Lands appropriated by British South Africa Company for its commercial purposes.

Provided that the Company shall be deemed to have paid to Us the full purchase price of all lands within the Colony appropriated by it for its commercial purposes and the Governor in Council shall as soon as may be practicable after the commencement of these Our Letters Patent issue title to the Company in respect of such lands in such terms and on such conditions as to payment of the usual Quit rent to the Governor in Council and otherwise as may in the event of disagreement between the Company and the Governor in Council be deemed to be proper by the Secretary of State.

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Other assets vested in Governor.

(3) There shall also vest in the Governor for the purposes of the Public Service of the Colony—

(*a*) All the public works and buildings used by the Company exclusively or mainly for the administrative or public purposes of Southern Rhodesia and acquired by Us from the Company.

(*b*) The movable assets of the Administration of Southern Rhodesia acquired by Us from the Company.

(*c*) The debtor balances due to the Administration of Southern Rhodesia acquired by Us from the Company.

(*d*) The assets of the Company's Land Settlement Department acquired by Us from the Company.

Certain liabilities to be assumed by Colony.

Provided that the Colony shall assume all liability for the creditor balances due by the Administration of Southern Rhodesia and by the Company's Land Settlement Department, and, further, any liability arising directly or indirectly out of the administration of Southern Rhodesia prior to these Our Letters Patent or in consequence of the termination of the Company's administration, save and except Our liability in respect of the administrative deficits of the Company.

GENERAL PROVISIONS.

Consolidated Revenue Fund.

50. All taxes, imposts, rates, and duties, and all territorial, casual and other revenues of the Crown from whatever source arising within the Colony over which the Legislative Council and Legislative Assembly have power of appropriation, shall form one Consolidated Revenue Fund to be appropriated to the Public Service of the Colony in the manner and subject to the charges hereinafter mentioned

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Costs of collection and management of Fund.

51.—(1) The Consolidated Revenue Fund shall be permanently charged with all the costs, charges and expenses incident to the collection, management, and receipt thereof.

(2) All such costs, charges and expenses shall be subject to be reviewed and audited in such manner as may from time to time be directed by any Law passed by the Legislature.

Appropriation and Taxation Bills to originate in the Legislative Assembly.

52. All Bills for appropriating any part of the Consolidated Revenue Fund or for imposing, altering, or repealing any rate, tax, duty, or impost shall originate in the Legislative Assembly.

Powers of Legislative Council thereon.

53. The Legislative Council may not alter any Money Bill passed by the Legislative Assembly, but may return to the Legislative Assembly any such Bill and may transmit therewith any amendments which they recommend, and the Legislative Assembly shall consider and deal with such recommendation, and thereafter the Legislative Council may either accept or reject such Bill but may not alter it.

Manner in which the Public Revenue shall be appropriated to the Public Service.

54.—(1) It shall not be lawful for the Legislative Assembly to pass any Law, vote, or resolution which shall have the effect of appropriating any part of the Consolidated Revenue Fund or of imposing, altering, or repealing any rate, tax, or duty unless such Law, vote, or resolution has been first recommended to the Assembly by Message of the Governor during the session in which it is proposed.

(2) No part of the Consolidated Revenue Fund shall be issued except in pursuance of a Warrant under the hand of the Governor directed to the Treasurer.

Salary of Governor.

55.—(1) There shall be payable to Us, in every year, out of the Consolidated Revenue Fund, for the salary of the Governor the sum of four thousand pounds.

(2) The salary of the Governor shall not be altered during his continuance in office.

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Public officers appointment and removal, &c.

56. All persons in the Public Service of Southern Rhodesia at the commencement of these Our Letters Patent shall become public officers of the Colony, and the appointment to, and removal from, all public offices under the Government of the Colony hereafter to become vacant or to be created, save those of Ministers and Officers of the Native Department mentioned in Section 39 of these Our Letters Patent, shall, subject to any Law hereafter in force in the Colony, be vested in the Governor in Council: Provided that no public officer in the Colony who shall have been appointed to his office before the date of the commencement of these Our Letters Patent shall be removed from his office or have his emoluments reduced save in accordance with the Law, regulations or conditions governing his services at the date of these Our Letters Patent.

Pensions and Gratuities.

57.—(1) All pensions and gratuities which have been granted to persons who have retired from the Public Service of Southern Rhodesia before the date of the commencement of these Our Letters Patent shall be governed by the Law or rules under which they were granted.

(2) A public officer who shall have been appointed to his office in Southern Rhodesia before the date of the commencement of these Our Letters Patent including any public officer who shall, whether before or after that date, have been transferred to the service of any other Administration, shall be entitled to have his claim to pension or gratuity governed by the Law or rules which now regulate the grant of pensions and gratuities in Southern Rhodesia, unless he shall be entitled under any Law or rules which may hereafter be substituted for the same to exercise an option to have his said claim governed by such substituted Law or rules, and duly exercises the said option.

(3) All pensions and gratuities which have been or may be hereafter granted in accordance with the Law or rules which at the date of such grant

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regulated or regulate the grant of pensions and gratuities in Southern Rhodesia, to persons who have retired or shall retire from the Public Service of Southern Rhodesia, or whose offices in Southern Rhodesia have been or shall be abolished, shall be charged upon and paid out of the Consolidated Revenue Fund.

Powers of High Commissioner.

58.—(1) From and after the commencement of these Our Letters Patent the High Commissioner shall exercise only such power, jurisdiction or authority within the Colony as may be granted or reserved to him by these Our Letters Patent. Provided that any power jurisdiction or authority in relation to any Police or Volunteer force which under any law of the Colony is at the commencement of these Our Letters Patent vested in the High Commissioner shall, until other legislative provision shall have been made in that behalf, be exercised by the Governor in Council.

(2) Where under any Proclamation or Ordinance in force in the Colony any power, jurisdiction or authority is at the commencement of these Our Letters Patent vested in the High Commissioner such power, jurisdiction or authority shall if not hereby granted or reserved to the High Commissioner be deemed to be transferred to and vested in the Governor in Council so far as the continuance thereof, as a power, jurisdiction or authority so vested, is not inconsistent with the law conferring the same or repugnant to these Our Letters Patent.

Powers of Administrator, how to be exercised.

59.—(1) Where, under any Law of the Colony, any power, jurisdiction or authority is at the commencement of these Our Letters Patent exercised by the Administrator, such power, jurisdiction or authority shall be exercised by the Governor in Council, and where, under any such Law, any power, jurisdiction or authority has been conferred on any Member of the existing Executive Council of Southern

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Rhodesia, such power, jurisdiction or authority shall be exercised by the Minister to whom it shall be assigned by the Governor in Council.

Meaning of "Legislative Council" in existing Laws.

(2) Where in any existing Law the words "Legislative Council" occur, they shall, unless the context otherwise indicates, and save in so far as the Law or any provision thereof deals with any matter mentioned in Section 26 (2) of these Our Letters Patent, be read as if they were "Legislative Council and Legislative Assembly."

Power to amend by Proclamation.

60. The Governor may, by Proclamation in the Gazette, at any time within one year from the date of the commencement of these Our Letters Patent, and provided that Our approval be previously signified to him through a Secretary of State, vary, annul, or add to any of the provisions of these Our Letters Patent in order to carry out the purposes of the same, and may provide for any other matter necessary in order to carry into effect the provisions thereof.

Power reserved to His Majesty to revoke, alter or amend certain sections of the present Letters Patent.

61. We do hereby reserve to Ourselves, Our heirs and successors, full power and authority from time to time to revoke, alter or amend Sections 26, 28, 39-47, and 55 of these Our Letters Patent as to Us or Them shall seem meet.

Definitions.

62. In these Our Letters Patent, unless the contrary intention appears—

"Existing Electoral Laws" means such provisions of any Proclamations issued by the High Commissioner and of any Ordinances passed by the subsisting Legislative Council as, being in force at the date of the commencement of these Our Letters Patent, shall regulate the qualification and disqualification of persons as voters or candidates for the subsisting Legislative Council, the constitution of electoral districts, the registration of voters, the preparation of lists of voters, the nomination of

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candidates, corrupt and illegal practices, the conduct of elections, the hearing of election petitions and all other matters connected with the election of Members of the subsisting Legislative Council.

"Gazette" means the Official Gazette of Southern Rhodesia.

"Governor" means the Officer for the time being Administering the Government of the Colony.

"Governor in Council" means the Governor acting by and with the advice of the Executive Council.

"High Commissioner" means Our High Commissioner for the time being for South Africa.

"Month" means calendar month.

"Legislative Council" means any Legislative Council which may hereafter be constituted by any Law passed in pursuance of Section 2 of these Our Letters Patent.

"President" means the Member of such Legislative Council who shall be appointed or elected under the provisions of such Law to preside at the meetings of the said Council.

"Speaker" includes Deputy Speaker.

"Secretary of State" means one of Our Principal Secretaries of State.

Commencement of Letters Patent.

63.—(1) These Our Letters Patent shall commence and come into operation on the First day of October, 1923, and shall be published in the Gazette and thereafter shall be proclaimed at such place or places within the Colony as the Governor shall think fit.

Existing Law, &c., to continue in force save as repugnant to the present Letters Patent.

(2) All Charters, Orders in Council, Ordinances, Proclamations and Laws which at the date of the commencement of these Our Letters Patent are in

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C 98017

force within the Colony shall, until duly repealed or varied, continue to be of the same force, authority and effect as if these Our Letters Patent had not been made, except in so far as the same are repugnant to these Our Letters Patent, in which case they are to that extent hereby amended and repealed.

Short Title.

64. These Our Letters Patent may be cited as "The Southern Rhodesia Constitution Letters Patent, 1923."

In witness whereof We have caused these Our Letters to be made Patent. Witness Ourself at Westminster this First day of September in the Fourteenth Year of Our Reign.

By Warrant under the King's Sign Manual,

SCHUSTER.

Printed under the authority of His Majesty's Stationery Office,
By Harrison and Sons, Ltd., 44–47, St. Martin's Lane, London, W.C. 2.
Printers in Ordinary to His Majesty

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Re Statute of Westminster

C 98018

COPY

OATH OF ALLEGIANCE.

I ---------- do sincerely promise and swear that I will be faithful and bear true allegiance to His Majesty King George the Fifth, as lawful Sovereign of the United Kingdom of Great Britain and Ireland and of this Dominion of Canada, dependent on and belonging to the said Kingdom, and that I will defend him to the utmost of my power against all traitorous conspiracies or attempts whatever which shall be made against his person, Crown and Dignity, and that I will do my utmost endeavour to disclose and make known to His Majesty, His Heirs or Successors, all treasons or traitorous conspiracies and attempts which I shall know to be against Him, or any of them; and this I do swear without any equivocation, mental evasion or secret reservation.

So help me God.

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C 98019

Brian Harrison

EXTRACT FROM ARTICLE

on

CANADA'S STATUS & STATUTE OF WESTMINSTER

COMMENT and CRITIQUE

The Statute of Westminster makes no radical alteration of Canada's relationship to the King, or to the Empire. As no mention is made by it of Canada's Nationhood or of her Equality with Britain, the Status of Canada under the B.N.A. Act 1867 remains as it was; and the relationship of the Provinces to the Dominion is preserved intact.

The clarifications and adjustments made by the Act are commendable, but these parts of it are such as could readily have been procured almost at anytime by a representation of their necessity in a proper attitude and spirit. Australia already had most of them. It was the aim of leading British Statesmen for years-men like Lord Balfour, Lord Milner, Campbell-Bennerman-to equip with full autonomy the Dominion Entities of the Empire in harmony with the policy of decentralizing.

But the demands of the past 10 or 12 years in Canada though made, I believe, without ulterior design by the Government were heralded by certain sections of the Press and public as preludes to complete Independence. Every concession at the Conferences since 1923 was represented by these factionaries as advances to that goal. This gave even to desirable reforms a sinister aspect.

THE COMMONWEALTH ILLUSION

Even now, immediately after the passing of the Statute of Westminster, the effect of it is stated to be the disappearance or dissolution of the Empire and the creation of a "Commonwealth of Nations" who are to form an "Economic Union" in July 1932. Here are strange confusions surely. There is nothing in the Statute of Westminster to justify these statements. The Statute assuredly sets up no

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"Commonwealth of Nations" as a political Entity either within, or without, or in substitution for, the British Empire. That Empire is still an integrity;

The phrase "Commonwealth of Nations" does not even occur in the Statute of Westminster except once in the preamble where it is used as an agglomerate phrase for designating the "autonomous communities " which are some of the Entities of the Empire. That phrase is not definitive of their Status and rights which are not agglomerate, but individualistic. These communities are not a composite Entity and they are not a Commonwealth in any legal or constitutional sense. As Entities of the Empire, they have among them no inter-dependence, and nothing in common, beyond the fact that they are all freely associated in the Empire of which one indivisible Crown is the symbol-a symbol which is common to them all, not in globo, but individually. That is the Empire's unique feature.

A Commonwealth is an agglomeration or consolidation of States under one Government or Parliament which in inter-National affairs represents them all. This is not only repugnant to the root principle of the British Empire but it is the direct antithesis of that individualism of its members which Britain has fostered, the Dominions have aimed to achieve, and the Statute of Westminster now makes clearer than ever before. Though not yet fully Sovereign they are Nations, free Nations, within the Empire-fiscally, financially, and legislatively. To be that, and then to call them a Commonwealth is disparaging and dyslogistic in the extreme. Moreover it is false. A Commonwealth of Nations is a contradiction in terms. If they are a Commonwealth their individual Nationhood is submerged.

Now this "Economic Union" - What is it? It is another chimera. It is an ideal which has been relegated to the realm of the impossible by the very unfoldment of the Empire

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itself. It was a dominant idea with Lord North and George III; but the British Empire having steadily for years developed along the lines of decentralization the conception of an "Economic Union" is now purely anachronistic.

No "Economic Union" would be possible now short of reconstructing the Empire's Constitution, and recentralizing its control in matters fiscal as well as financial. To talk of that is transcendentalism in an Empire of free Nations. Then why obscure-why distort- the truth of things by jingling phraseologies?

The Conference to be held in Ottawa in July 1932 is not a Conference of a Commonwealth of Nations, but an Inter-Imperial Conference of all parts of the Empire. Its work is not to form an "Economic Union" but to devise a new system of trade relationships between the various Entities of the Empire each of which is free from the domination or control of the rest.

It will be the first occasion in the history of the Empire since 1846 when Britain with her sister States can freely sit around a table and formulate schemes or plans for the flow of trade and commerce between and among them on principles of mutual and reciprocal advantage to each of them and incidentally to the aggregate Empire. With principles dominant and men responsive the Conference will surely eventuate pro patria et pro imperio.

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C 98022

C-1200-V

Synopsis of Memorial presented to Mr. King October 20th, 1924, by the Vancouver Board of Trade.

Re: Canadian Customs Officer - Port of New York.

Alleges that by Order in Council of February 27, 1924, appointing Canadian Customs Officer at the Port of New York, it was provided that good must be transported on vessels of Canadian or British registry, which vetoes the usefulness of the officer appointed, because the number of British vessels sailing out of New York for the British Columbia coast is so small as to make it impossible for British Columbia merchants to establish any regular channel of trade with Eastern Canada by the Panama Canal route.

Sets out an interview with the Honourable Mr. Bureau in April 1924, in which he outlined plans to promote a semi-monthly service by means of the Canadian Government Merchant Marine and other lines between Montreal and Vancouver, and at which he also announced that he had assurances from the C.P.R. and C.N.R. that they were prepared to establish a winter rate from Ontario points to Halifax and St. John equal to the rate on American railroads from the same originating point to New York.

Asserts that the Canadian Government Merchant Marine service consists of approximately one vessel every five weeks.

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END OF REEL

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